

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**REVISED AGENDA**  
**MONDAY, JULY 23, 2018 – 6:30 P.M.**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

**6:30 p.m. OPEN SESSION**

**6:30 p.m. EXECUTIVE SESSION**

1. M.G.L. Ch. 30A, s. 21(a)(3) – Fire Bargaining

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

1. Call to Order
2. Pledge of Allegiance
3. Proclamations:
  - a. Eagle Scout Proclamation – Owen R. Smith of Boy Scout Troop 40
  - b. Eagle Scout Proclamation – Troy M. Otter of Boy Scout Troop 38
4. Recognition
5. Announcements
6. Public Comment

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

1. Licenses
  - a. Approve Application for Sunday Entertainment – Barnstable County Agricultural Society – Sunday, 7/29/18
  - b. Approve Application for Change of Manager of a Wine and Malt Package Store – OSJL Spirits, LLC d/b/a Ocean State Job Lot, 50 Teaticket Highway, East Falmouth
  - c. Approve Application for Common Victualler License – The Black Dog Tavern Co., Inc. d/b/a Heights Café – 465 Grand Avenue, Falmouth
2. Administrative Orders
  - a. Vote Recommendation on Application for Abatement of Sewer Betterment – 197 Grand Avenue
  - b. Vote to Accept a Personal Donation to the Beach Donation Account from Bruce Mogardo in the amount of \$1,375.00 to be Used to Purchase an AED for the Beaches
  - c. Approve Eversource Energy Petition to Install One 4” Conduit and One Handhole 82/H11A on Gardiner Road, North of Millfield Street
  - d. Approve Eversource Energy Petition to Install One Pole #37/17.5 on Carriage Shop Road, West of Parsons Lane
  - e. Approve Preservation Restriction for Waquoit Congregational Church of the United Church of Christ Located at 15 Parsons Lane in East Falmouth
  - f. Approve Warrant for 2018 State Primary on Tuesday, September 4, 2018
  - g. FCTV – Board of Selectmen Statement of Support
  - h. Approve Letter of Support to MassDOT for Palmer Avenue Pedestrian Crossing in Vicinity of Goodwill Park
  - i. Authorize Town Manager and Town Counsel to Prepare Open Meeting Law Complaint Response
  - j. Authorize Town Manager to Approve Falmouth Housing Authority HUD Grant as per M.G.L. c. 121B Sec. 11 (k)
  - k. Authorize Town Manager and Board of Selectmen Chair to Execute Letter to Governor’s Office and Mass Development Regarding Joint Base Cape Cod Wastewater Facilities
  - l. Approve grant proposal to submit to National Fish and Wildlife Federation (NFWF) competition on coastal resiliency and letter of support for the Coonamessett River Restoration Project, Phase 2

**PUBLIC HEARINGS**

**7:30 p.m.**

1. Application to Amend Fuel Storage License: Installation of Aboveground Storage Tank for Class II Diesel Fuel – Savon Hatem LLC, 561 Thomas B. Landers Road, Hatchville

7:40 p.m.

2. Application for New Wine, Malt and Cordial Innholder License – Fontelux Hospitality Systems, LLC d/b/a Palmer House Inn, 81 Palmer Avenue, Falmouth

7:50 p.m.

3. Wetlands Hearing – Brewer Fiddler’s Cove Marina, 42 Fiddler’s Cove Road, North Falmouth – Proposed Maintenance Dredging – Fiddler’s Cove Canal and Megansett Harbor

8:00 p.m.     **BUSINESS**

1. Report/Update – Cape Cod Commission – Kristy Senatori
2. Present Concept of Multi-Generational-Inclusive Playground at the Dillingham Ave. Existing Senior Center Site and Request Approval to File Funding Application to the CPC – Kathleen Haynes, Chair, Commission on Disabilities
3. Report/Update – Bikeways Committee
4. Discussion of Solar Panel Expansion at Landfill
5. Interview, Vote and Appoint Member to Charter Review Committee
6. Interview, Vote and Appoint Members to Shellfish Advisory Committee
7. Review Proposed *Funding Priorities* and *Review Process* for Falmouth Affordable Housing Fund
8. Discuss and Vote to Establish Number of Constables in Town
9. Annual Committee Reappointments
10. Discussion and Announcement by the Chair of Changes to Public Comment
11. Review/Adopt FY2019 – FY2023 Board of Selectmen Strategic Plan
12. Discuss and Vote Non-Binding Resolution on Medical Aid in Dying
13. Announce November 2018 Annual Town Meeting Schedule
14. Announce Next Community Outreach Event
15. Amend Cable Advisory Committee Name and Request to Review Potential Municipal Broadband
16. Minutes of Meetings:  
Public Session – July 9, 2018
17. Individual Selectmen’s Reports
18. Review of Town Manager’s Report
19. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
Board of Selectmen



## PROCLAMATION

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

WHEREAS: Owen R. Smith met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Owen R. Smith is now an Eagle Scout with all its rank and privilege;

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

**SUNDAY, AUGUST 5, 2018 AS OWEN R. SMITH DAY**

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

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

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

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

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

BOARD OF SELECTMEN

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

# Boy Scout Troop 40

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

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



BOY SCOUTS OF AMERICA

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June 7<sup>th</sup>, 2018

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

Dear Ms. Moran,

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

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

“For my project, I worked to build reusable structures for an obstacle course. This obstacle course will be used by the Falmouth Commission on Disabilities which was designed to help promote awareness of the struggles that people with disabilities encounter in their daily lives. It will also serve as a source of entertainment and fun for disabled people who are confined to wheelchairs or who need assistance with mobility.

Scouting has played a huge role in my life. It has taught me resilience and strength of character, has boosted my self-esteem and has given me values to live by. It has taught me the importance of being self-reliant but has also taught me how to be a team player. It has also given me lifelong friendships and many excellent memories to treasure.”

I hope you will consider sending a letter of recognition or appropriate citation to this fine individual, to be read at his Eagle Court of Honor on Sunday, August 5<sup>th</sup>, 2018 at 2:00 p.m. at St. Barnabas Hall in Falmouth, Massachusetts.

Please consider presenting a commendation from the town recognizing this fine individual, to be read at the Eagle Court of Honor. He wishes to extend an invitation to attend his ceremony to you as well as your colleagues, Megan English Braga, Doug Jones, Samuel H. Patterson, and Doug Brown.

Thank you,

Lynn A Briggs, Troop 40, Boy Scouts of America



## PROCLAMATION

WHEREAS: Troy M. Otter of Boy Scout Troop 38 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Troy M. Otter met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Troy M. Otter is now an Eagle Scout with all its rank and privilege;

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

**SATURDAY, AUGUST 18, 2018 AS TROY M. OTTER DAY**

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

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

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

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

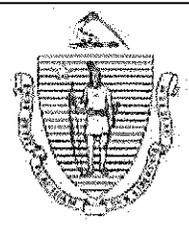
\_\_\_\_\_  
Douglas C. Brown

BOARD OF SELECTMEN

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

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

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF FALMOUTH



# LICENSE

For

**PUBLIC ENTERTAINMENT ON SUNDAY**

The Name of the Establishment is BARNSTABLE COUNTY AGRICULTURAL Society in or on the property at No. 1220 Nathan Ellis Highway, EAST FALMOUTH MA, 02536 (address)

The Licensee or Authorized representative Wendy Brown in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>7.29.18</u>	<u>12pm-10pm</u>	<u>Rockwell Amusement Rides + Games</u>
<u>7.29.18</u>	<u>6pm-8pm</u>	<u>Louie Spontful on Main Stage</u>

Hon. SUSAN MORAN Mayor/ Chairman of Board of Selectman, FALMOUTH (City or Town)

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

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

**Do not write in this box**

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

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



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00213-PK-0390

Falmouth

7/10/18 @ 1:30 p.m.

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee OSJL Spirits, LLC D/B/A Ocean State Job Lot

ADDRESS: 50 Teaticket Highway CITY/TOWN: East Falmouth STATE MA ZIP CODE 02536

Manager Ryan J. Potter

Granted under Special Legislation? Yes  No

\$15 Package Store Annual Wines and Malt Beverages

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

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

LOCAL LICENSING AUTHORITY DECISION

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

Please indicate what days and hours the licensee will sell alcohol: Mon-Sat: 8am - 11pm Sun: 10am - 11pm

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

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

No

Changes to the Premises Description

Indoor Area Total Square Footage \_\_\_\_\_

Patio/Deck/Outdoor Area Total Square Footage \_\_\_\_\_

Number of Entrances \_\_\_\_\_

Seating Capacity \_\_\_\_\_

Number of Exits \_\_\_\_\_

Floor Number	Square Footage	Number of Rooms

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

Please add any additional remarks or conditions here:

Empty box for additional remarks or conditions.

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

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

07/23/2018

Date APPROVED by LLA

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



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

**AMENDMENT APPLICATION FOR A CHANGE OF MANAGER**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF LICENSEE** (Business Contact) OSJL Spirits, LLC

ABCC License Number 039000213 City/Town of Licensee Falmouth

**2. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Lisa Middle: A Last Name: Adelman

Title: Attorney Primary Phone: 401-552-5004

Email: l.adelman@osjl.com

**3. BUSINESS CONTACT**

Please complete this section ONLY if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name: [ ]

Primary Phone: [ ] Fax Number: [ ]

Alternative Phone: [ ] Email: [ ]

**Business Address (Corporate Headquarters)**

Street Number: [ ] Street Name: [ ]

City/Town: [ ] State: [ ]

Zip Code: [ ] Country: [ ]

**Mailing Address**  Check here if your Mailing Address is the same as your Business Address

Street Number: [ ] Street Name: [ ]

City/Town: [ ] State: [ ]

Zip Code: [ ] Country: [ ]

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**4. MANAGER CONTACT**

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Place of Employment

Alternative Phone:  Fax Number

**Citizenship / Residency / Background Information of Proposed Manager**

<p>Are you a U.S. Citizen? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Have you ever been convicted of a state, federal, or military crime? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, attach an affidavit that lists your convictions with an explanation for each</p> <p>Have you ever been Manager of Record of a license to sell alcoholic beverages? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If yes, please list the licenses for which you are the <u>current</u> or <u>proposed</u> manager: <input type="text"/></p>	<p>Do you have direct, indirect, or financial interest in this license? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If yes, percentage of interest <input type="text"/></p> <p>If yes, please indicate type of Interest (check all that apply):</p> <table border="0"> <tr> <td><input type="checkbox"/> Officer</td> <td><input type="checkbox"/> Sole Proprietor</td> </tr> <tr> <td><input type="checkbox"/> Stockholder</td> <td><input type="checkbox"/> LLC Manager</td> </tr> <tr> <td><input type="checkbox"/> LLC Member</td> <td><input type="checkbox"/> Director</td> </tr> <tr> <td><input type="checkbox"/> Partner</td> <td><input type="checkbox"/> Landlord</td> </tr> <tr> <td><input type="checkbox"/> Contractual</td> <td><input type="checkbox"/> Revenue Sharing</td> </tr> <tr> <td><input type="checkbox"/> Management Agreement</td> <td><input type="checkbox"/> Other</td> </tr> </table>	<input type="checkbox"/> Officer	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Stockholder	<input type="checkbox"/> LLC Manager	<input type="checkbox"/> LLC Member	<input type="checkbox"/> Director	<input type="checkbox"/> Partner	<input type="checkbox"/> Landlord	<input type="checkbox"/> Contractual	<input type="checkbox"/> Revenue Sharing	<input type="checkbox"/> Management Agreement	<input type="checkbox"/> Other
<input type="checkbox"/> Officer	<input type="checkbox"/> Sole Proprietor												
<input type="checkbox"/> Stockholder	<input type="checkbox"/> LLC Manager												
<input type="checkbox"/> LLC Member	<input type="checkbox"/> Director												
<input type="checkbox"/> Partner	<input type="checkbox"/> Landlord												
<input type="checkbox"/> Contractual	<input type="checkbox"/> Revenue Sharing												
<input type="checkbox"/> Management Agreement	<input type="checkbox"/> Other												

Please indicate how many hours per week you intend to be on the licensed premises

**Employment Information of Proposed Manager**

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
2008-present	Manager	Ocean State Job Lot	North Kingstown, RI	4012952672

**Prior Disciplinary Action of Proposed Manager**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

## Phyllis Downey

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**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Tuesday, July 17, 2018 4:31 PM  
**To:** 'Phyllis Downey'; 'Sean Doyle'  
**Subject:** RE: follow up - FW: Ocean State Job Lot Change of Manager

Hello Phyllis,  
We have 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>]  
**Sent:** Tuesday, July 17, 2018 3:41 PM  
**To:** Sean Doyle <[sdoyle@falmouthpolice.us](mailto:sdoyle@falmouthpolice.us)>; Brian Reid <[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)>  
**Subject:** follow up - FW: Ocean State Job Lot Change of Manager

Hello,

I am just following up on OSJL's request to change manager which will be on the Board of Selectmen's meeting agenda on Monday, July 23<sup>rd</sup>. Please let me know if I can be of any assistance.

Thank you very much,

Phyllis

**Phyllis Downey**  
Office of the Town Manager & Board of Selectmen  
508-495-7320

**From:** Phyllis Downey [<mailto:phyllis.downey@falmouthmass.us>]  
**Sent:** Wednesday, July 11, 2018 11:56 AM  
**To:** Sean Doyle <[sdoyle@falmouthpolice.us](mailto:sdoyle@falmouthpolice.us)>; Brian Reid <[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)>  
**Subject:** Ocean State Job Lot Change of Manager

Hello,

## Phyllis Downey

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**From:** Scott McGann <scott.mcgann@falmouthmass.us>  
**Sent:** Wednesday, July 18, 2018 8:03 AM  
**To:** 'Phyllis Downey'  
**Subject:** RE: follow up -FW: Ocean State Job Lot Change of Manager

No issues

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

**From:** Phyllis Downey <phyllis.downey@falmouthmass.us>  
**Sent:** Tuesday, July 17, 2018 4:37 PM  
**To:** Tim Smith <tsmith@falmouthfire.us>; Palmer Rod <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>  
**Subject:** follow up -FW: Ocean State Job Lot Change of Manager

Hello,

This is just a reminder that, if you have any comments regarding OSJL's request to change manager, the application will be on the Board of Selectmen's meeting agenda on Monday, July 23<sup>rd</sup>.

Thank you very much,

Phyllis

**Phyllis Downey**  
Office of the Town Manager & Board of Selectmen  
508-495-7320

**From:** Phyllis Downey [mailto:[phyllis.downey@falmouthmass.us](mailto:phyllis.downey@falmouthmass.us)]  
**Sent:** Wednesday, July 11, 2018 11:53 AM  
**To:** Tim Smith ([tsmith@falmouthfire.us](mailto:tsmith@falmouthfire.us)) <[tsmith@falmouthfire.us](mailto:tsmith@falmouthfire.us)>; Palmer Rod ([rod.palmer@falmouthmass.us](mailto:rod.palmer@falmouthmass.us)) <[rod.palmer@falmouthmass.us](mailto:rod.palmer@falmouthmass.us)>; Scott McGann ([scott.mcgann@falmouthmass.us](mailto:scott.mcgann@falmouthmass.us)) <[scott.mcgann@falmouthmass.us](mailto:scott.mcgann@falmouthmass.us)>  
**Subject:** Ocean State Job Lot Change of Manager

To All,

Attached please find an application for change of manager for a retail alcoholic beverages license as follows:

1. Change of Manager Wines and Malt Beverages license: OSJL Spirits, LLC d/b/a Ocean State Job Lot, 50 Teaticket Highway, East Falmouth

Number:  
18-41-CV

Fee  
\$60.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
The Black Dog Tavern Company, Inc. d/b/a  
Heights Café  
Daniel J. Pucillo, Manager  
465 Grand Avenue  
Falmouth, MA 02540  
is hereby granted this  
Common Victualler's License

in said Falmouth and that place only and expires on the date shown below unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

DAYS AND HOURS OF OPERATION: Monday-Sunday, 6:30 a.m.-8:00 p.m.

Valid from: July 23, 2018

Valid until: December 31, 2018

By order of The Falmouth Board of Selectmen

July 23, 2018

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

## Phyllis Downey

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**From:** Sean Doyle <sdoyle@falmouthpolice.us>  
**Sent:** Tuesday, July 10, 2018 6:12 PM  
**To:** 'Phyllis Downey'; 'Tim Smith'; 'Scott McGann'; 'Palmer Rod'; 'Brian Reid'  
**Subject:** RE: Black Dog application for Common Victualler's license

This department does not have any objections to this request.

Sean Doyle,  
Lieutenant

**From:** Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]  
**Sent:** Monday, July 09, 2018 11:29 AM  
**To:** Tim Smith <tsmith@falmouthfire.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Palmer Rod <rod.palmer@falmouthmass.us>; Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Subject:** Black Dog application for Common Victualler's license

To All,

Attached please find an application for a common victualler's license as follows:

1. Common Victualler license: Black Dog Tavern Co., located at 465 Grand Avenue, Falmouth

May I request your recommendations, if any, by Thursday, June 19, 2018?

Thank you,

Phyllis

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

## Phyllis Downey

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**From:** Mel Trott <mtrott@falmouthfire.us>  
**Sent:** Monday, July 09, 2018 3:45 PM  
**To:** phyllis.downey@falmouthmass.us  
**Cc:** Timothy Smith; Boyd Demello  
**Subject:** Black Dog application for Common Victualler's license

Hi Phyllis,

The Fire Rescue Department is not opposed to the issuance of a Common Victualler license for the Black Dog Tavern Co., located at 465 Grand Avenue, 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

**Diane Davidson**

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**From:** Frank Duffy <fduffy@falmouthmass.us>  
**Sent:** Friday, July 20, 2018 3:17 PM  
**To:** 'Julian Suso'  
**Cc:** 'Diane Davidson'  
**Subject:** RE: 197 Grand Ave

Julian: If the board votes to grant the abatement this is the recommended motion:

I move to grant the sewer betterment abatement for the property owned by \_\_\_\_\_ at 197 Grand Ave. in Falmouth Heights, heretofore operated as a bed and breakfast, so it will be assessed a betterment as a single family residence rather than as a commercial accommodation upon the condition that the owner execute and record in the Barnstable Registry of Deeds a Covenant with the town that the property will not be used as a commercial accommodation and will be used only as a single family residence, said Covenant to be in such form as approved by the Town Counsel.

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

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**From:** Julian Suso [<mailto:jsuso@falmouthmass.us>]  
**Sent:** Friday, July 20, 2018 2:45 PM  
**To:** Frank Duffy  
**Cc:** Diane Davidson  
**Subject:** FW: 197 Grand Ave

Frank,  
This item is on Monday's BOS meeting under "Summary of Actions." I will be needing a more definitive assessment from you, as you noted below, this is not a recommendation at this time. If you are able to transmit such a "recommendation" to BOS, would you copy Diane Davidson for inclusion in this afternoon's BOS packet. If not ready, we will need something on Monday to send out electronically in advance of the meeting. Thanks.  
Julian

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**From:** Julian Suso [<mailto:jsuso@falmouthmass.us>]  
**Sent:** Thursday, July 12, 2018 2:59 PM



## 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

**Diane Davidson**

---

**From:** Bruce Mogardo <bruce.mogardo@falmouthmass.us>  
**Sent:** Thursday, July 05, 2018 1:05 PM  
**To:** Diane Davidson  
**Cc:** Bruce Mogardo  
**Subject:** Beach Donation

To: Town of Falmouth Board of selectman

From: Bruce Mogardo, Beach Superintendent

Date: July 5, 2018

Re: Beach Donation

I would like to request that you accept a personal donation in the amount of \$1,375.00 to the Beach Donation account. This donation will be used to purchase an AED for the beaches in memory of my wife Michele.

Thank You,

Bruce Mogardo, Beach Superintendent



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: July 13, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install new JO-ES pole and 60' of overhead wires**

A petition was submitted by Eversource to install (1) new JO-ES pole and 60' of overhead wires to accommodate service to #203 Carriage Shop Road.

The Engineering recommendation is to approve the request as submitted on Plan No. 2267137, W/O #2267137, dated May 23, 2018.

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

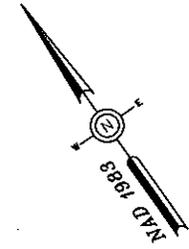
Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new JO-ES pole #37/17.5 on town property for new well pump at #203 Carriage Shop Road.

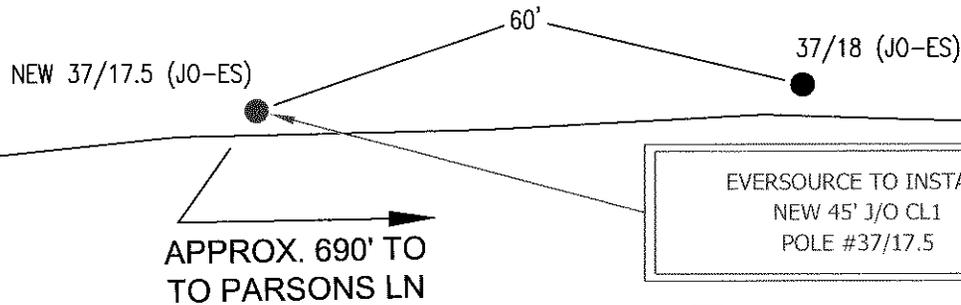
PARCEL ID: 29 06 017 002  
0 CARRIAGE SHOP ROAD  
FALMOUTH ROD & GUN CLUB, INC

PARCEL ID: 30 03 001C 001  
CARRIAGE SHOP ROAD  
MACPHEE, BRIAN A.  
MACPHEE, SANDRA M.



# CARRIAGE SHOP RD

APPROX. R.O.W.



## LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- [M] Proposed Multitap
- [C] Proposed Manhole

PARCEL ID: 29 08 008 001  
144 CARRIAGE SHOP ROAD  
HAZLETON, DIANNE M  
HAZLETON, JR DOUGLAS

PARCEL ID: 29 08 008 002  
136 CARRIAGE SHOP RD  
JOHNSON, JR CARL E  
JOHNSON, KAREN D

APPROX. R.O.W.

#134



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

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### MASS. LAW

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

Plan # 2267137

Ward #

Work Order # 2267137

Surveyed by: N/A

Research by: PG

Plotted by: PG

Proposed Structures: LM

Approved: A DEBENEDICTIS

P#

**NSTAR EVERSOURCE**  
ELECTRIC  
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of CARRIAGE SHOP ROAD

FALMOUTH (WAQUIOT)

Showing PROPOSED POLE LOCATION

Scale 1"=20'

Date MAY 23, 2018

SHEET 1 of 1

**PUBLIC HEARING NOTICE**

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, July 12, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. to install one pole (pole #37/17.5) at 203 Carriage Shop Road, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, June 22, 2018, Falmouth Enterprise  
Copy to: Abutters*

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

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

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

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

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **23** day of **MAY, 2018**.

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

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2267137**, Dated **MAY 23, 2018** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

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

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

**CARRIAGE SHOP ROAD, West of Parsons Lane**  
**WO# 2267137**

**One (1) Pole**  
**Pole #37/17.5**

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

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 23rd day of July, 2018.

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

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

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

over)

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

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

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

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

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **23** day of **MAY, 2018**.

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

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2267137**, Dated **MAY 23, 2018** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

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

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

**CARRIAGE SHOP ROAD, West of Parsons Lane**  
**WO# 2267137**

**One (1) Pole**  
**Pole #37/17.5**

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

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 23<sup>rd</sup> day of July, 2018.

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

Verizon New England, Inc.  
385 Myles Standish Blvd  
Taunton, MA 02780  
Attn: Darryl Crossman

er)

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

We hereby certify that on July 12 2018, at 2:00 o'clock, P. M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

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

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

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

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

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



# Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: July 13, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to install (1) Handhole and 35' of underground conduit on and under Gardiner Road.**

A petition was submitted by Eversource to install (1) handhole and 35' of 1-4" underground conduit to provide electric service to #5 Gardiner Road.

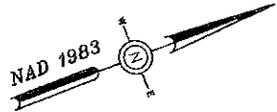
The Engineering recommendation is to approve the request as submitted on Plan No. 2270979, W/O #2270979, dated June 13, 2018.

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

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install handhole and 35'± of 1-4" conduit to provide electric service for customer at #5 GARDINER ROAD.



PARCEL ID:  
49A 06 023 043  
3 SPENCER BAIRD RD  
KNAPP, ROBERT C.  
COLLINS, KRISTIN A.

PARCEL ID:  
49A 06 024 042  
10 GARDINER RD  
VALE, RONALD  
DELL, KAREN

# GARDINER RD

APPROX. R.O.W.

82/12

SIDEWALK

EDGE OF ROAD

82/11

H11A

EVERSOURCE  
TO INSTALL  
HANDHOLE #H11A

LF=35'± 1-4" SCH.80 PVC

EDGE OF ROAD

APPROX. R.O.W.

PARCEL ID:  
49A 04 044 000  
9 GARDINER RD  
HUNTER, BLAKE C.  
MURPHY, DAVID P.

H11B

PARCEL ID:  
49A 04 046 000A  
63 MILLFIELD ST  
MARINE BIOLOGICAL  
LABORATORY

PARCEL ID:  
49A 04 045 000  
5 GARDINER RD  
PACI, CHRISTOPHER C.  
ROCKER, SALLY A.



82/10  
MILLFIELD ST  
SIDEWALK

## LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Pole
- Pole with Riser

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### MASS. LAW

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

Plan #	2270979	<p>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p>
Ward #		
Work Order #	2270979	Plan of GARDINER ROAD
Surveyed by:	N/A	FALMOUTH (WOODS HOLE)
Research by:	PG	Showing PROPOSED CONDUIT & HANDHOLES LOCATION
Plotted by:	PG	
Proposed Structures:	LM	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date JUNE 13, 2018
P#		SHEET 1 of 1

**PUBLIC HEARING NOTICE**

You are hereby notified that a hearing will be held in the Small Conference Room, Falmouth Town Hall at 2:00 p.m. on Thursday, July 12, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install one 4" conduit and one handhole at 5 Gardiner Road, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, June 22, 2018, Falmouth Enterprise  
Copy to: Abutters*

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

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

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 13 day of JUNE, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2270979**, Dated **JUNE 13, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**GARDINER ROAD, North of Millfield Street  
WO# 2270979**

**One (1) 4" Conduit  
One (1) Handhole 82/H11A**

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 23rd day of July, 2018.

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

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

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

Attest:

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

(over)

CA-104 EO REV 2-81

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

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

We hereby certify that on July 12 2018, at \_\_\_\_\_ o'clock, P. M., at Town Hall a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of **Falmouth**  
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the 23rd day of July, 2018, and recorded with the records of location orders of said Town Book, \_\_\_\_\_ Page \_\_\_\_\_.

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

Attest:

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



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 Waquoit Congregational Church of the United Church of Christ

Date: July 12, 2018

---

Dear Selectmen,

The Community Preservation Committee has taken responsibility for initiating the drafting and execution of a preservation restriction (PR) on the Waquoit Congregational Church of the United Church of Christ located at 15 Parsons Lane in East Falmouth. The PR protects the town's interest in the structure following three historic preservation projects from 2009 and 2011. The 3 projects were allocated a total of \$331,924 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

**WAQUOIT CONGREGATIONAL CHURCH of the UNITED CHURCH of CHRIST**

**THIS PRESERVATION RESTRICTION** (this "Restriction"), is made this \_\_\_\_ day of \_\_\_\_\_, 2017, between the Waquoit Congregational Church of the United Church of Christ ("Grantor"), an ecclesiastical corporation with a mailing address of 15 Parsons Lane, East Falmouth (Waquoit), Massachusetts 02536, 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 254 Waquoit Highway (a.k.a. 254 Route 28), Waquoit, in the Town of Falmouth, Barnstable County, Massachusetts (hereinafter referred to as the "Property"), being that property conveyed by Carleton Collins, Arthur W. Studley, Harold R. Jones, Susie M. Hodgman, Edith M. Little, Chester A. Fisher, Adalia K. Jones and J. Monroe Hamlen, members of the Church Council of the Waquoit Congregational Church, to said Church in a deed dated February 23, 1955 and recorded on February 25, 1955 with the Barnstable County Registry of Deeds, Book 901, Page 82, said Property being more particularly described in the Exhibit A attached hereto and incorporated herein by this reference, and included on a plan titled "Plan of Land in Waquoit – Falmouth – Mass to be conveyed to the Waquoit Congregational Church, Inc., 28 February 1958, John O. Henriksen, Surveyor," recorded with the Barnstable County Registry of Deeds, Plan Book 142, Page 75, a copy of which is attached hereto and incorporated herein by this reference as Exhibit B, and shown on Exhibit C, an Assessor Parcel Map, attached hereto and incorporated herein by this reference, said Property including the following building;

the Waquoit Congregational Church, built in 1848 in the Gothic Revival style, a small wood-frame structure rising one story from a cut granite foundation to a gable roof with a spire surrounded by four pinnacles rising from a two-part crenellated base at the front of the roof (hereinafter "the Building");

WHEREAS, the Property specifically excludes any and all other real property (including improvements thereon) of any nature and in any location owned now or in the future by the Grantor, including but not limited to the real property adjacent to the Property and titled "Area = +/- 1.14 Acres" on a plan titled "Plan of Land in Waquoit – Falmouth – Mass to be conveyed to the Waquoit Congregational Church, Inc., 28 February 1958, John O. Henriksen, Surveyor," recorded with the Barnstable County Registry of Deeds, Plan Book 142, Page 75;

WHEREAS, the Building is historically significant for its architecture and historical associations; more particularly, the Building stands as a significant example of Gothic 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 Waquoit, and is included in the Waquoit Historic District established by the Town of Falmouth on October 20, 1975 and is included as a contributing resource to the Waquoit National Register District established on February 26, 2004 (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 October, 2016 by Eric Dray (Exhibit D), attached hereto and incorporated herein by this reference,

Seven (7) photographs taken by Eric Dray in October, 2016 and January, 2017 (Exhibit E), 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 – Legal Description, B – Recorded Plan, C – Assessor Map, and D – MHC Inventory Form, and Exhibit E – Photographs, 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 9 of the by Town Meeting vote of Special Town Meeting on April 7, 2009 in the amount of \$190,000 to restore the spire, and rehabilitate the exterior of the Building, including installation of wood clapboard siding, and repair of wood louvers; and the Town of Falmouth appropriated Community Preservation Act funds through Article 21 of the by Town Meeting vote of Special Town Meeting on April 3, 2012 in the amount of \$136,424 to restore and replacement-in-kind of wood clapboard siding, wood trim, wood windows and doors, all work having been completed in 2013;

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 F (Restriction Guidelines), 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, but are not limited to, the setting and location of the Building; and architectural features, materials,

appearance, and workmanship of the Building. All Exhibits shall be 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 Building in accordance with Paragraph 6), 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 F 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 and the Restriction Guidelines.

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;
- (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; and
- (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.
- (e) the right to temporarily place and display such items as flags and signs on and around the Property to celebrate, commemorate or otherwise provide notice of such things as holidays and special occasions and celebrations.

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-1" 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 change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. 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 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: Waquoit Congregational Church of the United Church of Christ  
15 Parsons Lane  
East Falmouth (Waquoit), Massachusetts 02536

To Grantee: Falmouth Historical Commission  
Town of Falmouth  
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, 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, 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 violation or 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 attributable to improvements in the Building funded by the Grantor's Community Preservation Fund shall be deposited into the Grantor's Community Preservation Fund in accordance with M.G.L. c. 44B ("Chapter 44B"). Should the Grantor's Community Preservation Fund no longer exist for any reason, such as the Grantor having opted out of Chapter 44B, the proceeds shall be used in a manner consistent with the preservation purpose set forth herein as a continuing trust.

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: Waquoit Congregational Church of the United Church of Christ  
By and through its President, Board of Directors

Robert Barnard  
Robert Barnard

and

Waquoit Congregational Church of the United Church of Christ  
By and through its Treasurer, Board of Directors

William Gindra  
William Gindra

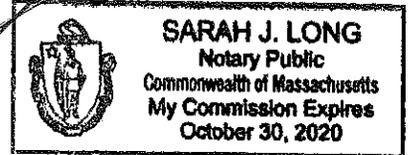
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 13<sup>th</sup> day of Nov, 2018, before me, the undersigned notary public, personally appeared Robert Barnard, provided to me through satisfactory evidence of identification which was personally known to me to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Robert Barnard signed it voluntarily for its stated purpose, as President, Board of Directors, of Waquoit Congregational Church of the United Church of Christ.

[Signature]  
Notary Public  
My commission expires: October 30, 2020

(seal)

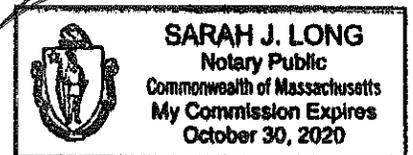


Barnstable, ss.

On this 25<sup>th</sup> day of Nov, 2018, before me, the undersigned notary public, personally appeared William Gindra, provided to me through satisfactory evidence of identification which was personally known to me to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that William Gindra signed it voluntarily for its stated purpose, as Treasurer, Board of Directors, of Waquoit Congregational Church of the United Church of Christ.

[Signature]  
Notary Public  
My commission expires: Oct. 30, 2020

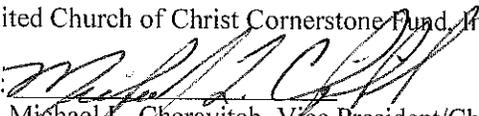
(seal)



### MORTGAGEE'S CONSENT

The undersigned mortgagee agrees to hold the mortgage granted by the Church to the undersigned mortgagee by instrument dated January 29, 2004, recorded at the Barnstable County Registry of Deeds in Book 18170, Page 83, subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before taking of the said mortgage and further agrees that the said mortgage shall be subordinate to the above covenants.

United Church of Christ Cornerstone Fund, Inc.

By: 

Michael L. Cheravitch, Vice President/Chief Lending Officer

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

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

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

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

**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 Susan L. Moran 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 Megan English-Braga 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 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)

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 Doug Jones 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 Samuel H. Patterson signed it voluntarily for its stated purpose, as Member, Town of Falmouth Board of Selectmen.

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

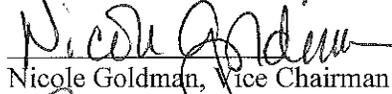
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ACCEPTANCE BY FALMOUTH HISTORICAL COMMISSION

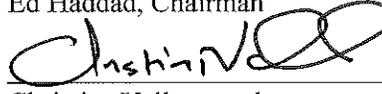
On June 5, 2018, the Falmouth Historical Commission, by majority vote, voted to Approve and Accept this Agreement.

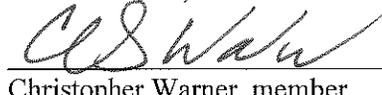
Historical Commission:

  
Tamsen George, Secretary

  
Nicole Goldman, Vice Chairman

  
Ed Haddad, Chairman

  
Christian Valle, member

  
Christopher Warner, member

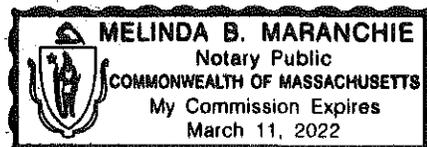
\_\_\_\_\_  
Mason Wilcox, alternate

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 5<sup>th</sup> day of June, 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, Town of Falmouth Historical Commission.



  
Notary Public  
My commission expires: March 11, 2022

(seal)

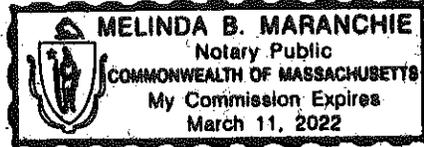
Barnstable, ss.

On this 5<sup>th</sup> day of June, 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: March 11, 2022



(seal)

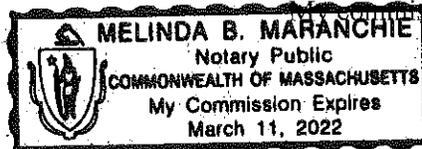
Barnstable, ss.

On this 5<sup>th</sup> day of June, 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: March 11, 2022



(seal)

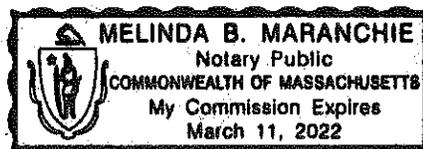
Barnstable, ss.

On this 5<sup>th</sup> day of June, 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: March 11, 2022

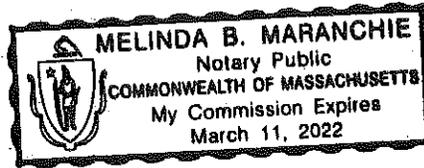


(seal)

Barnstable, ss.

On this 10 day of July, 2017, 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: 3/11/22



(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, 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:

(seal)

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, 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 \_\_\_\_\_, 2017, 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 located in the Town of Falmouth, Village of Waquoit, as shown on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 142 Page 75 entitled "Plan of Land in Waquoit – Falmouth – Mass. To be conveyed to the Waquoit Congregational Church Inc., Scale: 1 IN = 40 FT., 28 February 1958, John O. Henriksen – Surveyor", bounded and described in accordance with said plan as follows:

Beginning at the southeasterly corner of the herein described premises at a point at the northerly sideline of Waquoit Road (Route 28);

Thence S 57 degrees 15' 30" W by Waquoit Road (Route 28), a distance of 125.98 feet to a concrete bound;

Thence by an unnamed distance on the above-referenced plan by the curve of radius of Waquoit Road (Route 28) and Parsons Lane, to a concrete bound;

Thence N 24 degrees 58' 20" E by Parsons Lane, a distance of 155.50 feet to a point at the southerly sideline of Parsons Lane;

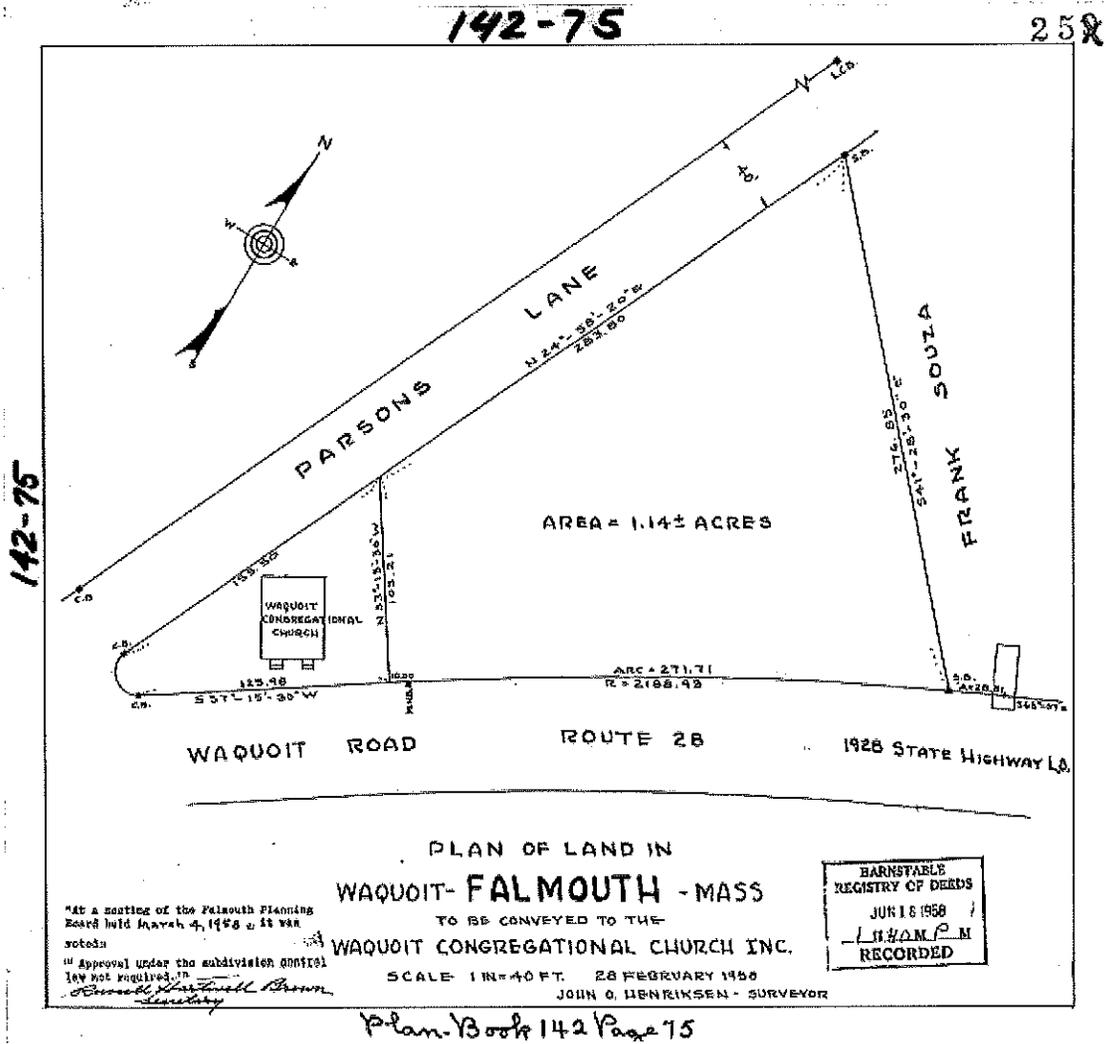
Thence S 33 degrees 15' 30" E by other land now of the Waquoit Congregational Church of the United Church of Christ, identified on the above-referenced plan as "Area = 1.14 ± Acres", a distance of 105.21 feet, to the point of beginning.

Said land herein described is comprised of 0.211 acres, according to Town of Falmouth Assessor's records, and is shown on the Falmouth Assessor's Map as Parcel 29-08-018-000.

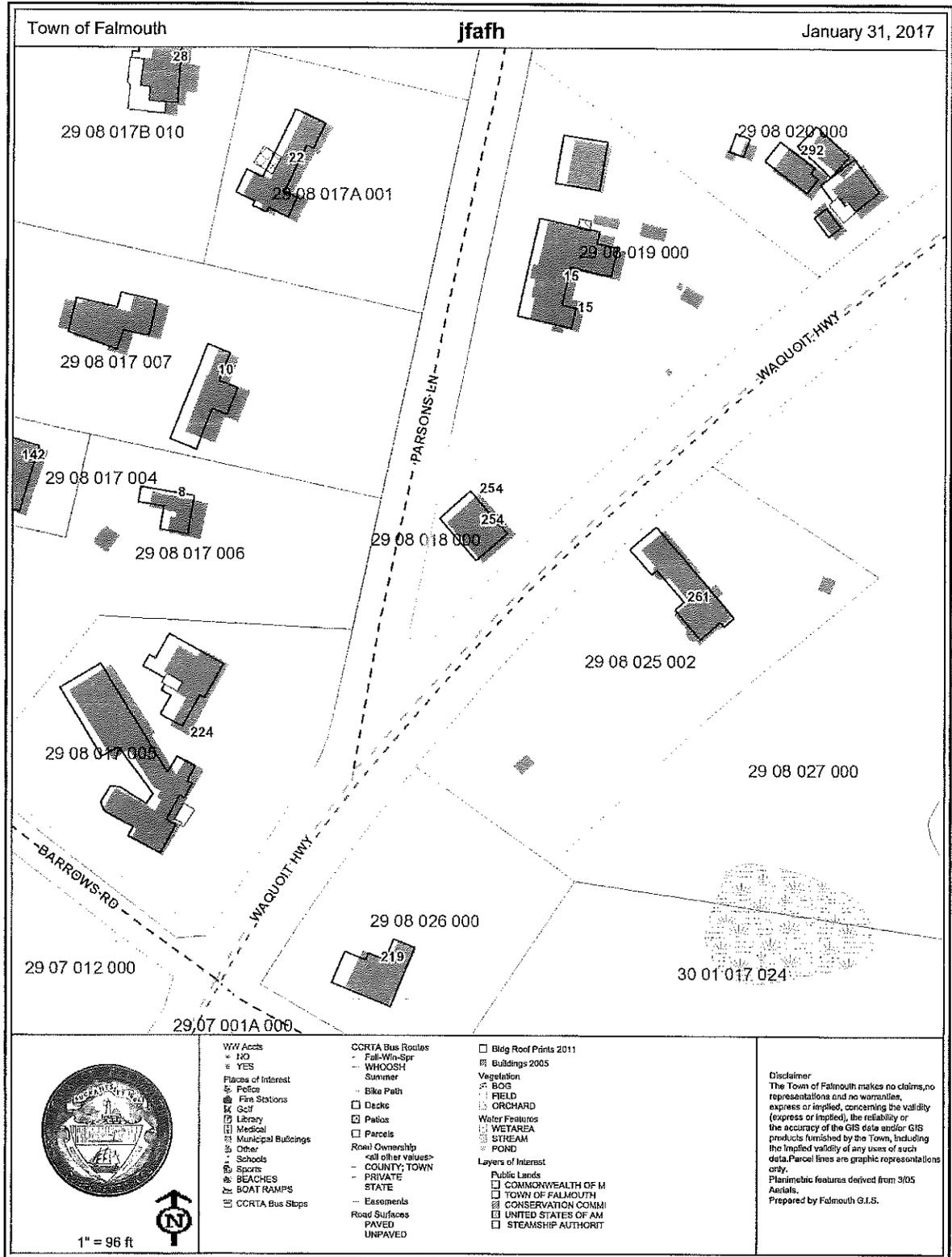
EXHIBIT B

Recorded Plan

Plan of Land in Waquoit - Falmouth - Mass to be conveyed to the Waquoit Congregational Church, Inc., 28 February 1958, John O. Henriksen, Surveyor, recorded with the Barnstable County Registry of Deeds, Plan Book 142, Page 75.



# EXHIBIT C Assessor Map



**EXHIBIT D**  
**Massachusetts Historical Commission Inventory Form B,**  
**prepared by Eric Dray, October, 2016**

**FORM B -- BUILDING**

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

Assessor's Number    USGS Quad    Area(s)    Form Number

29 08 018 000          FALA    FAL.211

**Town/City:** FALMOUTH

**Place:** (*neighborhood or village*): Waquoit Village

**Address:** 254 Main Street (254 Waquoit Highway)

**Historic Name:** Waquoit Congregational Church

**Uses:** Present: Church

Original: Church

**Date of Construction:** 1848

**Source:** 1990 Form B

**Style/Form:** Gothic Revival

**Architect/Builder:** Gilbert Willard (builder)

**Exterior Material:**

Foundation: Cut granite

Wall/Trim: Wood clapboards/ Wood

Roof: Wood shingles

**Outbuildings/Secondary Structures:**  
None

**Major Alterations (*with dates*):**

Spire restored, wood louvers repaired, repair/replace clapboard siding, windows, trim (completed 2013)

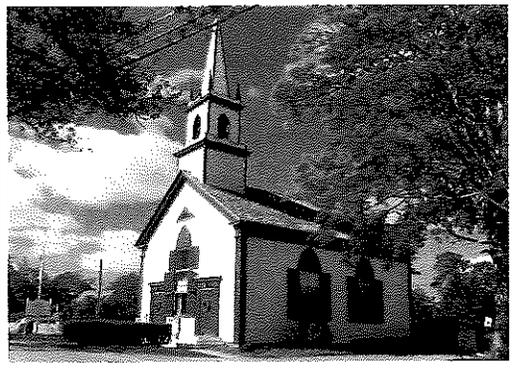
**Condition:** Good

**Moved:** no     yes     **Date:**

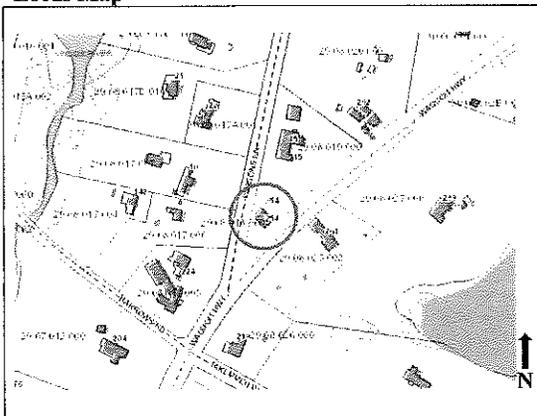
**Acreage:** 0.55 acres

**Setting:** This church is located on a small triangular parcel at the intersection of Main Street (Waquoit Highway) and Parsons Lane. The building is centered on the level parcel. The parcel is minimally landscaped with lawn and a small evergreen hedge in front of the church. The surrounding area consists of 19<sup>th</sup> and 20<sup>th</sup> century houses, and parking and a parish hall to the north of the church.

**Photograph**



**Locus Map**



**Recorded by:** Eric Dray, Preservation Consultant, for  
**Organization:** Falmouth Comm. Preservation Committee  
**Date (*month / year*):** October 2016

**INVENTORY FORM B CONTINUATION SHEET**

FALMOUTH

254 MAIN STREET

MASSACHUSETTS HISTORICAL COMMISSION  
 220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

FALA	FAL.211
------	---------

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.*

*(Updated from 1990 Form B)* This fine example of a Gothic Revival-style church faces southeast toward Main Street. It is a small wood-frame building rising one story from a cut granite foundation to a gable-front roof. The walls are clad in wood clapboard siding, and have corner pilasters with recessed panels. The roof is clad in wood shingles, and has a projecting molded box cornice with partial returns across the gable ends and broad frieze boards below. A narrow exterior brick chimney rises off-centered on the rear elevation. The front elevation has a centered window system with three, vertically-mullioned 15/15 double-hung wood windows. Above this window system is a triangular four-light fixed sash. Fenestration on each side elevation consists of two 15/15 double-hung sash. There are no windows on the rear elevation. All of the windows have flat trim surrounds and (other than the triangular window) have louvered shutters, including lancet-shaped shutters above to create the appearance of there being lancet shaped windows behind the shutters (which there are not). There are two matching entrances on the front elevation, each with a wood door with two vertically-oriented recessed panels. These doors are flanked by pilasters and surmounted by broad molded lintels. A handicap-accessible ramp leads across the right side elevation leading to a new rear entrance. The church bell tower consists of three parts: a square base with crenellated trim; a smaller square belfry with lancet openings on each side, crenellated trim and tall narrow pinnacles rising from each corner; and a four-sided triangular spire surmounted by a weathervane.

**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.*

*(From 1990 Form B)* The Waquoit Congregational Church has exceptional historical significance because its construction heralded Waquoit's transition to a fully developed and independent village. An agreement to build a meetinghouse was signed on March 24, 1847 by Ephriam C. Phinney, Charles A. Boume, Zenas Hamblen, Henry Crocker, Peter Lewis, Charles L. Eldridge, Henry Weeks, Timothy Hatch, Ichabod H. Childs and John Childs. A site was selected the following month, and a contract was signed on June 1, 1847 with Gilbert Willard of Dartmouth to complete the meetinghouse by November for \$1,350. The church was dedicated on February 2, 1848. The Society was legally organized on September 4, 1848 as the Second Congregational Society of East Falmouth. The Reverend Spencer Beard was the first minister. Almost all of the charter members had transferred from the First Congregational Church of East Falmouth in Hatchville (see East End Meetinghouse). The Society assumed care of the cemetery overlooking Waquoit Bay (see form) in April, 1849. The name was formally changed to the Waquoit Congregational Church Society on March 23, 1863; it was legally incorporated as a church on June 22, 1954.

**BIBLIOGRAPHY and/or REFERENCES**

Smith, Mary Lou (ed) The Book of Falmouth. 1986: 409-410  
 Elphrick, Robert. Falmouth Past and Present, n.d.: 82  
 Barnstable County Atlases. 1858, 1880, 1908

*Continuation sheet 1*

**EXHIBIT E**

**Seven (7) Photographs, taken by Eric Dray, October, 2016 and January, 2017**

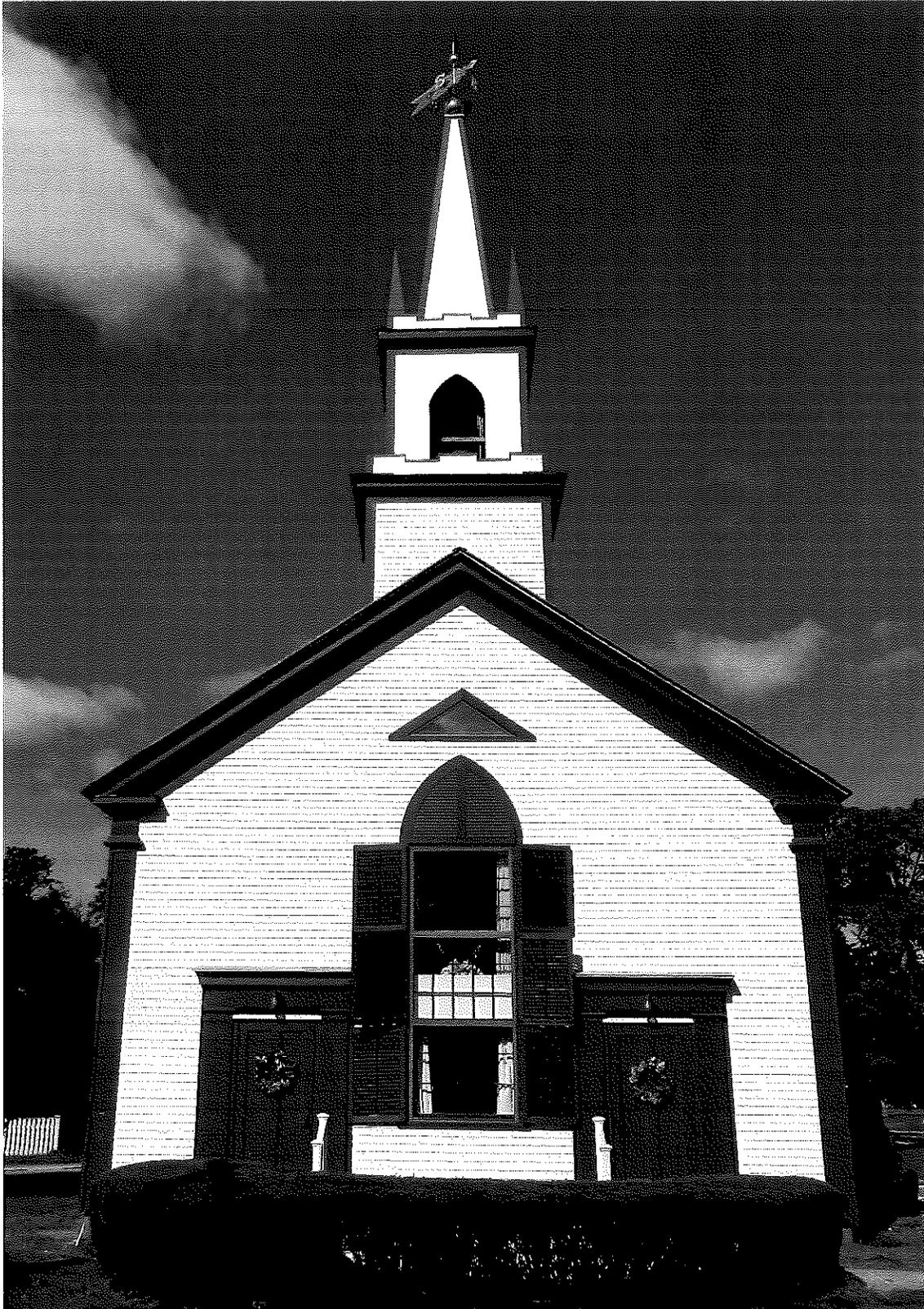


Photo 1. View of front (SE) elevation, October 2016.



Photo 2. View of front (SE) and right (NE) elevations, October 2016.



Photo 3. View of right side (NE) elevation, January, 2017.



Photo 4. View of right side (NE) and rear (NW) elevations, January, 2017.



Photo 5. View of rear (NW) and left side (SW) elevations, January, 2017.

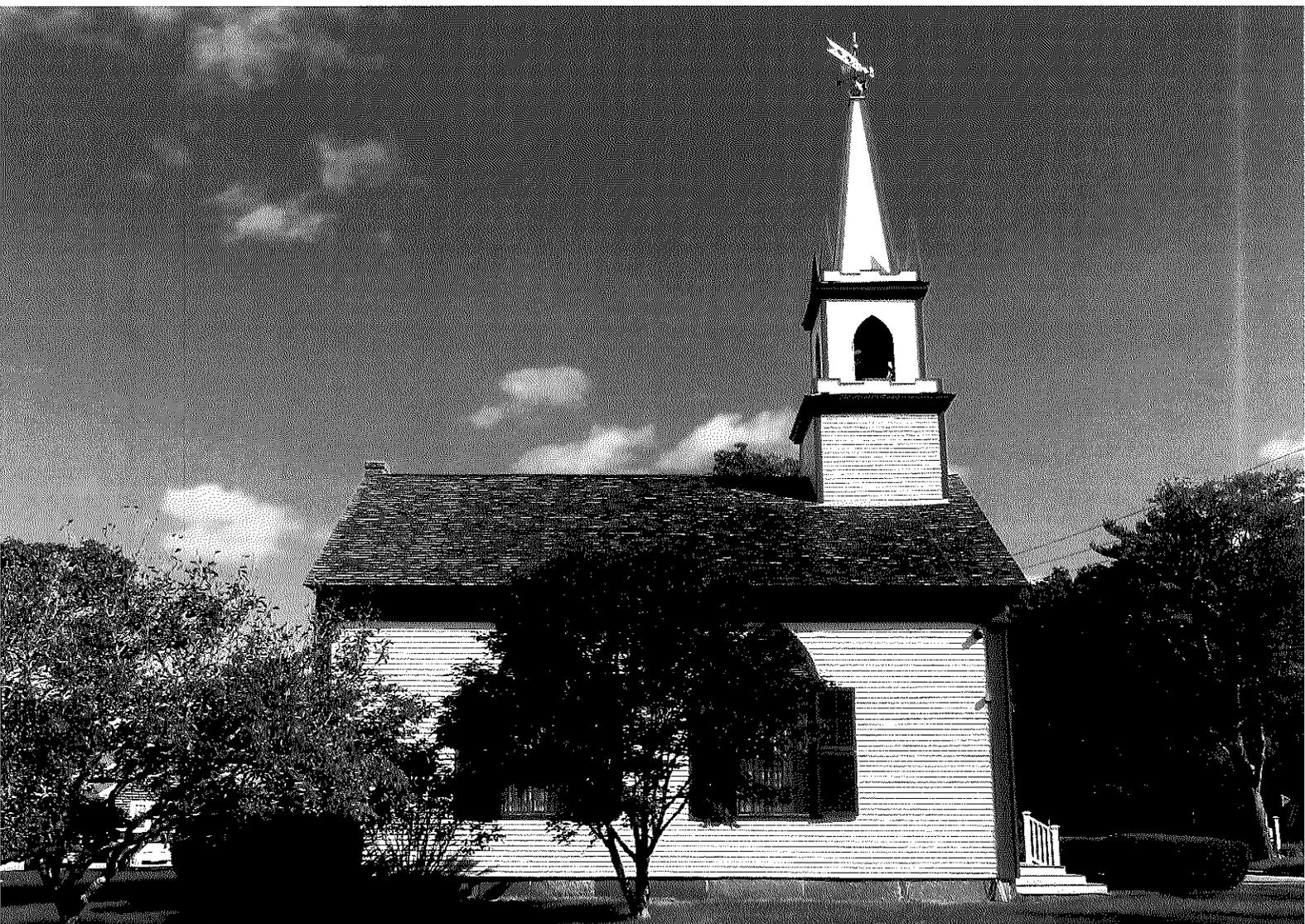


Photo 6. View of left side (SW) elevation, October 2016.



Photo 7. View of left side (SW) elevation and front (SE) elevation, October 2016.

## EXHIBIT F

### 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 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 alteration. Alterations 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).

#### 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 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, alteration or removal of window or door trim, and addition of storm windows. The existing windows are original or replacement single-glazed, true-divided 15/15 double-hung sash and a 4-light fixed triangular sash. If the existing windows require replacement, they must be replaced-in-kind.

#### ROOFING AND EXTERIOR WALLS

Minor - Spot repair of existing wood clapboard siding and wood shingle roofing.

Major - Large-scale repair or replacement of wood clapboard siding or wood shingle 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 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.

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:* Cut granite block, except rear one-story ell which has a concrete foundation.
3. *Facade:* Wood clapboard, corner pilasters with recessed panels.
4. *Roof:* Wood roof shingles, corbelled brick chimneys.
5. *Bell tower:* Spire surrounded by four pinnacles which rises from a two-part crenellated base.
6. *Front Entrances:* Identical paired front entrances with two-panel wood doors and ornamental surrounds.
7. *Windows:* Wood true-divided windows, including 15/15 muntin configuration, and louvered shutters.
8. *Cornice:* Molded box cornice with partial returns across the gable ends and wood gutters.

##### **Site**

*Public views:* View of building from Main Street (Waquoit Highway) and Parsons Lane.

#### **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 and exposure to existing.
4. *Foundation*: Maintain cut granite 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.
5. *Dormers and Skylights*: Dormers and skylights are not permitted.
6. *Trim and Decoration*: Maintain original trim as possible, replace-in-kind if necessary.
7. *Windows*: Existing windows must be repaired if possible. If replacement is necessary, they must match the existing in material, design and configuration.
8. *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.
9. *Shutters*: Existing wood louvered shutters must be 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.
10. *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.
11. *Building-Attached Lighting Fixtures*: Light fixtures may be used but must be minimal in appearance, appropriate to the Building.
12. *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.
13. *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.

**COMMONWEALTH OF MASSACHUSETTS**  
**WILLIAM FRANCIS GALVIN**  
**SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR 2018 STATE PRIMARY**

SS.

To the Constables of the Town of FALMOUTH

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at:

Precinct 1:	Town Hall	Precinct 6:	Falmouth High School Gymnasium
Precinct 2:	Gus Cnty Recreation Center	Precinct 7:	Waquoit Congregational Church Hall
Precinct 3:	Falmouth High School Gymnasium	Precinct 8:	Navigator Club
Precinct 4:	St. Anthony's Lodge Building	Precinct 9:	Jewish Congregation Community Center
Precinct 5:	North Falmouth Congregational Church Hall		

on **TUESDAY, THE FOURTH DAY OF SEPTEMBER, 2018**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

SENATOR IN CONGRESS	FOR THIS COMMONWEALTH
GOVERNOR	FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	NINTH DISTRICT
COUNCILLOR	FIRST DISTRICT
SENATOR IN GENERAL COURT	PLYMOUTH & BARNSTABLE DISTRICT
REPRESENTATIVE IN GENERAL COURT	BARNSTABLE, DUKES & NANTUCKET DISTRICT
REPRESENTATIVE IN GENERAL COURT	THIRD BARNSTABLE DISTRICT
DISTRICT ATTORNEY	CAPE & ISLANDS DISTRICT
CLERK OF COURTS	BARNSTABLE COUNTY
REGISTER OF DEEDS	BARNSTABLE COUNTY
COUNTY COMMISSIONER	BARNSTABLE COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.  
Given under our hands this \_\_\_\_\_ day of July, 2018.

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

Selectmen of Town of Falmouth

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Falmouth by posting an attested copy of this warrant in Town Hall and a public place in each precinct

\_\_\_\_\_, 2018.  
Constable (month and day)

## **MEMORANDUM OF UNDERSTANDING (MOU)**

Between

Town of Falmouth, Massachusetts ("Town")

and

Falmouth Community Television Corporation, Inc. ("FCTV")

This Memorandum of Understanding (this "MOU" or this "Agreement") is entered into this 23rd day of July 2018 by and between the Town and FCTV, a Massachusetts nonprofit corporation.

### **I. Purpose**

The purpose of this Memorandum of Understanding (MOU) is to establish a general understanding between the Town and FCTV concerning the new Cable Television License expected to renew November 2021. FCTV seeks affirmation that the Town's intent is for FCTV to continue managing the resources, including funding and cable channel capacity, as it has in the past.

This MOU represents a sincere expression of the Town's intent to work together with FCTV to support the sustainability and growth of community media in Falmouth and to provide support for FCTV's facility expansion which will require the borrowing of funds.

### **II. Background**

FCTV was incorporated in 1992 as a 501 (c)(3) nonprofit corporation to serve as the management entity for community television in Falmouth, receiving the resources resulting from the cable television license to support operations and capital expenditures. Through three 10-year cable television licenses, FCTV has served as the sole organization responsible for public, education and government access television in Falmouth. In that time, hundreds of local citizens have attended media and communications training, and had access to professional recording equipment for the purpose of producing local programming. FCTV and volunteer community producers have produced thousands of hours of local programming including municipal meetings, public affairs programs, educational and informational programming that has enriched our community, encouraged civic discourse and provided for transparency in government and archiving of the life of our community.

### **RECITALS**

WHEREAS, FCTV is a vibrant, relevant community resource playing vital roles in the building of our community by encouraging conversations about our common interests; increasing civic discourse around policy issues, fostering understanding of local cultures, and sharing information to improve our lives; and

WHEREAS, the sharing of ideas and information helps to build common understanding and common values within a community; and

WHEREAS, access to information in today's media environment is critical for the healthy functioning of our community; and

WHEREAS, FCTV provides a means for diverse communities to tell their stories, hear each other's stories, and create new stories together; and

WHEREAS, FCTV provides information to the community that is not covered by the dwindling resources of commercial media; and

WHEREAS, FCTV provides people with the skills necessary for the creation, sharing, and consumption of knowledge and ideas through electronic media; and

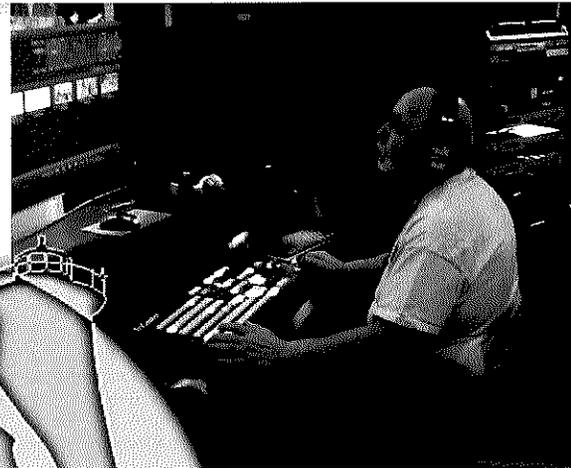
WHEREAS, FCTV is an important resource for promoting transparency in and engagement with local governmental policy and processes; and

WHEREAS, FCTV connects community organizations, schools, and local governments to their constituents; and

WHEREAS, since 1992 FCTV has managed the resources for community media responsibly and has demonstrated that it has the knowledge, expertise and community interest to operate a community media center;

**NOW, THEREFORE, BE IT RESOLVED that the Falmouth Board of Selectmen do hereby recognize the impact made by FCTV and express their continued support for the organization including its plans to build a new facility. The Town's intention is to continue allocating resources, including funding and cable channel capacity resulting from future cable television licenses to FCTV to support the sustainability, operations and growth of community media in Falmouth.**

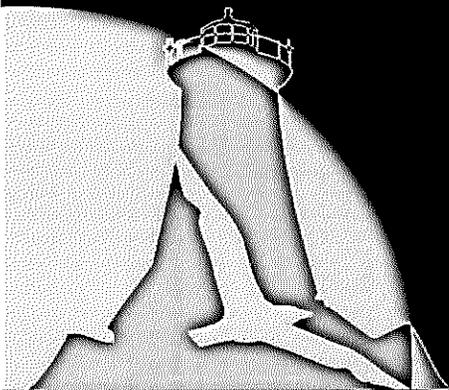
# Falmouth Community Television



# Community media comes to Falmouth...

In 1992, FCTV was established as an independent 501(c)(3) nonprofit organization as a result of the cable license between the town of Falmouth and the cable operator at the time, Adelphia Communications.

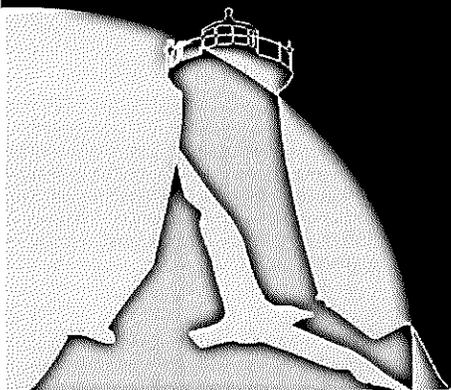
*The purpose was to provide the community with the ability to produce local programs and disseminate them via cable television.*



# Our Mission...

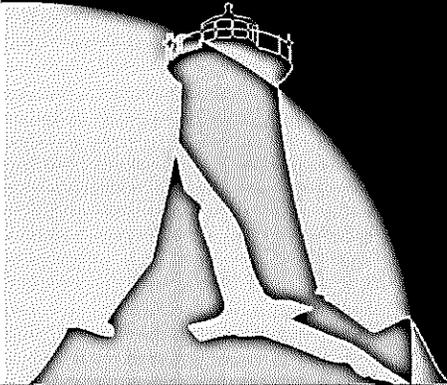
Falmouth Community Television is a nonprofit community media center that fosters the production and distribution of local information.

FCTV provides access to training, technology, and content to encourage community dialogue, awareness, and expression.



# A vital community resource...

- With our members, we create and disseminate programs that highlight our community, ensure transparency in government, provide vital and timely information, serve as a forum for new ideas, community dialogue and foster a more informed citizenry.
- We provide opportunities to local nonprofits, community groups, town departments and elected officials through multiple communication platforms.
- FCTV serves as a resource to the town, providing technical and policy advocacy expertise.

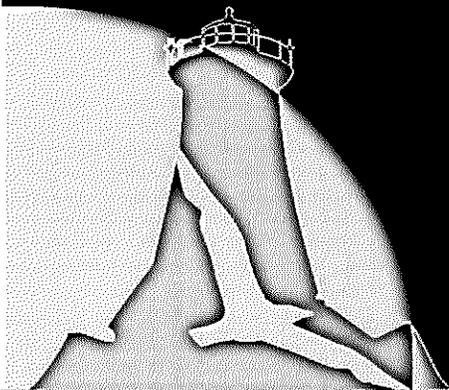


*We build community  
through media...*

# Building on a legacy...

FCTV is now working towards a facility expansion at its current location at 310 Dillingham Avenue.

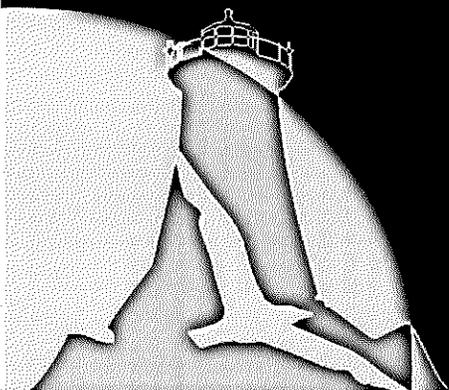
*The expansion will relocate FCTV from units A - B to units D - E.*



# Building on a legacy...

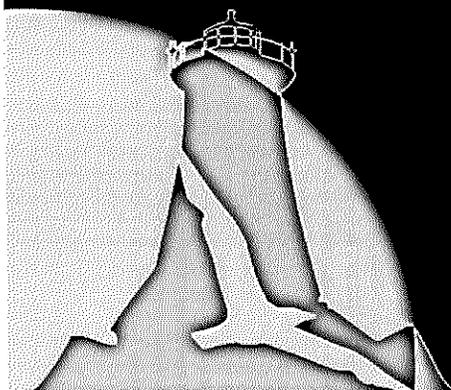
This project will provide Falmouth with the state-of-the-art resource it deserves, featuring:

- Two HD studios with energy efficient lighting, live broadcast and streaming capabilities and virtual set technology.
- A compact, easy-to-use robotic camera studio to simplify and expedite studio productions without the need for a large crew.
- Additional training and community meeting spaces.
  - A garage to secure FCTV's production van.
  - Elevator and ramps for full accessibility.
  - Expanded editing and animation labs.
  - Additional space to secure our growing inventory of available equipment.

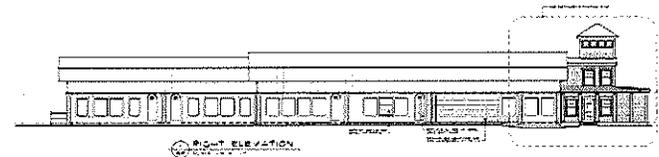
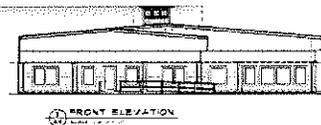
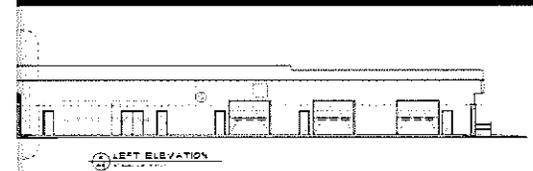
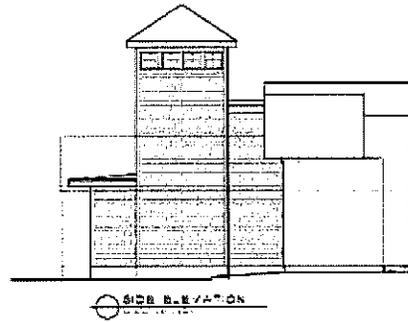
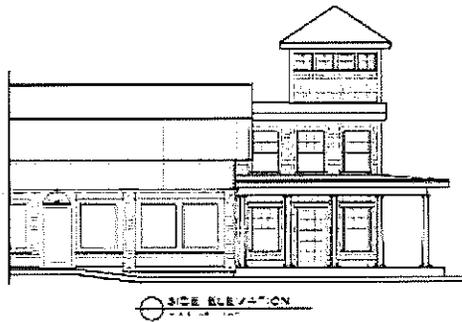
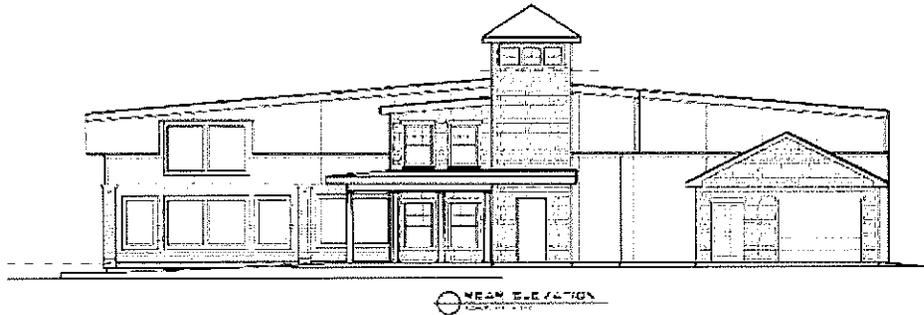


# Looking to the future...

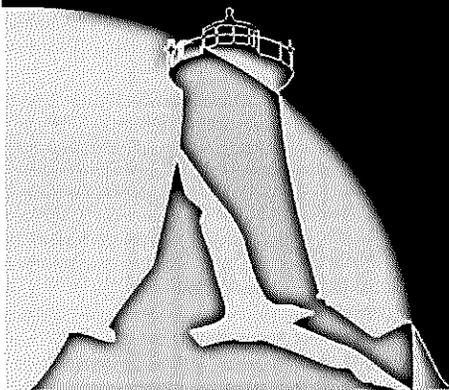
## Exterior View



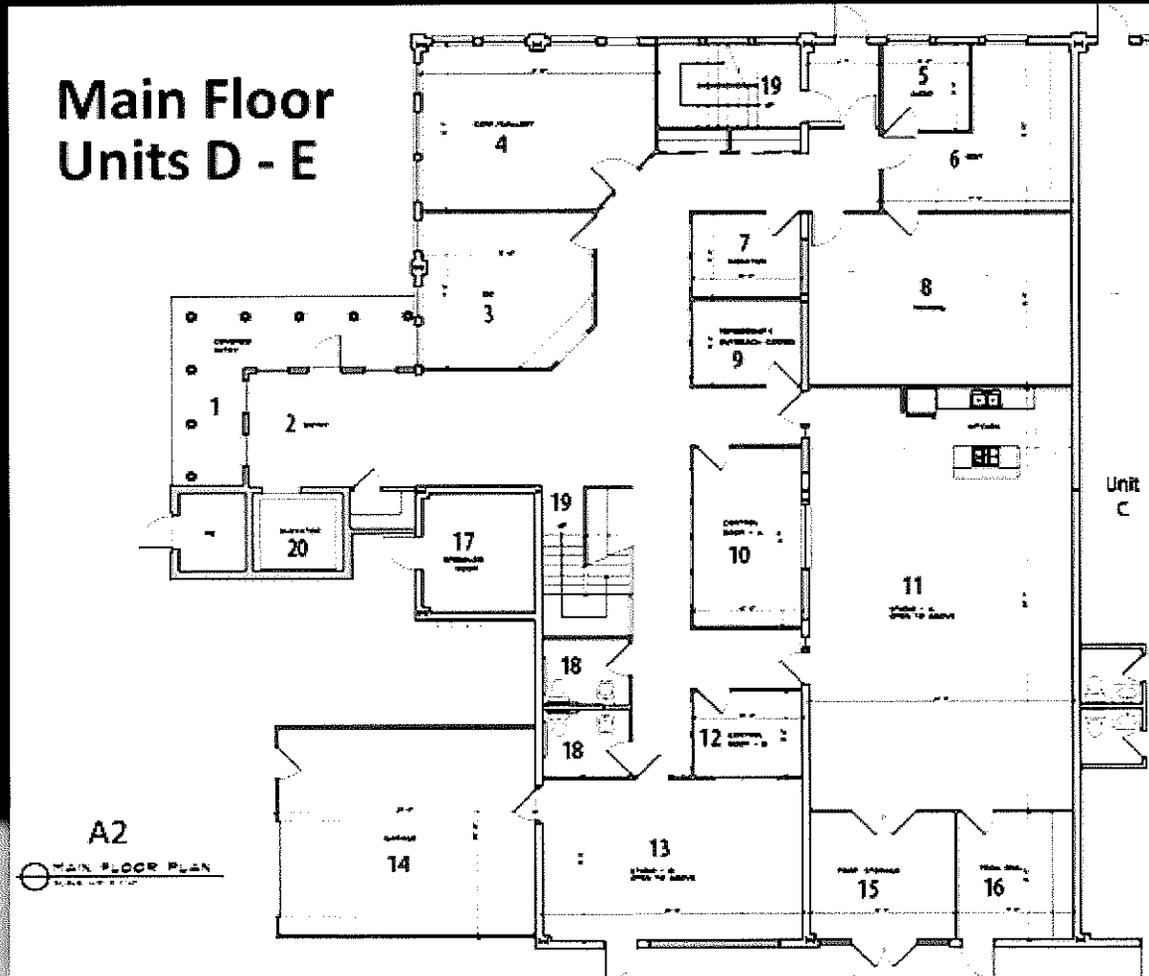
# Looking to the future...



**Exterior View:**  
Units D - E  
with garage,  
elevator and  
entryway  
additions



# Looking to the future...

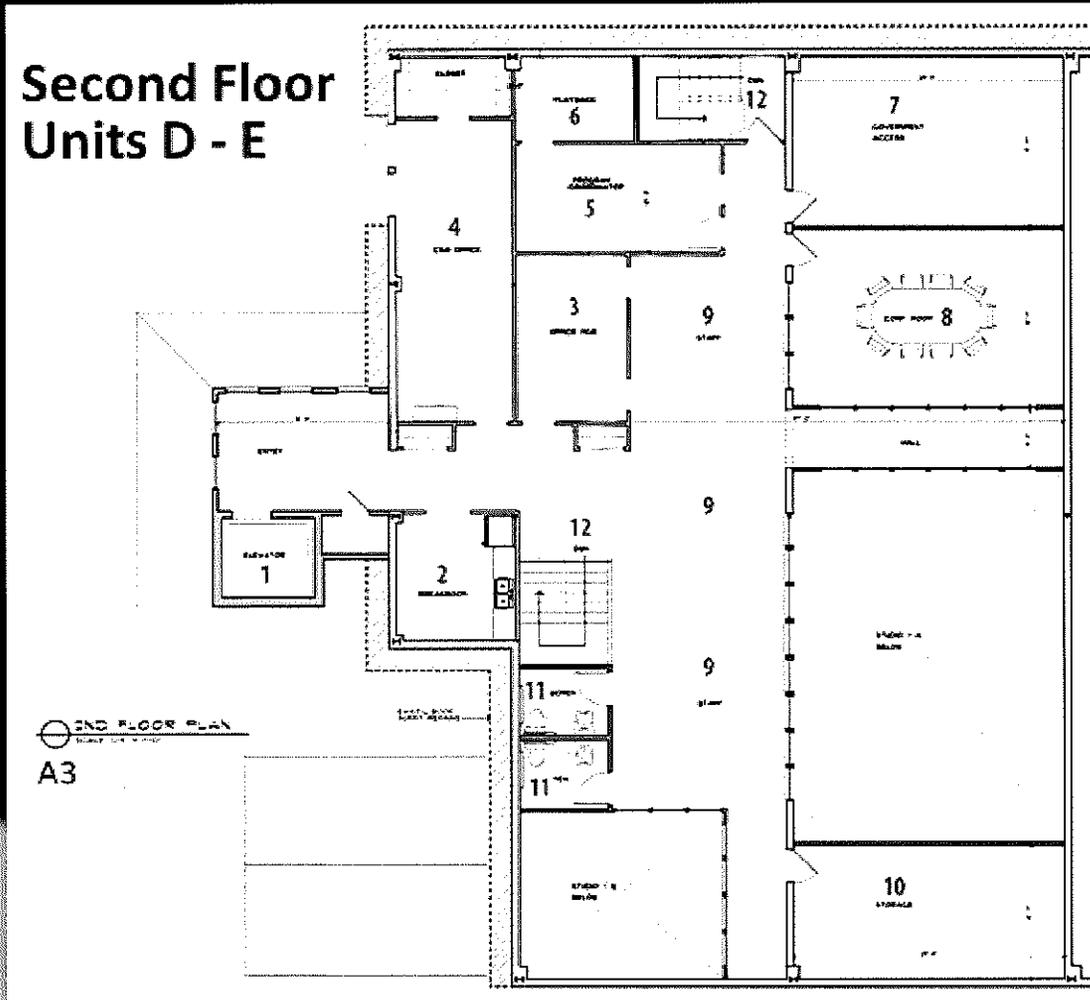


## Interior Layout: Main Floor

- 1 - Covered Entry
- 2 - Entry/Reception
- 3 - Director of Operations/  
Equipment Checkout
- 4 - Conference/Gallery
- 5 - Audio Booth
- 6 - Edit Suite
- 7 - Animation Suite
- 8 - Computer Lab
- 9 - Membership &  
Outreach Coordinator
- 10 - Control Room A
- 11 - Studio A
- 12 - Control Room B
- 13 - Studio B
- 14 - Garage
- 15 - Prop Storage
- 16 - Tech. Engineering
- 17 - Sprinkler Room
- 18 - Restrooms
- 19 - Stairways
- 20 - Elevator

# Looking to the future...

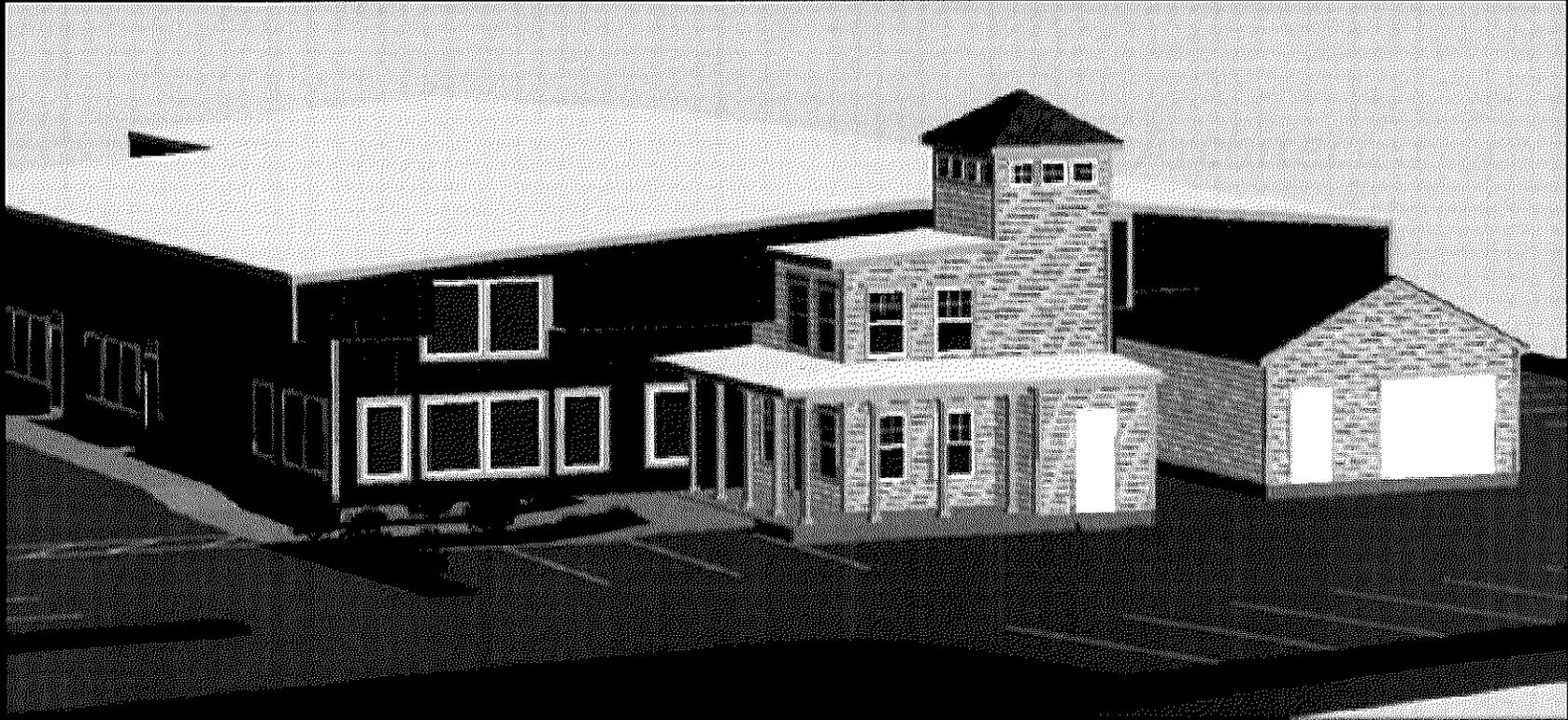
## Second Floor Units D - E



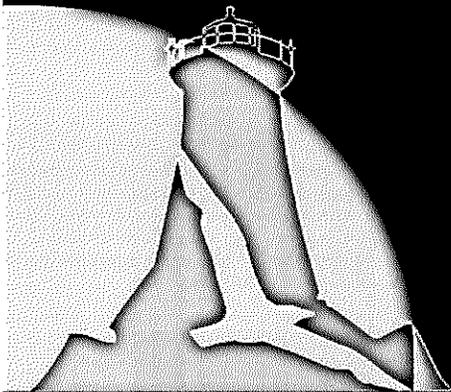
## Interior Layout: Second Floor

- 1 - Elevator
- 2 - Break Room
- 3 - Office Manager
- 4 - Executive Director/CEO
- 5 - Program Coordinator
- 6 - Playback / IT
- 7 - Government Access  
Department
- 8 - Meeting/Training Room
- 9 - Collaboration Space
- 10 - Storage
- 11 - Restrooms
- 12 - Stairways

Looking to the future...



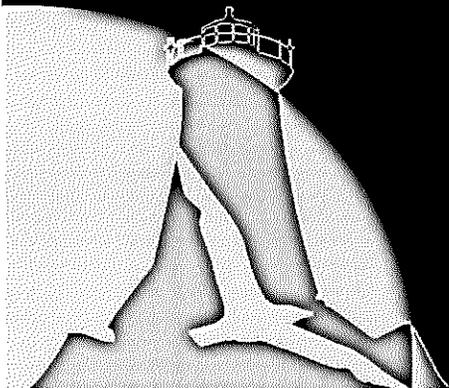
*Architect  
3D Model*



# MEMORANDUM OF UNDERSTANDING

Between Town of Falmouth, Massachusetts (“Town”) and  
Falmouth Community Television Corporation, Inc. (“FCTV”)

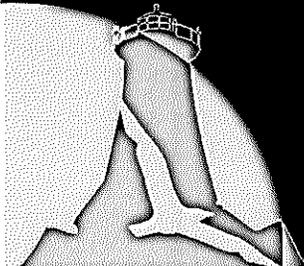
This Memorandum of Understanding (this “MOU” or this “Agreement”)  
is entered into this 23rd day of July 2018 by and between  
the Town and FCTV, a Massachusetts nonprofit corporation.



## RECITALS

WHEREAS, FCTV is a vibrant, relevant community resource playing vital roles in the building of our community by encouraging conversations about our common interests, increasing civic discourse around policy issues, fostering understanding of local cultures, and sharing information to improve our lives; and

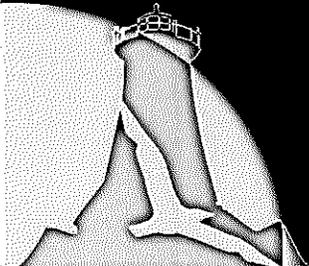
WHEREAS, the sharing of ideas and information helps to build common understanding and common values within a community; and



## I. Purpose

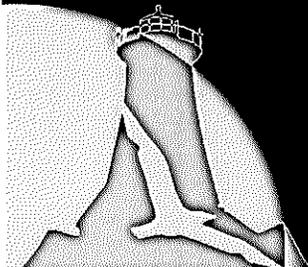
The purpose of this Memorandum of Understanding (MOU) is to establish a general understanding between the Town and FCTV concerning the new Cable Television License expected to renew November 2021. FCTV seeks affirmation that the Town's intent is for FCTV to continue managing the resources, including funding and cable channel capacity, as it has in the past.

This MOU represents a sincere expression of the Town's intent to work together with FCTV to support the sustainability and growth of community media in Falmouth and to provide support for FCTV's facility expansion which will require the borrowing of funds.



## II. Background

FCTV was incorporated in 1992 as a 501 (c)(3) nonprofit corporation to serve as the management entity for community television in Falmouth, receiving the resources resulting from the cable television license to support operations and capital expenditures. Through three 10-year cable television licenses, FCTV has served as the sole organization responsible for public, education and government access television in Falmouth. In that time, hundreds of local citizens have attended media and communications training, and had access to professional recording equipment for the purpose of producing local programming. FCTV and volunteer community producers have produced thousands of hours of local programming including municipal meetings, public affairs programs, educational and informational programming that has enriched our community, encouraged civic discourse and provided for transparency in government and archiving of the life of our community.

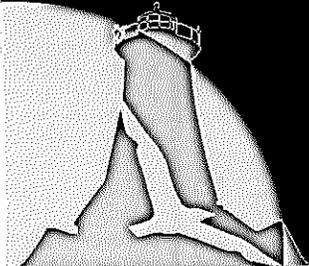


WHEREAS, access to information in today's media environment is critical for the healthy functioning of our community; and

WHEREAS, FCTV provides a means for diverse communities to tell their stories, hear each other's stories, and create new stories together; and

WHEREAS, FCTV provides information to the community that is not covered by the dwindling resources of commercial media; and

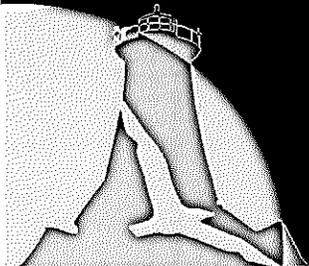
WHEREAS, FCTV provides people with the skills necessary for the creation, sharing, and consumption of knowledge and ideas through electronic media; and



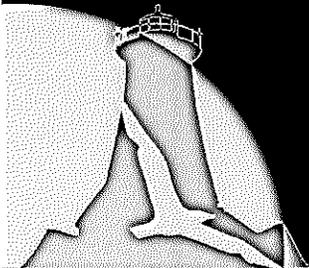
WHEREAS, FCTV is an important resource for promoting transparency in and engagement with local governmental policy and processes; and

WHEREAS, FCTV connects community organizations, schools, and local governments to their constituents; and

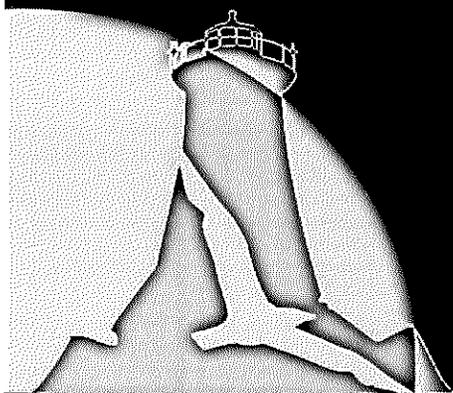
WHEREAS, since 1992 FCTV has managed the resources for community media responsibly and has demonstrated that it has the knowledge, expertise and community interest to operate a community media center;



NOW, THEREFORE, BE IT RESOLVED that the Falmouth Board of Selectmen do hereby recognize the impact made by FCTV and express their continued support for the organization including its plans to build a new facility. The Town's intention is to continue allocating resources, including funding and cable channel capacity resulting from future cable television licenses to FCTV to support the sustainability, operations and growth of community media in Falmouth.



Falmouth Community Television:  
*The stations that bring Falmouth home.*





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

---

**TO:** Board of Selectmen  
**FROM:** Peter Johnson-Staub, Assistant Town Manager  
**SUBJECT:** Falmouth Housing Authority approval of HUD grant  
**DATE:** July 17, 2018

As you know, the Falmouth Housing Authority is a quasi-state agency governed by a board comprised of one state appointee and 4 elected members. Last week we received a request from Executive Director Bobbi Richards for the Board to approve the US Department of Housing and Urban Development (HUD) award of a formula grant to the Falmouth Housing Authority to carry out capital projects identified in the attached plan. This is an annual grant received by the Falmouth Housing Authority and does not involve any Town funds. The projects listed are all repairs and upgrades to existing facilities. We recommend approval.

Attachment:

CC: Carla Feroni, Housing Coordinator

//FHA Capital Plan 7-2-18.docx

**Capital Fund Program  
(CFP) Amendment – MA PHA mayor/selectman sign-off**  
to the Consolidated Annual Contributions Contract  
(reference form 52840-A)

**2018 Formula Funding Massachusetts Approval to fulfill the requirements of M.G.L.c.121B  
Sec.11 (k)**

**Signoff below indicates approval from the local governing body for the local Public  
Housing Authority (PHA) to accept HUD's 2018 Capital Fund Program formula grant to  
carry out work activities identified in the PHA's 5 Year Capital Action Plan, in the amount  
specified in the funding announcement published on HUD's website at:  
[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/capfund/2018pi](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund/2018pi)**

(SEAL)  
Attest:

TOWN/CITY \_\_\_\_\_

\_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part I: Summary						
PHA Name: Falmouth Housing Authority			Locality (City/County & State)			
PHA Number: MA047			<input checked="" type="checkbox"/> Original 5-Year Plan		<input type="checkbox"/> Revised 5-Year Plan (Revision No: )	
A.	Development Number and Name	Work Statement for Year 1 2018	Work Statement for Year 2 2019	Work Statement for Year 3 2020	Work Statement for Year 4 2021	Work Statement for Year 5 2022
	AUTHORITY-WIDE	\$64,764.00	\$64,764.00	\$64,764.00	\$64,764.00	\$64,764.00
	JAMES L CONLEY TATAKET APARTMENTS (MA047004005)	\$128,510.00	\$243,639.00	\$243,638.00	\$243,639.00	\$243,639.00
	ROSE MORIN (MA047004006)	\$164,384.00		\$1.00		

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2018				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$64,764.00
ID0004	Operations(Operations (1406))	Operations		\$33,924.00
ID0029	Administration(Administration (1410)-Other,Administration (1410)-Salaries)	Salaries - prorated		\$30,840.00
	JAMES L CONLEY TATAKET APARTMENTS (MA047004003)			\$128,510.00
ID0016	Roof Replacement - Admin Building(Dwelling Unit-Exterior (1480)-Roofs)	One (1) Building		\$30,000.00
ID0017	Harborview Kitchen Renovations (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	26+ Units Appliances, Cabinets, Sinks and Faucets, Other		\$49,255.00
ID0034	Copy of Harborview Kitchen Renovations (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	26+ Units Appliances, Cabinets, Sinks and Faucets, Other		\$49,255.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2018				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	ROSE MORIN (MA047004006)			\$164,384.00
ID0018	Roof Replacement - Asphalt - Rose Morin(Dwelling Unit-Exterior (1480)-Roofs)	10 Buildings		\$164,384.00
	Subtotal of Estimated Cost			\$357,658.00

Capital Fund Program - Five-Year Action Plan

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		2	2019	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NA.WASD)			\$64,764.00
ID0005	Operations(Operations (1406))	Operations		\$33,924.00
ID0030	Administration(Administration (1410)-Salaries, Administration (1410)-Other)	Salaries - prorated		\$30,840.00
	JAMES L CONLEY TATAKET APARTMENTS (MA047004005)			\$243,639.00
ID0020	Harborview Kitchen Renovations (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	12+ Units Appliances, Cabinets, Sinks, Faucets and Other		\$84,019.00
ID0021	Harborview Pave Parking(Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving)	1200 square feet		\$45,000.00
ID0022	Tataket Kitchen Renovations (Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Appliances)	20+ Units Appliances, Cabinets, Sinks, Faucets and Other		\$104,620.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		2019		
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0028	A&E Services(Contract Administration (1480)-Other Fees and Costs)	Harborview Paving		\$10,000.00
	Subtotal of Estimated Cost			\$308,403.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		3	2020	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$64,764.00
ID0006	Operations(Operations (1406))	Operations		\$33,524.00
ID0031	Administration(Administration (1410)-Other,Administration (1410)-Salaries)	Salaries - prorated		\$30,840.00
	JAMES L. CONLEY TATAKET APARTMENTS (MA047004005)			\$243,638.00
ID0019	Harborview Kitchen Renovations (Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	42+ Units Appliances, Cabinets, Sinks, Faucets and Others		\$243,638.00
	ROSE MORIN (MA047004006)			\$1.00
ID0027	Roof Replacement - Asphalt - Rose Morin(Dwelling Unit-Exterior (1480)-Roofs)	10 Buildings		\$1.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
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 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2020				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	Subtotal of Estimated Cost			\$308,403.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$64,764.00
ID0009	Operations(Operations (1406))	Operations		\$33,924.00
ID0032	Administration(Administration (1410)-Other,Administration (1410)-Salaries)	Salaries - prorated		\$30,840.00
	JAMES L CONLEY TATAKET APARTMENTS (MA047004005)			\$243,639.00
ID0023	Harborview Kitchen Renovations (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	42+ Units Appliances, Cabinets, Sinks, Faucets and Others		\$243,638.00
ID0026	Roof Replacement - Admin Building(Dwelling Unit-Exterior (1480)-Roofs)	One (1) Building		\$1.00
	Subtotal of Estimated Cost			\$308,403.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2022				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$64,764.00
ID0010	Operations(Operations (1406))	Operations		\$33,924.00
ID0033	Administration(Administration (1410)-Other,Administration (1410)-Salaries)	Salaries - prorated		\$30,840.00
	JAMES L CONLEY TATAKET APARTMENTS (MA047004005)			\$243,639.00
ID0024	Harborview Kitchens Renovations (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Other)	42+ Units Appliances, Cabinets, Sinks, Faucets and Others		\$243,638.00
ID0025	Roof Replacement - Admin Building(Dwelling Unit-Exterior (1480)-Roofs)	One (1) Building		\$1.00
	Subtotal of Estimated Cost			\$308,403.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year	1 2018
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Operations(Operations (1406))	\$33,924.00
Administration(Administration (1410)-Other,Administration (1410)-Salaries)	\$30,840.00
Subtotal of Estimated Cost	\$64,764.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
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 07/31/2017

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year	2019
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Operations(Operations (1406))	\$33,924.00
Administration(Administration (1410)-Salaries,Administration (1410)-Other)	\$30,840.00
Subtotal of Estimated Cost	\$64,764.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

<b>Part III: Supporting Pages - Management Needs Work Statements (s)</b>	
<b>Work Statement for Year</b> 3	2020
<b>Development Number/Name General Description of Major Work Categories</b>	<b>Estimated Cost</b>
Housing Authority Wide	
Operations(Operations (1406))	\$33,924.00
Administration(Administration (1410)-Other,Administration (1410)-Salaries)	\$30,840.00
Subtotal of Estimated Cost	\$64,764.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
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 2577-0274  
 07/31/2017

Part III: Supporting Pages - Management Needs Work Statements (\$)	
Work Statement for Year 4 2021	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Operations(Operations (1406))	\$33,924.00
Administration(Administration (1410)-Other,Administration (1410)-Salaries)	\$30,840.00
Subtotal of Estimated Cost	\$64,764.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 07/31/2017

Part III: Supporting Pages - Management Needs Work Statements (\$)	
Work Statement for Year	5 2022
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Operations(Operations (1406))	\$33,924.00
Administration(Administration (1410)-Other,Administration (1410)-Salaries)	\$30,840.00
Subtotal of Estimated Cost	\$64,764.00

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

Her Excellency Karyn Polito  
Lieutenant Governor of the Commonwealth  
Office of the Governor  
Massachusetts State House  
24 Beacon Street, Room 360  
Boston, MA 02133

Jay Ash  
Secretary of Housing & Economic Development  
1 Ashburton Place, Room 2101  
Boston, MA 02108

Lauren A. Liss  
President & Chief Executive Officer  
MassDevelopment  
99 High Street  
Boston, MA 02110

**Re: Joint Base Cape Cod Wastewater Facilities & Upper Cape Towns**

Dear Lt. Gov. Polito, Secretary Ash, and Ms. Liss:

On behalf of the four Upper Cape Cod towns – Bourne, Falmouth, Mashpee, and Sandwich – we are writing to respectfully request that you reconsider your decision to terminate any future consideration of MassDevelopment taking over ownership and oversight of the wastewater treatment facilities on Joint Base Cape Cod (“JBCC”). If you are willing to discuss this decision, we would also like to respectfully request a collective meeting at a time and location acceptable to you so we can explain our thoughts on this very important matter that impacts the entire Upper Cape and has spin off repercussions on all of Cape Cod where we are struggling to address our wastewater needs and requirements.

As you may know, the four Upper Cape towns have worked very diligently with JBCC officials and MassDevelopment for almost a decade to cooperatively address the wastewater needs of our communities and to determine how the JBCC infrastructure can best serve our region. These efforts, which began in earnest back in 2005 with the release of the UMass Donahue Institute Economic Impact Study of JBCC, have focused on how we could collectively work together to solve our region’s largest environmental problem, wastewater. Commensurate with that effort is a long-standing goal of the 102<sup>nd</sup> Intelligence Wing (“102<sup>nd</sup>”) to divest themselves of ownership and operation of the wastewater infrastructure which serves all of

JBCC. In addition to relieving a burden on the 102<sup>nd</sup>, it is a widely held belief that non-military ownership of the infrastructure will serve JBCC favorably the next time a Base Realignment and Closure ("BRAC") Commission is established by the federal government.

The 2005 economic impact study was supplemented by a 2009 Economic Diversification Plan prepared for MassDevelopment by Basile Associates, Inc. This study also reviewed the enhanced use of leasing concepts for JBCC operations, with special focus addressing the wastewater treatment needs of surrounding towns through the JBCC facilities. Following this study, several years of effort progressed the concept of leasing or transferring ownership of the JBCC treatment plant and associated facilities to MassDevelopment. It is our understanding that this transfer of operational ownership was extremely close to being finalized with MassDevelopment when a decision was made to immediately stop this effort a few months ago, without a larger regional meeting to discuss this possibility nor any notification whatsoever to the involved Upper Cape municipalities.

Perhaps what is most perplexing to us about the decision to suspend MassDevelopment consideration of taking over the JBCC treatment plant, even on a short-term basis, is the fact that the four Upper Cape towns have received two of the largest State Regional Community Compact grant awards to study this very topic with JBCC and State officials. Our first regional grant for \$135,000 was received in December 2016 with a full report submitted by consultant Wright Pierce in November 2017. This effort led to a second Regional Community Compact grant being approved in January 2018 for \$140,000. Work is about to start in earnest on this second State grant.

There are many other regional efforts we could point to over the last decade that exemplify how hard we have collectively worked on this joint wastewater effort. In addition, the Upper Cape communities are a model of how to work cooperatively with military installations to solve major problems in the most efficient and economic manner. The four Upper Cape towns and JBCC officials have addressed and solved major problems over the years: dozens of seemingly insurmountable water contaminations, establishment of an Upper Cape Water Protection Collaborative to share water resources between the four towns and JBCC, and huge progress identifying how the JBCC wastewater infrastructure can uniquely serve each of the four towns' and JBCC needs.

All of these efforts over the last 25 years have proven that JBCC is thought of and treated as the fifth Upper Cape town, not a separate, independent military installation. The Base and its personnel are our residents, neighbors, students, friends, and an integral part of our region and our economic well-being. It is clear to our communities that the 102<sup>nd</sup> Intelligence Wing needs to be relieved of the burden of owning and operating the wastewater plant. Helping the 102<sup>nd</sup> divest themselves of this responsibility can only help us in future BRAC processes and we do not want to lose JBCC as an active, joint military base on the Upper Cape. The JBCC is too valuable to all of us to lose. We believe MassDevelopment provides us with the most feasible & responsible option to take over ownership and supervision of the plant, even if only on a short to mid-term basis.

Consistent with these past efforts between the Upper Cape towns and JBCC is the recent development of the Cape Cod Area Wide Water Quality Management Plan ("208 Plan") which was approved by the Massachusetts Department of Environmental Protection and the U.S. Environmental Protection Agency in 2015. The 208 Plan recommends taking advantage of existing wastewater treatment and disposal facilities and specifically identifies the JBCC wastewater facilities as presenting significant potential cost savings for Upper Cape towns.

One key point we would like to stress is if the State has indeed decided to stop any future consideration of MassDevelopment taking over the JBCC wastewater infrastructure that we be told this as soon as possible. We do not want to waste valuable time and State grant funding if MassDevelopment is no longer an option in the State's eyes.

Again, we would respectfully like you to reconsider your decision to withdraw consideration of MassDevelopment assuming ownership and oversight of the JBCC wastewater infrastructure. If you are willing to reconsider this decision, we would like to meet with you as a group to discuss this long-term, critically important effort. We are more than willing to come to Boston for a meeting if that would be more convenient for all of you.

Thank you for your consideration of this request. We greatly appreciate all the State has done to support Cape Cod's efforts to restore water quality and address wastewater needs for our entire region, and especially the Upper Cape and JBCC.

Respectfully yours,

Peter J. Meier  
Chairman, Board of Selectmen  
Town of Bourne

Thomas M. Guerino  
Town Administrator  
Town of Bourne

Susan L. Moran  
Chairman, Board of Selectmen  
Town of Falmouth

Julian M. Suso  
Town Manager  
Town of Falmouth

Carol A. Sherman  
Chairman, Board of Selectmen  
Town of Mashpee

Rodney C. Collins  
Town Manager  
Town of Mashpee

David Sampson  
Chairman, Board of Selectmen  
Town of Sandwich

George H. Dunham  
Town Manager  
Town of Sandwich

cc: Upper Cape Cod State Legislative Delegation  
Joint Base Cape Cod Commanders  
The Adjutant General, Massachusetts National Guard  
Executive Director, Cape Cod Commission  
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# NFWF

## **National Coastal Resilience Fund 2018: Coonamessett River Restoration Project (Phase 2), Falmouth, MA**

### **1. Coastal Community Context:**

The Town of Falmouth ("Town"), the Coonamessett River Trust, the MA Division of Ecological Restoration are joined by many other partners in undertaking the restoration of the lower Coonamessett River and associated former cranberry bog complex in Falmouth, Massachusetts ("Project"). The Coonamessett River flows approximately 3 miles from the 158-acre kettle-hole Coonamessett Pond to tidal Great Pond estuary and thence 2 miles to empty into Vineyard Sound. Cape Cod's geology is glacial outwash and sand-and-gravel moraine. Because of this geology, the Coonamessett River is fed almost entirely by cold groundwater rather than by surface runoff. Thus, except where an impoundment and the legacies of agriculture continue to impact stream temperature, the river water is naturally cold. Furthermore, as a groundwater-fed system, the hydrology is extremely stable, rarely fluctuating more than a foot, even during extreme storms. The stability and coldwater hydrology means that the Coonamessett River has high restoration potential as well as the potential to continue to host Eastern brook trout and river herring during climate change. Furthermore, most of the river corridor is protected land owned by Town of Falmouth or The 300 Committee Land Trust (XXX acres). While the upper part of the river is largely forested, the lower Coonamessett River flows through 39 acres of recently abandoned cranberry bogs purchased by the Town of Falmouth for conservation land and then 17 acres of recently restored habitat. These former bogs and the river corridor through the bogs are the focus of this proposal.

Phase 1 of the Project is complete, resulting in the removal of the first dam from the ocean (replaced by a boardwalk/river crossing) and restoration of 1600 linear feet of in-stream habitat and 17 acres of riparian corridor (former cranberry bog). The Town has completed 75% design plans for the Phase 2 of the Project, which includes removal of a second dam (to be replaced by another boardwalk/river crossing), replacement of a failing road-stream crossing (to be replaced by a MA approved stream crossing culvert), and restoration of the remaining 39 acres of the cranberry bog complex and 3,000 linear feet of the Coonamessett River. The Town requests \$300,000.00 from NFWF that will be used to complete implementation of the Phase 2 design, which will supplement funding from NOAA, NRCS and others, and allow the project to move towards implementation.

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

Currently, the resilience of the site is reduced through the historic anthropogenic manipulation of the river and bogs. Migratory fish have limited access to spawning grounds due to the presence of in-stream barriers (dams and culverts). These culverts also restrict flows, and reduce storm surge protection and the potential for salt marsh migration. The anthropogenically manipulated bog platform itself contains 2-4 feet of added sand and is in the FEMA mapped flood zones; the entire project area is projected to be inundated by Category 2 and

Category 3 hurricanes. The present barriers (to be removed in this project) are restrictive and limit flood mitigation values and ground/surface water exchange.

With this proposal, the Town of Falmouth seeks to remove two dams and restore in-stream and riparian habitat along an additional 3000 linear feet of the Lower Coonamessett River. The strategy is appropriate because it: 1) focuses on the area of the Coonamessett River that is highest priority for restoration; 2) addresses and reverses the stressors that limit the river ecosystem ; and, 3) it restores a natural, self-sustaining system and increases its resiliency to potential impacts of storms and climate change, with no long-term maintenance needed. The strategy is based on studies completed by the Town and guided by a Technical Team of federal, state, and local experts and stakeholders. The Town of Falmouth has phased implementation of the overall restoration plan in order to make best use of the Town's limited resources.

Ultimately, financial support from the NFWF National Coastal Resilience Fund will allow the Project to achieve its goal of a restored wetland complex, improved access to the 158 acre Coonamessett Pond and a free-flowing riverine system that provides a lasting ecological benefit to river herring, American eel, eastern brook trout, as well as resident fish. Achieving this goal will advance the resiliency goals for the Town by providing increased flood storage capacity, coldwater habitat for important managed species, and encourage wetland plant and animal biodiversity with the construction of microhabitats on the floodplain

## **2. Activities:**

Activities during the award period and their relevance to the objectives of the NFWF National Coastal Resilience Fund include:

- 1) removal of a dam ("Middle Dam") that is under stress from an increase in the magnitude and frequency of storms and reduces storm surge capacity. It is also a barrier to salt marsh migration and fish passage and to floodplain connectivity;
- 2) replacement of the undersized and failing John Parker Road culverts with a structure that can pass the full range of flows consistent with an increase in the magnitude and frequencies of storms as well as provide passage for fish and wildlife;
- 3) selective removal of the anthropogenic sand layer and breaking up the cranberry platform to improve ground/surface water exchange and increase flood storage/mitigation potential; and development of a microtopographically complex surface to encourage natural plant diversity
- 4) restoration of a free-flowing river that can change width, depth, and form as necessary to adapt to changes in hydrology associated with changes in climate.

## **3. Outcome(s):**

*Elaborate on the outcome(s) anticipated for both the target coastal community and the targeted wildlife/habitat as a result of the project if funded. Outcomes should be specific and measurable and should reference how they align with established resilience plans where applicable (provide links to plans when possible).*

Paragraph on long term coastal resiliency goals of the Town

The Town of Falmouth's long term goal for the Coonamessett River is to restore natural, self-sustaining, ecological functions and processes in and along the corridor to improve wildlife habitat, to increase resiliency,

and to improve access to the river and its bordering wetlands for public recreation and education. The work described in this proposal will result in improved channel complexity in the Lower Coonamessett River, including large woody debris, pools, and areas of slow and fast-moving water; riparian cover and reduced water temperatures; future large woody debris recruitment from the newly planted trees; and barrier-free habitat for Eastern brook trout and river herring. We expect that Eastern brook trout will soon expand their range from the forested headwaters to the improved habitat in the lower Coonamessett River, and likely develop a sea-run population. River herring, meanwhile, will have improved passage to spawning habitat in the 158-acre Coonamessett Pond and will increase in population.

The restored connectivity of the floodplain (north-south, east to west and upwards and downwards) as well as the restored river channel and the riverine buffers will enhance resiliency of this system in several ways:

- It will increase the capacity of the system to accommodate floodwaters, both coastal storm surge and storm water runoff. This will protect properties that lie downstream of the restored area, including the abutments of a major highway crossing, State Route 28.
- It will provide coldwater habitat for fish species of interest.
- It will provide room for upriver migration of saltwater benthic plant communities (saltwater marsh) resulting from sea level rise.
- The biodiversity of the restored natural plant community wetland plant community developing in the restored diverse wetland habitat can better rebound from storm impacts.

The Town of Falmouth proposes the removal of two dams, in-stream habitat restoration, floodplain reconnection, and riparian planting (please refer to attached maps). All work will take place on land and structures owned by the Town of Falmouth (please see 75% engineering plans included with this proposal). The current engineer's estimate of probable cost for Phase 2 is \$1,788,000 (note that this number may change with subsequent iterations of the design during the permitting process). In this proposal we are requesting \$300,000 from NFWF for project implementation (including construction and management) to be matched by \$306,000 for project administration (including selection of contractor and construction oversight), surveying, monitoring herring movement, and construction of a pedestrian river crossing/boardwalk. An additional \$1,418,667 required for the project is being provided through grants already obtained from NOAA (\$752,000), NRCS (\$500,000) and match cash from Town of Falmouth (\$166,667) and \$70,000 from MA Division of Ecological Restoration. All proposed work has been guided by a Technical Advisory Committee comprising the Town, the Massachusetts Division of Fisheries and Wildlife, the Massachusetts Division of Marine Fisheries, the NOAA Restoration Center, the Massachusetts Division of Ecological Restoration, the Coonamessett River Trust, The 300 Committee (the Town of Falmouth's land trust), and various town staff.

The work plan is as follows. These actions are at 75% design and are currently being permitted. They will be constructed with the help of the funds requested in this proposal:

1. Remove Middle Dam and replace culvert under John Parker Road with a MA approved stream crossing culvert. Both are owned by the Town of Falmouth. These are the final two major impediments to fish passage that river herring come to as they migrate upstream from the ocean. Removal of these two dams will open up more than 2.2 miles of free flowing stream and reconnect 4600 linear feet of floodplain. The Town will construct a boardwalk and footbridge in place of the dam using funds from other sources.
  - Middle Dam is also an earthen embankment structure of approximately 550 feet in length and 24 feet wide at the crest. Middle Dam was built to control water levels for the cultivation of cranberries. Currently, residents use the footpath on top of the dam for walking, birdwatching, and wildlife observation. The spillway culvert is perched and, depending on flow conditions and individual fish, can be either a partial or full barrier. This dam will be removed as part of this proposal.
  - John Parker culverts currently are three small deteriorating metal pipe culverts that restrict the flow of the river and passage of fish. These will be replaced by a MA DOT approved stream crossing, a concrete

culvert. There will also be a sidewalk across the "bridge", which does not presently exist, improving safety for pedestrian visiting the river

2. Restore in-stream habitat in 3000 linear feet of the Lower Coonamessett River (adding to the 1600 feet already restored).

The Town of Falmouth will increase the sinuosity of the artificially straightened Lower Coonamessett River. Meanders will be constructed in strategic locations and side channels will be constructed to connect to cold groundwater seeps. Large woody habitat will be installed throughout the channel, but particularly at meander bends, to increase scour pools, narrow the channel, and provide cover for fish and wildlife. The Town has already designed and is in the process of permitting this work. Please see attached 75% plans for the details of the design.

3. Restore riparian vegetation and reconnect the river with its floodplain (39 acres; 3000 linear feet). The Town seeks to reconnect the Lower Coonamessett River to its 56-acre floodplain (17 acres already restored in Phase 1) by removing two to three feet of anthropogenic sand along the river. The sand was applied by cranberry growers during the 100 years of cranberry production. Sand removal will be most extensive directly adjacent to the river and will grade back towards the upland edge. Following sand removal, and construction of a mound and pit microtopography, the floodplain buffer will be planted with native trees and shrubs. Thirty-nine acres and 3000 linear feet of floodplain reconnection and riparian buffer restoration, the removal of Middle Dam, its replacement by a river crossin/boardwalk, as well as a MA DOT approved culvert are currently in permitting.

River restoration and barrier removal actions will be sequenced as follows:

Prior to receipt of NFWF grant: Complete permitting of Middle Dam Removal and John Parker culvert replacement and in-stream habitat restoration. The MEPA process is an Expanded Notice of Project Change (ENPC); it has been filed and a decision is expected soon. The Massachusetts Combined 401 Water Quality Certificate / Chapter 91 Dredge Permits are in internal review and will be filed in July 2018, as is the Army Corps of Engineers 404 Pre-Construction Notification (formerly Category 2 of the General Permit). The Notice of Intent and the Ch.91 stream crossing permits are in preparation and will be filed in early fall 2018. All permits will be in hand by the end of November 2018. Upon receipt of permits, the 75% plans will be updated to 100% plans based on any feedback from regulators. The design engineer (Inter-Fluve, Inc.) will develop technical specifications and the Town will prepare for the construction bidding process.

Year 1: January 2019-December 2019. The Town of Falmouth will put the project out to bid for construction in late November 2018. A wheelchair accessible boardwalk/foot bridge will be constructed as a replacement for but prior to the removal of middle dam. The two boardwalk/river crossings will link to wheelchair accessible trails on the east and west shore of the floodplain, forming a loop trail. The selected construction company will restore in-stream habitat in Middle and Upper bogs (and use middle dam for construction activities prior to its removal). Additional sinuosity will be added to the river, large woody debris will be added at meander bends to create and maintain pools and add cover for migrating fish. The river will be reconnected with its floodplain by removing excess sand applied over 100 years of cranberry cultivation. Sand will be removed along the river corridor to an elevation that provides for floodplain storage. The surface of the floodplain will be left as mound and pits to develop microhabitats. The riparian corridor will be planted with native trees and shrubs for bank stability, cover, and to prevent further warming of the water. Cranberry bog ditches will be filled with excavate. The John Parker crossing will have a new MA approved stream crossing culvert and the roadway will be provided with a sidewalk. All work will adhere to Time of Year Restrictions for river herring, American eel, and Eastern brook trout. See 75% design plans attached. All construction work will be overseen by Inter-Fluve, the design engineer.

Year 2: January 2020-October 2020. The restoration work described above not yet completed (e.g., some plantings) will be finished. All construction work will be overseen by Inter-Fluve, the design engineer.

Future years: The Town of Falmouth is committed to restoring the entire lower Coonamessett River corridor, and will begin conceptual planning for the upper reaches (above the current CRRP, which is the lower Coonamessett River) within the next year. The upper river is generally freeflowing, but improvements will be made to its buffer

#### **4. Tracking metrics**

Effectiveness monitoring for the Coonamessett River Restoration Project is being led by the Division of Fisheries and Wildlife and the Coonamessett River Trust in partnership with volunteers and the Town of Falmouth. The monitoring work seeks to track Eastern brook trout and river herring movement and populations in the river before and after the removal of river barriers and in-stream habitat restoration. Monitoring will also track the effectiveness of the riparian restoration work. All of the monitoring work involves professionals in the field and citizen volunteers. Based on previous years, the Town of Falmouth estimates that approximately 44 people participate in monitoring each year. That participation will continue throughout the life of this grant.

Eastern brook trout population and movement monitoring (ongoing since the 1950s). Eastern brook trout monitoring will answer the following questions: What is the brook trout population in the Coonamessett River? How much of the Coonamessett River are Eastern brook trout using currently? How does this change with restoration of the Lower Coonamessett River? To answer these questions, the Massachusetts Division of Fisheries and Wildlife, with assistance from the Sea Run Brook Trout Coalition and volunteers, carries out two electro-fishing surveys of the Coonamessett River each year. The surveys quantify numbers of Eastern brook trout (and other fish) as well as the size and age class of each fish. Each year, the Division PIT-tags a certain number of fish to track their survival over time. In addition, the Division is seeking funding for antennas that can be used to track the movement of PIT-tagged trout throughout the watershed. This survey work will continue as the restoration work takes place and will allow us to see whether trout take advantage of the restored habitat. Biologists expect that trout will likely wait until the entire Lower Coonamessett River is restored before fully making use of it during summer months. Two reports will be generated during the grant period, one each year.

River herring movement monitoring (began in 2015; has taken place in 2016, 2017 and 2018; will continue long term). This project is led by the Coonamessett River Trust. The lead is Linda Deegan (Ph.D. research scientist), who has published papers on using PIT tags to track fish in river systems, and is working with the Coonamessett River Trust members and volunteers. The monitoring work will answer the following questions: What percentage of river herring reach the Coonamessett Pond? How long does it take them to travel to the pond and how long do the adults remain in the system? How does this change with removal of the two dams and restoration of habitat? The Trust proposes to collect approximately 400 - 500 incoming adult herring in the southern most portion of the restored river and tag the fish with passive integrated transponder (PIT) tags. Tagging will occur between mid-April when the initial run of alewives is clearly underway, and late May when a substantial later run including bluebacks has been observed to take place. The Trust will use whole width stream antennae. Four antennas will provide information on the core questions. Data loggers will be downloaded weekly. Data will be provided to the public periodically throughout the monitoring period and will be summarized in a report each summer. The public has the opportunity to "adopt" a river herring, name it, and track its movement through the Coonamessett River. See [https://jonesaw4.shinyapps.io/Coon\\_Fish\\_Donors\\_2016/](https://jonesaw4.shinyapps.io/Coon_Fish_Donors_2016/) for an example of how the "Adopt-a-Herring program shares tracking information with the public. Two reports will be generated on this work during the grant period.

River herring abundance monitoring (ongoing). This volunteer-based monitoring program will determine whether the abundance of river herring is changing over time. Monitoring follows a protocol developed by

MA DMF and managed by the Association to Preserve Cape Cod (see <http://www.apcc.org/herring/>). Volunteers conduct visual counts every hour between 7 pm – 11 pm (3 random 10-min counts per hour), during the upstream migration every night from April 25 – May 20<sup>th</sup> or as long as the herring are present. Counting is done as the fish move over a white plank installed in the bottom of the river at Middle Dam (to be replaced by a pedestrian boardwalk). The Association to Preserve Cape Cod publishes the results of this monitoring annually and compares the results to other river herring counts on Cape Cod.

Riparian restoration monitoring (ongoing annually). This work seeks to track the evolution of the riparian buffer post-restoration. Vegetation will be measured by percent cover of various plant species in the project area, collected mid-summer before restoration and for two years after restoration. Longer term, vegetation reestablishment will be tracked through photo points visited at least annually by volunteers. In the short term, the Botanical Club of Cape Cod and the Islands (BCCCI) will make several annual site visits to the lower and middle Coonamessett River retired cranberry bogs to continue monitoring of vegetation changes. Usually 8- 10 people work as a team to conduct the surveys. Many have Ph.D.'s and work as scientists at local institutions or as wetland consultants. Habitat conditions and plant occurrences are photo-documented. BCCCI maintains a species list and documents new occurrences. Specimens collected for identification and as vouchers are preserved as herbarium specimens and may be added to the MBL/WHOI Library Herbarium (SPWH). Cataloged specimens will be scanned and made available to all in our fully searchable Digital Herbarium. We estimate that time spent at the site, approximately 40 person hours each year, will be matched by time in the Herbarium preparing and identifying specimens and working on species lists and reports. Plans for the seed collection as part of the Seeds of Success East Coast seed collection project are in process, and additional time, estimated at 20 - 30 hours, will be spent during 2016. Vegetation data will be initially collected in field notebooks, and photographs, transferred to electronic spreadsheets for storage and analysis. Voucher specimens are curated at the Marine Biological Laboratory/Woods Hole Oceanographic Institution and the Botanical Club of Cape Cod and the Islands. The Botanical Club summarizes data collection in reports and plant lists annually.

## 5. Project Team

The Town is partnering with federal, state, and local organization to carry out the Coonamessett River Restoration Project. The Coonamessett River Restoration Project is overseen by a Technical Team of agencies, NGOs, and Town of Falmouth Staff. Members of this team have worked together for nearly six years to bring it to construction. Resumes of key team members are included in the supplemental files for this grant proposal.

- MA Division of Ecological Restoration (Ms. Beth Lambert and Mr. Eric Ford) will continue to advise the project. DER typically contributes \$30,000 - \$40,000 towards each fiscal year; that contribution will continue pending annual authorizations from the Commonwealth. DER has participated in over 40 river restoration projects, including five cranberry bog restorations.
- MA Division of Fisheries and Wildlife (Mr. Steve Hurley) has worked on the Coonamessett for more than 25 years, studying fish populations and monitoring temperatures at critical points along the river. Recently he has re-established a brook trout population. Mr. Hurley will contribute to planning and continue to contribute to the physical and biological data base of the Coonamessett.
- MA Division of Marine Fisheries (Mr. Brad Chase) will continue to assist the Town in restoration planning and management of the herring populations. MA DMF also reviews the river herring monitoring program and ensures that it is technically sound and does not harm the river herring population.
- NOAA Restoration Center (Mr. Jim Turek) has worked closely in the past and will continue to assist the Town in restoration planning. NOAA has also provided early funding for the conceptual planning (FAF/NOAA grant; see attached conceptual report "Coonamessett alternatives").

- Town of Falmouth Conservation Commission. Ms. Jennifer McKay, a wetlands biologist, is Conservation Administrator (since 2005). She has administered several prior grants awarded to the Conservation Commission (including three grants for Coonamessett restoration), and will administer and coordinate all aspects of this project, working with the Conservation Commission and Dr. Elizabeth Gladfelter, a coastal scientist and a Conservation Commissioner, and Mr. Mark Kasprzyk, Land Management Technician in the Conservation Department.
- Town of Falmouth Department of Public Works. Mr. Peter McConarty, a civil engineer and professional land surveyor, is the Deputy Director of DPW and Mr. James McLoughlin is Town Engineer. They will continue to work with the consultant on the bid process and construction management, coordinate all contributions of DPW to the project (e.g., final surveys at project end).
- Mr. Chuck Martinsen, Deputy Director of the Department of Marine and Environmental Services, will continue to coordinate stream maintenance activities, be a part of the planning process in this project, and work with the herring movement monitoring volunteers.
- Design engineers. Inter-Fluve, Inc. is the design firm for the Coonamessett River Restoration Project. Inter-Fluve was chosen through a competitive process. Inter-Fluve is a niche firm that focuses on the ecological restoration of rivers and wetlands. This is the fourth former cranberry bog / degraded river project for which Inter-Fluve has carried out the design, permitting, and overseen construction. Mr. Nick Nelson is managing the design and permitting on behalf of Inter-Fluve for the Town of Falmouth.

Community and NGO organizations are crucial partners and supporters of the Coonamessett River Restoration Project.

Several stakeholder groups are involved in the planning and monitoring in a hands-on way; see attached letters of commitment for documentation:

- Coonamessett River Trust (CRT) is dedicated to river restoration and monitoring of the Coonamessett River. Its members include a number of qualified experts, many of whom are scientists at private research organizations in Falmouth, including the Marine Biological Laboratory, the Woods Hole Research Center, and the Woods Hole Oceanographic Institution. They manage and maintain some of the river data bases, have loaned some of the monitoring equipment (flow and temperature), conduct biological surveys, and train other volunteers. CRT is bringing the "Adopt a Herring" project to the public schools including providing sessions with the students learning about the importance of herring to Falmouth. Each student "adopts" a river herring that has been PIT-tagged and tracks his or her herring through the various fish passage barriers and predation risks in the river. CRT also trains volunteers to count river herring per MA DMF's volunteer-based protocols. CRT documents all volunteer hours for the project. CRT will continue to contribute monitoring, maintenance, scientific and educational activities related to this project.
- The Botanical Club of Cape Cod and the Islands (based in Falmouth), has conducted annual surveys of the flora of Lower Bog and will continue to assist Interfluve in developing a vegetation plan for Lower Bog. They will continue monitoring vegetation changes in Lower Bog and begin assessments of Middle Bog in summer 2016. They have supplied seed for the restoration that will be collected in collaboration with the New England Wildflower Society.
- The 300 Committee (T3C), Falmouth's land trust, has provided surveying information relevant to this project, has an stewardship program and actively participates in management of Town lands as well as their own holdings, will continue to identify and help obtain land to add to the Coonamessett Greenway, and coordinates with the Town and other organizations to develop the Coonamessett Greenway Heritage Trail. The two pedestrian river crossing boardwalks were funded through the Community Preservation grants co-applied for by T3C and ConCom.

The Coonamessett River Restoration Project is highly visible in the community of Falmouth, so much so that in the past (2000-2006) it generated significant controversy and stalled for several years. Now, however, the project enjoys significant public support and momentum. The Town and partners maintain a transparent planning process for the restoration work. Two public meetings were held during the feasibility study in 2012; a third public meeting was held to present the 75% plans for restoration in December 2014. Town volunteers

give numerous presentations on the project to Town Meeting, Town Commissions, the Board of Selectmen, the Conservation Commission, non-profit organizations, and others to make sure that all stakeholders are aware of the process and that their views are heard and incorporated. The CRT holds several well attended public lectures each year at Falmouth Public Library featuring river ecology and results of monitoring. Another round of Town initiated public meetings and field tours took place in 2017 and 2018.

## 6. Other

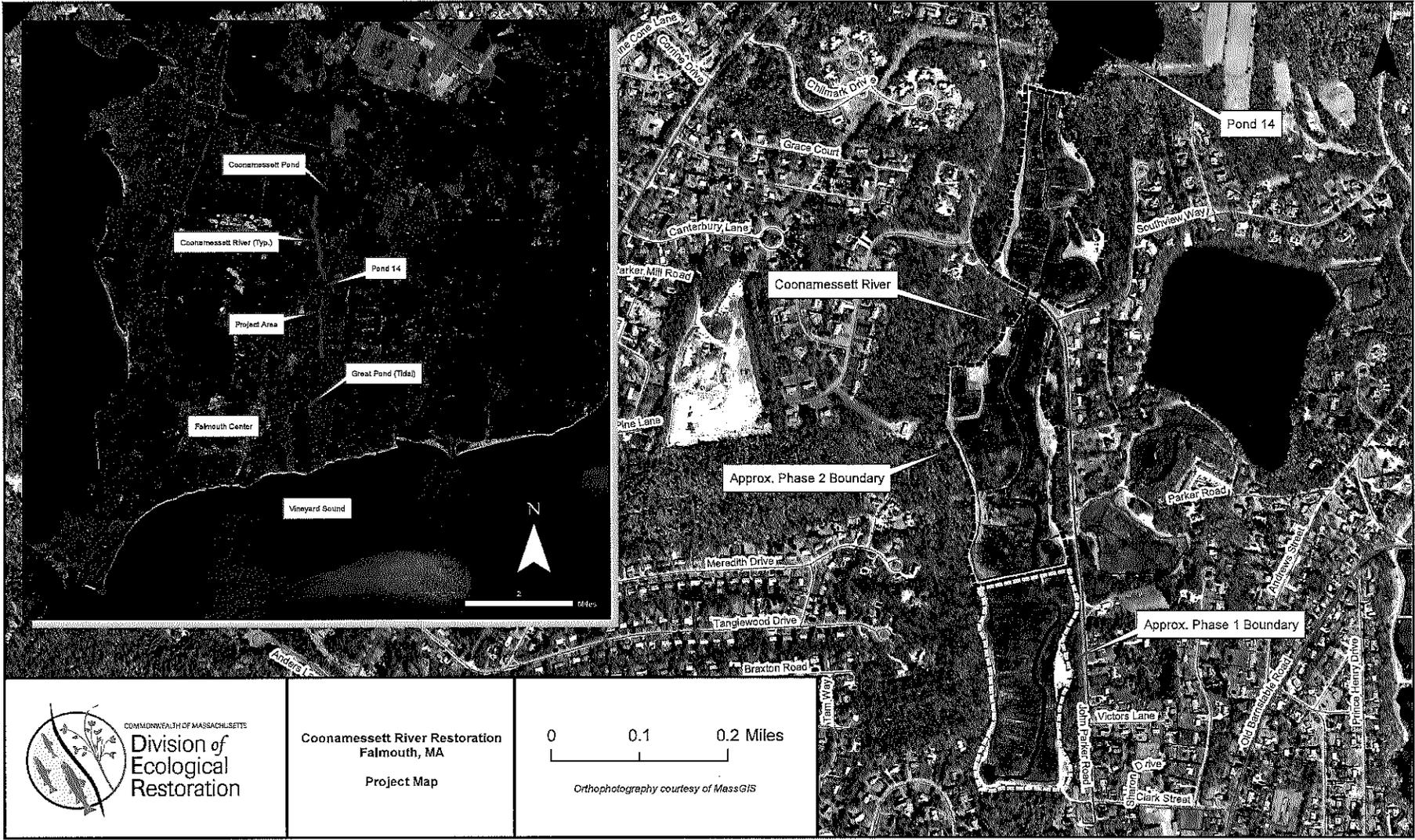
The Coonamessett River Restoration Project is regionally significant and will yield important information about river restoration practices at former cranberry bog sites. The Coonamessett River Restoration Project is one of five ongoing or completed projects that restore groundwater- coldwater streams that flow through former cranberry bogs in Southeast Massachusetts. Two of these projects have been completed (Eel River Headwaters Restoration and Tidmarsh Farms Restoration). Three are in planning (Red Brook Headwaters Restoration in Wareham; Cold Brook Restoration in Harwich; Child's River, Falmouth). All involve naturally coldwater streams, former cranberry bogs, and similar types of ecological stressors. Each project has unique characteristics, however. The Coonamessett River Restoration Project, for example, focuses on the downstream end of the river near head-of-tide, while the other projects restore headwaters streams and wetlands. We expect to see many other cranberry bogs retired in the coming years as the economics of commercial cranberry production continues to change. The results of the Coonamessett River Restoration Project will allow practitioners to continually refine and improve restoration techniques in these kinds of river and wetland systems. Outcomes of this work will be shared at regional forums such as the Society for Wetland Scientists, the Association of Massachusetts Wetland Managers, and the Society for Ecological Restoration.

The results of river herring and Eastern brook trout population and movement monitoring will be shared with the community and through scientific journals and conferences. For an example of how the river herring information is being shared with the community, please see the Coonamessett River Trust's website, which allows community members to track the behavior of the river herring that they "adopted" ([https://jonesaw4.shinyapps.io/Coon\\_Fish\\_Donors\\_2016/](https://jonesaw4.shinyapps.io/Coon_Fish_Donors_2016/)). The results of the fish movement tracking with PIT tags will be shared at regional or national forums such as the Annual American Fisheries Society (AFS) Conference or the local AFS chapter meeting. Vegetation changes along the Coonamessett have been presented by members of the Botanical Club of Cape Cod and the Islands at regional and national conferences. The Town of Falmouth and the Coonamessett River Trust lead outreach on restoration goals and results by giving at least five presentations on the Coonamessett River Restoration Project each year to interested groups and residents in the Town. Examples of interested groups include pond associations in the watershed, the fisherman's association that is helping with herring monitoring, teachers in the Falmouth school system, and classrooms of students. The Coonamessett River Restoration project and its monitoring activities have been featured in local newspaper and magazine stories.

Also, the Town of Falmouth is developing the Coonamessett Greenway Heritage Trail, partnering with other environmental and historical associations in town (e.g., The 300 Committee, CRT, the Coonamessett Pond Association, the Falmouth Preservation Alliance) that will extend from the Coonamessett Pond in the north approximately 3.5 miles southward to the current site of Lower Bog Dam entirely through conservation land that borders the river. The Coonamessett Valley will be used to explain a universal story of the evolution of the landscape through human activities. In the case of the Coonamessett (a Wampanoag name meaning 'place of the long fish', referring to the American eel, an important food source for the indigenous early inhabitants of the region, the changing land use history of the river (a source of fish by native Americans, early industrial uses as mill streams, later conversion to cranberry bogs, controversies between dam dependent industrial use and fisheries, and now ecological restoration) can be related to changing economic priorities through time. There will be a series of interpretive kiosks along the trail that will highlight the environmental and cultural history of

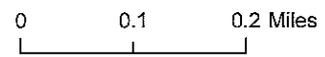
the river, including the restoration work outlined in this proposal. The Town engages the local media through one-on-one site tours and press releases. Approximately 400 people are now reached each year through lectures and field tours; approximately 40-60 people typically attend each event, and the Town expects that interest will grow as the restoration work gets underway. The recent ribbon cutting for Dexter's Mill Crossing (where Lower dam was removed, and named for the first mill built on the river in 1700) had 165 attendees, who were addressed by legislative supports and funders.

The Town of Falmouth has become proactive in restoring its natural resources. It is already networking with other landowners to explore similar restoration work on other streams. Several years ago, the Town restored a fish ladder at another herring run, Cedar Lake. The Town was recently approached by the Falmouth Rod and Gun Club, which owns much of the headwaters of the Childs River, a watershed east of and parallel to the Coonamessett River. The Rod and Gun Club is now actively engaged in restoring former cranberry bogs and in-stream habitat on lands that it owns. Finally, the Town Department of Marine and Environmental Services is also developing plans for the Caleb/Bourne Pond herring and American eel restoration project. The Town has made improving the ecological health of its natural resources a high priority, and the restoration of the Coonamessett River will be a key contribution to this effort.



COMMONWEALTH OF MASSACHUSETTS  
**Division of Ecological Restoration**

**Coonamessett River Restoration**  
**Falmouth, MA**  
 Project Map



*Orthophotography courtesy of MassGIS*



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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## PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on Monday, July 23, 2018 at 7:30 p.m. on the application for amendment of Fuel Storage License of Savon Hatem, LLC for permission to install one 8,000 gallon aboveground storage tank (AST) for the storage of II diesel fuel, to be located at 561 Thomas B. Landers Road, Falmouth, MA.

Susan L. Moran, Chairman  
Board of Selectmen

*Publication Date: Friday, June 29, 2018*

*Copy to: Abutters*

**Diane Davidson**

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**From:** Mel Trott <mtrott@falmouthfire.us>  
**Sent:** Friday, July 20, 2018 4:18 PM  
**To:** 'Diane Davidson'; 'Timothy Smith'  
**Subject:** RE: Application for Above Ground Storage Tank

Hi Diane,

The owner's engineer has already been in touch with me concerning this project and I am quite familiar with it. No site inspection is required, I believe all that needs to be done is to amend his current license to add the additional storage.

Mel

*Lt. Mel Trott*

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



FP-002A  
(Rev. 1.1.2015)

The Commonwealth of Massachusetts  
City/Town of \_\_\_\_\_

### Application For License

Massachusetts General Law, Chapter 148 §13

New License     Amended License

GIS Coordinates
<u>41.615509</u> LAT.
<u>-70.605434</u> LONG.
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

561 THOMAS B. LANDERS ROAD, HATCHVILLE

Location of Land: PARCEL ID 15 03 021 003  
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: SAVON HATEM LLC

Address of Land Owner: 607 MAIN STREET FALMOUTH, MA 02540

Use and Occupancy of Buildings and Structures: GARAGE (H-3)

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

#### Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>DIESEL FUEL</u>	<u>II</u>	<u>8,000</u>	<u>gallons</u>	<u>AST</u>

Total quantity of all flammable liquids to be stored: \_\_\_\_\_

Total quantity of all combustible liquids to be stored: 8,000

Total quantity of all flammable gases to be stored: \_\_\_\_\_

Total quantity of all flammable solids to be stored: \_\_\_\_\_

**LP-gas** (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: \_\_\_\_\_  
List sizes and capacities of all aboveground containers used for storage: \_\_\_\_\_

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: \_\_\_\_\_  
List sizes and capacities of all underground containers used for storage: \_\_\_\_\_

Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

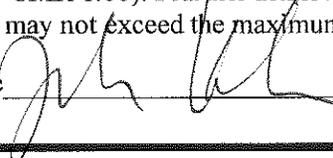
Total aggregate quantity of all classes of fireworks to be stored: \_\_\_\_\_

**Explosives** (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.1: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.2: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.5: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.6: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

I, \_\_\_\_\_, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature  Date 6/11/2018 Name JOHNNY HAVEN

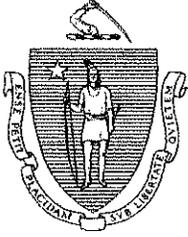
*Fire Department Use Only*

I, \_\_\_\_\_, Head of the \_\_\_\_\_ Fire Department endorse this application with my

Approval  Disapproval

Signature of Head of the Fire Department \_\_\_\_\_ Date \_\_\_\_\_

Recommendations: \_\_\_\_\_



The Commonwealth of Massachusetts  
City/Town of \_\_\_\_\_

GIS Coordinates  
41.615509  
LAT.  
-70.605434  
LONG.  
License Number

FP-002  
(Rev. 1.1.2015)

License

Massachusetts General Law, Chapter 148 §13

New License  Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,  
a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 561 THOMAS B. LANDERS ROAD HATCHVILLE  
PARCEL ID 15 03 021 003  
Number, Street and Assessor's Map and Parcel ID  
Owner of Land: SAVON HATEM LLC  
Address of Land Owner: 607 MAIN STREET FALMOUTH MA 02540

**Flammable and Combustible Liquids, Flammable Gases and Solids**

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
DIESEL FUEL	II	8,000	gallons	AST

**LP-gas** (Complete this section for the storage of LP-gas or propane)

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: \_\_\_\_\_  
List sizes and capacities of all aboveground containers used for storage \_\_\_\_\_
  - ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: \_\_\_\_\_  
List sizes and capacities of all underground containers used for storage \_\_\_\_\_
- Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_
  - ❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_
  - ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_
- Total aggregate quantity of all classes of fireworks to be stored: \_\_\_\_\_

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

**Explosives** *(Complete this section for the storage of explosives)*

- |  |   |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

**Licensing Authority Use:**

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

**ADDITIONAL RESTRICTIONS:**

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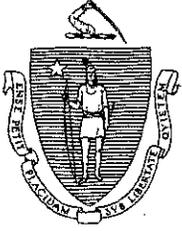
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Signature of Licensing Authority

Title

Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY  
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**



The Commonwealth of Massachusetts  
 City/Town of Falmouth

Current  
 license

**License**

Massachusetts General Law, Chapter 148 §13

FP-002  
 (Rev. 1.1.2015)

New License     Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,  
 a license is hereby granted to use the land herein described for the purposes described.

Location of Land: Lot 3 Thomas B. Landers Road, parcel ID 15 03 021 003

Number, Street and Assessor's Map and Parcel ID

Owner of Land: Savon Hatem, LLC

Address of Land Owner: 607 Main Street, Falmouth, MA 02540, Garage (H-3)

**Flammable and Combustible Liquids, Flammable Gases and Solids**

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums Truck #1
Gasoline	I	12,000	gal.	Truck #1
Gasoline	I	12,000	gal.	Truck #2
Gasoline	I	12,000	gal.	Truck #3
Gasoline	I	12,000	gal.	Truck #4
Gasoline	I	12,000	gal.	Truck #5

**LP-gas** (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: N/A  
 List sizes and capacities of all aboveground containers used for storage \_\_\_\_\_

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: N/A  
 List sizes and capacities of all underground containers used for storage \_\_\_\_\_

Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

❖ Maximum amount (in pounds) of Class 1.3G: N/A

❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_

Total aggregate quantity of all classes of fireworks to be stored: N/A

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY  
 POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

**Explosives** (Complete this section for the storage of explosives)

- |  |   |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: <u>      N/A      </u>      | Number of magazines used for storage: <u>      N/A      </u>      |
| ❖ Maximum amount (in pounds) of Class 1.2: <u>                    </u> | Number of magazines used for storage: <u>                    </u> |
| ❖ Maximum amount (in pounds) of Class 1.3: <u>                    </u> | Number of magazines used for storage: <u>                    </u> |
| ❖ Maximum amount (in pounds) of Class 1.4: <u>                    </u> | Number of magazines used for storage: <u>                    </u> |
| ❖ Maximum amount (in pounds) of Class 1.5: <u>                    </u> | Number of magazines used for storage: <u>                    </u> |
| ❖ Maximum amount (in pounds) of Class 1.6: <u>                    </u> | Number of magazines used for storage: <u>                    </u> |

**Licensing Authority Use:**

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

**ADDITIONAL RESTRICTIONS:**

Total quantity of all flammable liquids to be stored: 60,000 gallons.

Security fence around site, spill containment for both interior and exterior storage.

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



Signature of Licensing Authority

Chairman, Board of Selectmen  
Title

6/29/15  
Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

TOTAL SPILL CONTAINMENT CAPACITY  
(AREA x DEPTH) x 7.48 GALLONS = TOTAL CONTAINMENT CAPACITY  
(400 S.F. x 2.7 FT.) x 7.48 GALLONS = 8,076 GALLONS

SHUT-OFF VALVE NOTE:  
6" SHUT-OFF VALVE TO REMAIN IN CLOSED POSITION AT ALL TIMES. IN INSTANCES OF LARGE RAIN EVENTS VALVE MAY BE OPENED FOR SHORT PERIOD OF TIME TO DRAIN CONTAINMENT AREA.

SITE DATA:  
ADDRESS: 561 THOMAS B. LANDERS ROAD, WEST FALMOUTH, MA  
PARCEL ID: 15 03 021 003  
DEED BOOK: 14080 PAGE 308  
DEED BOOK: 10483 PAGE 332  
PLAN 800K: 534 PAGE 58  
ZONING DISTRICT: LIGHT INDUSTRIAL A  
AREA: 80,200 SQ.FT. (1.8 Acre)

GENERAL NOTES

- IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO OBTAIN ANY AND ALL PERMITS REQUIRED BY THE STATE OF MASSACHUSETTS AND THE TOWN OF FALMOUTH PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR SHALL NOTIFY DIG SAFE TO DETERMINE EXACT LOCATION OF ALL UTILITIES PRIOR TO ANY EXCAVATION (1-800-344-7233).
- PROPOSED ABOVEGROUND TANKS AND PUMPS SHOWN ARE SCHEMATIC ONLY. TANKS INSTALLATION, LAYOUT AND PIPE SIZING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANUFACTURER'S, THE MASSACHUSETTS BOARD OF FIRE PREVENTION REGULATIONS, THE FIRE SAFETY CODE AND THE TOWN OF FALMOUTH FIRE DEPARTMENT; THIS DRAWING IS NOT INTENDED TO SHOW EVERY JOINT, FITTING AND CONSTRUCTION DETAIL. THE NEW TANKS & PIPING AND CONTROL SYSTEM IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SECURITY AND JOB SAFETY ON THE SITE. THE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH "OSHA" AND THE LOCAL MUNICIPALITY CONSTRUCTION STANDARDS.
- THE CONTRACTOR SHALL BE CERTIFIED BY THE MANUFACTURER'S TO INSTALL THE PROPOSED SYSTEM COMPONENTS IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS.
- PROPOSED ABOVEGROUND STORAGE TANKS AND PIPING SHALL BE TESTED PER THE REQUIREMENTS OF THE MANUFACTURER'S, THE STATE FIRE MARSHALL AND THE MASSACHUSETTS BOARD OF FIRE PREVENTION REGULATIONS, PRIOR TO OPERATION. COPIES OF THE RESULTS SHALL BE SUBMITTED TO THE LOCAL FIRE DEPARTMENT AND OWNER.
- THE CONTRACTOR SHALL CONSTRUCT A 4,000 PSI AIR EXHAUSTED, REINFORCED CONCRETE PAD IN THE AREA OF SURROUNDING THE FUEL DISPENSING ISLAND. THE CONCRETE PAD SHALL BE SIX INCHES THICK OVER SIX INCHES COMPACTED GRAVEL.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO DISPOSE OF ANY UNSUITABLE OR SURPLUS MATERIALS PROPERLY OFF SITE IN ACCORDANCE WITH LOCAL AND STATE ENVIRONMENTAL CODES.
- THE CONTRACTOR SHALL INSTALL A MONITORING SYSTEM TO DETECT ANY LEAK IN THE PRESSURIZED PIPING SYSTEM AND SHALL TEST TO NO LESS THAN 80 PSI THE PRODUCT LINES AND PRESSURE TEST THE FUEL DISPENSERS/SUMPS AND THE ABOVEGROUND STORAGE TANKS, SUMPS, OUTER AND INNER WALLS PRIOR TO RESTART OF OPERATION.
- THE CONTRACTOR SHALL NOT TERMINATE THE "VENT PIPE" FROM THE ABOVEGROUND STORAGE TANKS AT THE OPENING LOCATION OF THE TANK OR FIVE FEET FROM THE OPENING OF DOORS AND WINDOWS. THE VENT PIPE SHALL BE FITTED WITH AN APPROVED WEATHER HOOD SCREEN.
- THERE WILL BE (1) ABOVE GROUND 8,000 GALLON DOUBLE WALL TANK CONTAINING 8,000 GALLONS OF DIESEL FUEL.
- THE ISLAND BOLLARD SHALL BE A MINIMUM 4" DIAMETER, SCHEDULE 40 STEEL PIPE U-SHAPED FILLED WITH CONCRETE. THE PIPE SHALL BE SET IN 3,000 PSI CONCRETE FOOTING, 24" IN DIAMETER AND 2'-6" DEEP.
- THE CONTRACTOR SHALL CONFINE HIS OPERATIONS AND ACTIVITIES WITHIN THE PROPERTIES RIGHT OF WAY. NO PROPOSED WORK IS ANTICIPATED ON PUBLIC STREETS.
- THE CONTRACTOR SHALL MAINTAIN ALL EXCAVATION IN DRY CONDITIONS.
- ALL EXISTING UTILITIES (WALL, GAS, DRAINS, & ELECTRIC) SHALL BE PROPERLY PROTECTED AND MAINTAINED DURING THE CONSTRUCTION PERIOD.
- THE APPLICANT SHALL REVIEW THIS PLAN WITH THE LOCAL OFFICIALS TO CONFIRM HIS COMPLIANCE WITH LOCAL CODES AND ZONING BY-LAWS AND TO OBTAIN ANY PERMITS OR VARIANCES FOR THE PROPOSED WORK SHOWN ON THE PLAN.
- THE CONTRACTOR SHALL RELOCATE EXISTING UTILITIES IN CONFLICT WITH THE TANKS LAYOUT IN ACCORDANCE WITH APPLICABLE CODES AND REQUIREMENTS OF UTILITY COMPANIES.
- LOCATION & DEPTH OF EXISTING UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE INFORMATION. LOCATIONS ARE NOT WARRANTED TO BE EXACT, NOR IS IT WARRANTED THAT ALL EXISTING UTILITIES ARE SHOWN.

CHOWMAN ENGINEERING GROUP, P.C.  
**CEG**  
REGISTERED PROFESSIONAL ENGINEER  
12 STATE STREET, FALMOUTH, MA  
TEL: (508) 836-5044 FAX: (508) 836-5041  
www.chowmaneng.com

Project:  
PROPOSED MODIFICATIONS  
AT 561 THOMAS B.  
LANDERS ROAD,  
WEST FALMOUTH, MA 02536

Prepared For:  
SAVON HATEM, LLC  
94 E. FALMOUTH HIGHWAY,  
EAST FALMOUTH, MA 02536



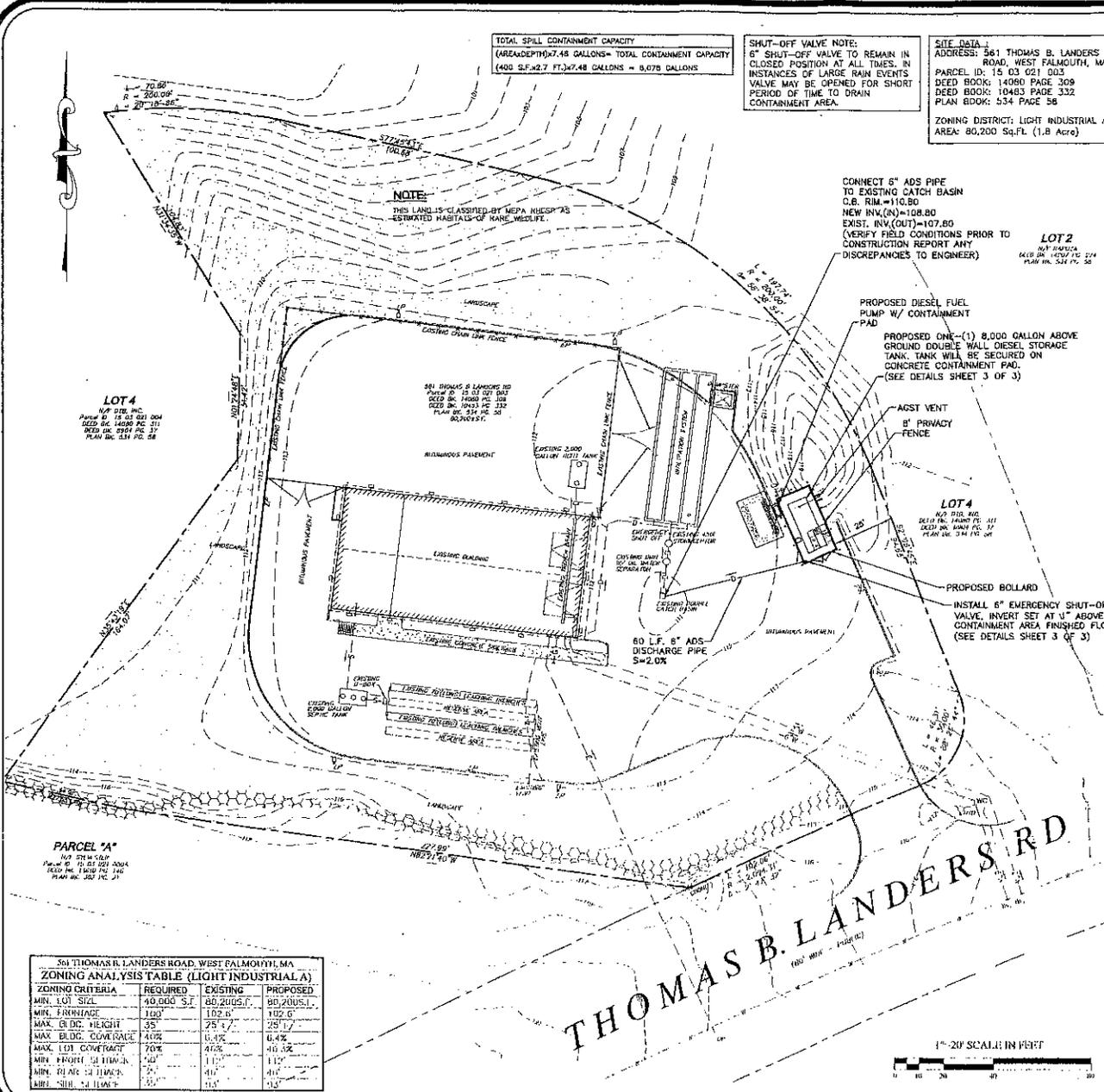
Issue Date: 04/19/2008

No.	Date	Description

Project Number: 14-07  
Scale: AS SHOWN  
Designed By: CMS  
Drawn By: CMS    Checked By: LLC

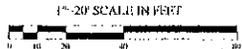
Sheet Title:  
PROPOSED SITE LAYOUT

Sheet Number: 2 OF 3



361 THOMAS B. LANDERS ROAD, WEST FALMOUTH, MA  
ZONING ANALYSIS TABLE (LIGHT INDUSTRIAL A)

ZONING CRITERIA	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	40,000 S.F.	80,200 S.F.	80,200 S.F.
MIN. FRONTAGE	100'	102.6'	102.6'
MAX. BLDG. HEIGHT	35'	28.1'	28.1'
MAX. BLDG. COVERAGE	40%	43%	44%
MAX. LOT COVERAGE	70%	110%	112%
MIN. FRONT SETBACK	20'	40'	40'
MIN. REAR SETBACK	5'	40'	40'
MIN. SIDE SETBACK	5'	5'	5'



**FALMOUTH ZONING BOARD OF APPEALS**

**FINDINGS AND DECISION**

**SPECIAL PERMIT NO:** 028-18  
**APPLICANT/OWNER:** SAVON HATEM, LLC of East Falmouth, Massachusetts  
**SUBJECT PROPERTY:** 561 Thomas B. Landers Road, Hatchville, Massachusetts  
**Assessor's Map:** Map 15 Section 03 Parcel 021 Lot 003  
**DEED/CERTIFICATE:** Book 28522 / 0298  
**SUMMARY:** Special Permit Granted with Conditions

**PROCEDURAL HISTORY**

1. Under a date of April 9, 2018, the applicant applied to the Zoning Board of Appeals for a Modification of Special Permit #25-15 pursuant to Section(s) 240-57 H. of the Code of Falmouth to allow an 8,000 gallon fuel tank on subject property known as 561 Thomas B. Landers Road, Hatchville, Massachusetts.
2. Notice was duly given as required by Section 11 of Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing, at the Board's discretion, relevant and appropriate testimony was heard.
3. A duly advertised public hearing was opened on May 17, 2018.
4. The public hearing was closed on May 17, 2018, wherein the Board consisting of Chairman Kenneth Foreman, Vice Chairman Terrence Hurrie, Clerk Kimberly Bielan, Member Ed Van Keuren and Member Paul Murphy made a decision to Grant the Special Permit with conditions. Minutes of the hearing(s) are on file in the Board of Appeals.
5. The applicant was represented at the hearing by Halim Choubah, P.E. of Choubah Engineering Group, P.C., who reviewed and discussed proposed plans with the Board.
6. The Board received documents and information prior to and during the public hearing that are on file in the office of the Board of Appeals at Town Hall, as set forth below:

**Letters/E-mails from Abutters/Interested Parties**

None

**Letters/E-mails/Information from Applicant/Representative(s)**

None

### Letters/Referrals/E-mails from Town Departments

- 04/10/2018 Referral submitted to the file from Planning Department staff with no comment
- 04/09/2018 Referral submitted to the file from Wastewater Superintendent that notes no sewer on subject property
- 04/10/2018 Referral submitted to the file from Water Department that states: *Not a problem as long as containment from leakage into soil.*
- 04/12/2018 Referral submitted to the file in form of a letter dated April 12, 2018 from the Falmouth Fire Rescue Department that states Lt. Trott has been working with the applicant's engineer and has reviewed the plans submitted and has no concerns at this time with the proposed.
- 04/12/2018 Referral submitted to the file from Director of Assessing with no comment
- 04/19/2018 Referral submitted to the file from Board of Health Agent that states: *Applicant must comply with 310 CMR 80 Underground Storage Tank (UST) Systems. That regulation is regulated by Mass DEP.*
- 05/07/2018 Referral submitted to the file from Town Engineering Department with standard comments

Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation Commission, Engineering Department, Board of Health, Fire Department, Planning Department, Board of Selectmen and Water Department

### Plans submitted by Applicant/Applicant's Representative

Plans drawn by Choubah Engineering Group, PC consisting of: Sheet 1 of 3 "Existing Conditions & Demolition Plan" dated 4/6/2018, Sheet 2 of 3 "Proposed Site Layout" dated 4/6/2018 and Sheet 3 of 3 "Proposed Above Ground Storage Tank Layout & Elevations" dated 4/6/2018 – all plans are stamped and signed by Halim A. Choubah, PE and have a Board date 'received' stamp of April 9, 2018.

#### Hearing:

Mr. Choubah reviewed the proposed location and installation of an 8,000 gallon above ground fuel tank station for the trucks used and stored on-site. He briefly reviewed the previous special permit that granted the construction of a 5,000 square foot building for parking of fuel trucks and offices on this Light Industrial A zoned lot. Mr. Choubah explained that having the fuel storage tank on site for fueling of the trucks will minimize impact to the Town roads as the tractor trailer type trucks that carry fuel will not be required to fuel up at local gas stations along the main roads in the Town. He stated that Mr. Hatem (applicant) will meet and comply with all State, Federal and location environmental and licensing requirements. He noted that the flow of traffic on site will not be impacted by the location and use of the proposed fuel tank.

The Board discussed plans with Mr. Choubah. All concerns and questions were addressed.

Chairman Foreman asked for any public comment in support or opposition of the proposed project. There was no public comment.

Member Van Keuren made a motion to close the hearing. Member Hurrie seconded the motion. Motion carried 5 – 0.

Chairman Foreman closed the hearing.

### FINDINGS

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property located at 561 Thomas B. Landers Road in Hatchville contains 80,200 square feet of Light Industrial Z zoned land that is located within a Wildlife Corridor Overlay. The applicant applied under Section(s) 240-57 H. of the Code of Falmouth to allow an 8,000 gallon fuel tank (above-ground) on subject property. The subject property has a previous Special Permit (#25-15) that allowed construction of a 5,000 square foot building to store tractor/trailer trucks used by applicant to deliver fuel to service stations. The special permit allows up to five (5) trucks to be stored on site. The proposed 8,000 gallon fuel tank will allow the applicant to fuel his trucks on site for normal deliveries to service stations. The previous special permit conditioned an 18' clear access fire lane around the building that will never be obstructed by parked vehicles. This 18' access around the building will not be impacted through the proposed 8,000 gallon fuel storage tank.

Section 240-57 H. of the Code of Falmouth requires a special permit from the Board of Appeals for use of: *Lumber, fuel, feed and ice establishments, contractors' yards.*

The Board finds that the proposed 8,000 gallon fuel storage tank on subject property is appropriate as represented which is strictly for the use of fueling the five (5) trucks that are allowed on subject property through Special Permit #25-15. The Board further finds that the proposed 8,000 gallon fuel storage tank will not impact the flow of traffic and access for the trucks utilizing subject property. Furthermore, the Board finds that the use of the proposed 8,000 gallon fuel storage tank shall be strictly for fueling of the five (5) trucks stored on subject property by the applicant for the purpose of fuel delivery for Savon Hatem, LLC and shall not be used to fuel vehicles by other entities.

The Board finds through testimony by the applicant's representative that a chain link fence surrounding the tank and tank pad was added to the plan by recommendation from the Falmouth Fire Rescue Department. The Board further finds that there is proper and numerous levels of containment for the volume of gas in the proposed tank.

The Board finds through testimony by the applicant's representative that the applicant will be applying to the Board of Selectmen for an updated license relative to the proposed 8,000 gallon fuel storage tank as well as approval from the Department of Environmental Protection. The Board further finds through testimony by the applicant's representative that there will be no derogation from conditions set forth in Special Permit #25-15.

In addition to the above findings, the Board finds that the proposed installation and location of the proposed 8,000 gallon fuel storage tank will be in harmony with the general purpose and intent of this chapter and does include consideration set forth in Section 240-216 of the Code of Falmouth as follows:

A. The site is adequate in terms of size for the proposed 8,000 gallon fuel storage tank as it will not create any nonconforming setback and it will not impact the maximum percentage of lot coverage allowed on this Light Industrial A zoned land.

B. The site is suitable for the proposed 8,000 gallon fuel storage tank as an accessory use to the existing use as the property is zoned Light Industrial A and the Board previously issued a special permit (#25-15) allowing the storage of five (5) fuel delivery trucks within the 5,000 square foot building or on site as approved.

C. There will be no impact on traffic flow and safety to and from this site as there is no change in the location of the existing driveway and no increase in the number of trucks allowed to be stored on site as previously approved in Special Permit #25-15.

D. The visual character of the subject property will be slightly changed but there will be no impacts to the visual character of the property and there will be no impact on a view or vista for the roadway.

E. The sewage disposal system is unaffected through this modification of a previous special permit for the business activity on subject property. The Board of Health did submit a referral that the applicant understands and will follow through with.

F. There are adequate utilities to subject property by virtue of an existing building on site.

G. The proposed fuel storage tank discussed and represented herein will have no effect on the supply of affordable housing in Falmouth.

H. There was no Site Plan Review required by the Planning Board and the referral submitted to the file from the Planning Department had no comment.

I. The application is within compliance of all applicable sections of the zoning bylaws as represented, except for the nonconformities stated herein.

J. The approval of this special permit does not include any affordable housing.

The Board of Appeals has weighed the effects of the proposed 8,000 gallon fuel storage tank, located above ground on subject property as discussed herein and finds that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board further finds that the granting of this permit will be in harmony with the purpose and intent of the Zoning Bylaw.

Member Murphy made a motion to Grant the Special Permit with conditions. Member Van Keuren seconded the motion.

#### **NOW THEREFORE**

**BE IT RESOLVED**, that the Board of Appeals (herein referred to as Board) being of the opinion aforesaid and acting under the provisions of the Code of Falmouth voted **5 – 0 to Grant this Modification of Special Permit #25-15** to Savon Hatem, LLC (herein referred to as Applicant) under Section(s) 240-57 H. of the Code of Falmouth to allow an 8,000 gallon fuel storage tank on subject property known as 561 Thomas B. Landers Road, Hatchville, Massachusetts. This special permit shall be subject to the following conditions:

1. The location of the 8,000 gallon fuel storage tank, fencing of tank and tank pad area, lot coverage, setbacks and use of the fuel storage tank shall be as represented to the Board and as shown on plans submitted and reviewed by the Board entitled as follows:
  - Plans drawn by Choubah Engineering Group, PC consisting of: Sheet 1 of 3 "Existing Conditions & Demolition Plan" dated 4/6/2018, Sheet 2 of 3 'Proposed Site Layout' dated 4/6/2018 and Sheet 3 of 3 'Proposed Above Ground Storage Tank Layout & Elevations' dated 4/6/2018 – all plans are stamped and signed by Halim A. Choubah, PE and have a Board date 'received' stamp of April 9, 2018.
2. The applicant shall apply to the Board of Selectmen and the Department of Environmental Protection for proper license of the premises to include this 8,000 gallon fuel storage tank as approved herein. Further, the Board shall contact Falmouth Fire Rescue Department and Board of Health for any other permits and or licenses required for the additional fuel storage on subject property approved herein.
3. There shall be derogation whatsoever from any condition set forth in Special Permit #25-15 except as stated herein.
4. Any deviation, no matter how minor, from plans submitted and approved, orally or in writing, by this Board, shall be submitted to the Board for approval prior to implementation of said change. Minor changes may be administratively approved by the Zoning Administrator.
5. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed after the decision had been filed in the office of the Town Clerk with no appeal being filed, or an appeal has been filed within such time, is recorded in Barnstable Registry of Deeds. (Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.)
6. This permit shall lapse three (3) years from the date on which this decision is filed in the Town Clerk's office if a substantial use of the Special Permit has not sooner commenced except for good cause as determined by the Board of Appeals.

Decision of the Falmouth Zoning Board of Appeals Continued:

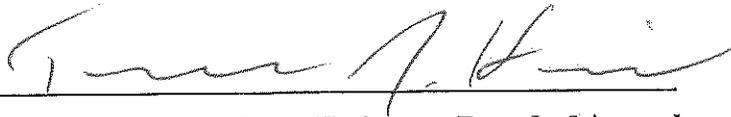
Special Permit Number: **028-18**

Applicant: **SAVON HATEM, LLC of East Falmouth, Massachusetts**

Subject Property: **561 Thomas B. Landers Road, Hatchville, Massachusetts  
Map 15 Section 03 Parcel 021 Lot 003**

Action: The Board of Appeals, by the signature below, being present, certifies the vote of the Board as follows for the above referenced:

Vote: 5 – 0 to Grant this Special Permit as a Modification of Special Permit #25-15 as represented to the Board, based on the Findings stated herein and with the above stated Conditions.



**Terrence J. Hurrie, Vice Chairman, Board of Appeals**

**RECEIVED**

MAY 25 2018

FALMOUTH TOWN CLERK

*AD@930am*

**Date Filed With Town Clerk**

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

Board of Selectmen,

Regarding:

Public Hearing

7:40 p.m.

2. Application for New Wine, Malt and Cordial Innholder License – Fontelux Hospitality Systems, LLC d/b/a Palmer House Inn, 81 Palmer Avenue, Falmouth

The public hearing notice that appeared in the Falmouth Enterprise and mailed to abutters contained an error (address listed as 81 Main Street instead of 81 Palmer Avenue).

A corrected notice has been published and mailed to abutters. The applicant has been notified. The rescheduled hearing date is: Monday, August 6, 2018 at 7:45 p.m.

Thank you.



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, July 23, 2018 at 7:50 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Brewer Fiddler's Cove Marina for permission to perform maintenance dredging of Fiddler's Cove Entrance Channel, located at 42 Fiddler's Cove Road, North Falmouth, MA. Area effected is Fiddler's Cove Canal and Megansett Harbor. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the  
Board of Selectmen

*Publication Dates: Friday, July 6, 2018 and Friday, July 13, 2018 – Falmouth Enterprise*

*Copy to: Abutters*

PAID  
\$70.00  
ck # 1777



**WOODS  
HOLEGROUP**

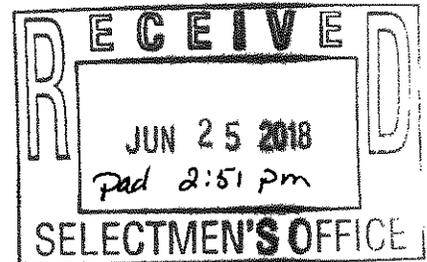
A GLS Group Company

June 25, 2018

Job No. 2014-0189

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

**By Hand Delivery**



**Re: Selectmen's Wetlands Permit Application**  
Proposed Maintenance Dredging of Navigation Channel  
Brewer Fiddler's Cove Marina  
Fiddler's Cove Entrance Channel  
North Falmouth, MA

On behalf of our client, Brewer's Fiddler's Cove Marina, we are submitting 2 copies of the Wetlands Permit Application, one original check for municipal filing, and 1 copy of the plan for the above referenced project. The following items are enclosed:

- Falmouth Board of Selectmen Wetlands Permit Application
- Plan entitled, "Proposed Dredge Plan for Brewer Fiddler's Cove Marina" by J.E. Landers-Cauley, P.E., dated 1/11/2018
- Copy of \$70.00 check made payable to Town of Falmouth
- Order of Conditions, SE 25-4361, issued 5/23/2018
- Board of Selectmen's Permit, dated 10/21/2008

**Please note:** The Board of Selectmen previously issued a permit for this maintenance dredging project in October 2008 (see attached).

Please schedule this for your **July 23, 2018** public hearing. If you have any questions or require additional information, please give me a call at 508-540-8080. Thank you.

Sincerely,

Beth (Hays) Gurney  
Environmental Permitting Specialist

Enclosures: as stated

cc: Fred Sorrento, Brewer Fiddler's Cove Marina  
Leslie Fields, Woods Hole Group, Inc.

www.woods holegroup.com

FAX: 508-540-1001

TELEPHONE: 508-540-8080

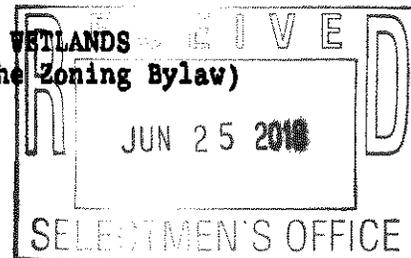
Woods Hole Group 81 Technology Park Drive E. Falmouth, MA 02536 USA

TOWN OF FALMOUTH  
BOARD OF SELECTMEN

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

RECEIVED

JUN 26 2018



To the Board of Selectmen  
Falmouth, MA

FALMOUTH TOWN CLERK

Date: June 25, 2018

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

OWNER: Commonwealth of Mass.  
\_\_\_\_\_  
(full name) (address)

AGENT: Leslie Fields, Woods Hole Group, 107 Waterhouse Rd., Bourne, MA 02532  
\_\_\_\_\_  
(full name) (address)

APPLICANT: Brewer's Fiddler's Cove Marina, 42 Fiddler's Cove Rd., N. Falmouth, MA 02556  
\_\_\_\_\_  
(full name) (address)

1. Location of Property: Map 04 Section 02A Parcel 105 Lot 000B  
Street Name and House Number Fiddler's Cove Entrance Channel

2. Body of water, marsh or stream affected: Fiddler's Cove Canal & Megansett Harbor

3. Description of property and project site: Propose to maintenance dredge up to 500 cy of sand from entrance channel to Fiddler's Cove Canal.

a. Dimensions, Acreage of total parcel: N/A

b. Length of water marsh frontage: N/A

c. Dimensions of area to be dredged: 50'x300' Depth -9.0 NAVD 88 (-7 ft. MLW)

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

e. Volume of dredging spoil to be moved: Up to 500 cubic yards

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

**Disposition of Spoil:** Beach Nourishment for the Town of Falmouth

**f. Describe proposed riprap or bulkheading, if any:** N/A

**g. Other (docks, piers and etc.)** N/A

**h. Method (equipment to be used) for proposed work:** Excavator or Hydraulic Clamshell Dredge.

**4. Purpose of proposed work:** To improve navigation in and out of Fiddler's Cove Canal.

**5. Zoning which governs area:** N/A - dredging only, no upland involved.

**6. Date of application for permit to dredge or fill from the Commonwealth of Mass.** 8/1/2008 Army Engineers 1/26/2015

**7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority?** Permits have been approved by all agencies.

**8. Remarks** Parcel ID 04-02A 105 000B was used for recent Notice of Intent application abutters list. See attached Order of Conditions, SE 25-4361.

**9. Project Summary for legal notice:** Proposed maintenance dredging of Fiddler's Cove Entrance Channel.

**Owner:** Commonwealth of Mass.

**Agent:** Leslie Fields, Woods Hole Group

107 Waterhouse Rd.

Bourne, MA 02532

**(Name & Address)**

**(Name & Address)**

**TEL #:**

**TEL #:** 508-540-8080

**Applicant:** Brewer's Fiddler's Cove Marina, Attn: Fred Sorrento

42 Fiddler's Cove Rd.

N. Falmouth, MA 02556

**(Name & Address)**

**TEL #:** 508-564-6327

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



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

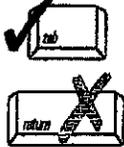
Provided by MassDEP:  
25-4361  
MassDEP File #  
eDEP Transaction #  
Falmouth  
City/Town

**A. General Information**

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

1. From: Falmouth  
Conservation Commission
2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions
3. To: Applicant:

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



a. First Name Brewer Fiddler's Cove Marina b. Last Name \_\_\_\_\_  
c. Organization \_\_\_\_\_  
d. Mailing Address 42 Fiddler's Cove Road  
North Falmouth e. City/Town MA f. State 02556 g. Zip Code

4. Property Owner (if different from applicant):

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

5. Project Location:

a. Street Address Fiddler's Cove Entrance Channel b. City/Town North Falmouth  
c. Assessors Map/Plat Number \_\_\_\_\_ d. Parcel/Lot Number \_\_\_\_\_  
Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude



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

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 City/Town

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

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

a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_

c. Book \_\_\_\_\_ d. Page \_\_\_\_\_

7. Dates: 03/07/2018 05/02/2018 05/23/2018  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
**Proposed Dredge Plan for Brewer Fiddler's Cove Marina**

a. Plan Title \_\_\_\_\_  
**J.E. Landers-Cauley** **J.E. Landers-Cauley, P.E.**  
 b. Prepared By c. Signed and Stamped by  
01/11/2018 **1" = 40'**  
 d. Final Revision Date e. Scale

f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

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

**Approved subject to:**

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



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

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**B. Findings (cont.)**

Denied because:

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

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

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



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	3,500 a. square feet up to 500 c. c/y dredged	 b. square feet  d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	c. c/y dredged 3,500 a. square feet	d. c/y dredged  b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**B. Findings (cont.)**

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

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

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

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:  
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Falmouth

City/Town

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

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            25-4361 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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City/Town

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

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

25-4361

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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

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

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

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

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

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



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

25-4361

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



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

Provided by MassDEP:  
 25-4361  
 MassDEP File #  
 eDEP Transaction #  
 Falmouth  
 City/Town

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

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Falmouth hereby finds (check one that applies):  
 Conservation Commission
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

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

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:  
Falmouth Wetlands Bylaw 10.00  
 1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

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

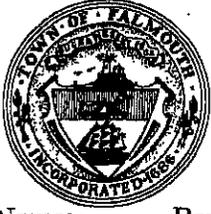
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# Falmouth Conservation Commission

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

Name: Brewer Fiddler's Cove Marina  
Address: Fiddlers Cove Entrance Channel, North Falmouth, MA  
DEP # 25-4361

## FINDINGS:

1. The applicant, Fiddlers Cove Marina, proposes to conduct maintenance dredging at the mouth of the Fiddlers Cove channel to maintain a navigable waterway.
2. The applicant proposes to remove 500 cubic yards of sediment from the existing channel.
3. The channel has been dredged several times in the past: in 1977, 1995, 2001, 2008 and 2014.
4. The dredged spoils (sediment) will be given to the Town of Falmouth for use as beach nourishment material. The location of the beach nourishment activity has not been determined and is not a component of this application. The Town of Falmouth will store the material in an upland location.
5. The area has been identified, through densities of shellfish, as significant shellfish habitat.
6. Resource areas include Land Under Ocean, Land Subject to Coastal Storm Flowage (LSCSF), Land Containing Shellfish, Salt Marsh, and Rocky Intertidal Shore.
7. Some eel grass was observed west of the existing channel.
8. The applicant proposes to purchase 10,000 quahog seed for mitigation to shellfish habitat.

## INTERESTS OF RESOURCE AREAS:

1. Flood Control
2. Storm Damage Prevention
3. Prevention of Pollution
4. Protection of Land Containing Shellfish
5. Protection of Fisheries
6. Protection of Wildlife Habitat
7. Public and Private Water Supply
8. Groundwater Supply

## STANDARD CONDITIONS

1. Permission is granted to Brewer Fiddler's Cove Marina, Fiddlers Cove Entrance, North Falmouth, MA, to conduct maintenance dredging at the mouth of the Fiddlers Cove Channel according to the project narrative and plan prepared by J.E. Landers – Cauley, P.E. dated January 11, 2018 and entitled "Existing Channel Plan" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

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

- ~~9. The Limit of Work hay bales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, hay bales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.~~
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
- ~~13. Drywells and roof gutters shall be installed to contain all roof runoff. Proof of drywell installation shall be submitted with the request for a Certificate of Compliance. Dated photographs of the installed drywells with correct DEP # displayed and a signed letter by the contractor are to be submitted as proof of installation. Failure to comply with this condition, in its entirety, will result in the excavation of the drywell to prove compliance.~~
14. Before work can begin the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
15. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
16. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

**SPECIAL CONDITIONS:**

1. Dredging activities shall not take place between January 15<sup>th</sup> and May 30<sup>th</sup> to avoid disturbance of winter flounder spawning activities and juvenile flounder development, unless otherwise authorized in writing by the Division of Marine Fisheries.
2. The Department of Natural Resources shall be notified prior to dredging activities so that the Shellfish Constable can relay shellfish from the dredging footprint if DNR has determined the area to be a significant shellfish resource.
3. All appropriate measures shall be taken to prevent the disturbance of coastal vegetation. If coastal vegetation is disturbed during dredging activities it shall be replanted with appropriate in kind species, within the month, or as soon as the appropriate planting season for that species has begun.
4. Dredging activities shall not take place near the existing jetties.
5. Prior to dredging activities and with the ten day start work notice a check payable to the Town of Falmouth, in the amount of \$375.00 shall be submitted to the Conservation Department for the purposes of purchasing shellfish seed.
6. All sediment shall be dewatered on a barge and shall be dewatered away from existing eel grass beds and shellfish beds. The dewatering activities shall take place within Megansett Harbor and outside Fiddlers Cove Channel.
7. The applicant shall submit post-dredging sounding to the Conservation Commission within 1 month of completed dredging activities.
8. No Certificate of Compliance will be issued until the entire project is complete.



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

Provided by MassDEP:  
 25-4361  
 MassDEP File #  
 eDEP Transaction #  
 Falmouth  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.  
 Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

05/23/18  
 1. Date of Issuance  
4  
 2. Number of Signers

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

Signatures

Elizabeth H. Gloperty James Malton  
Margaret Virginia Henckes Kevin F. O'Brien  
Patricia M. Muel Stephen T. Patton

by hand delivery on

by certified mail, return receipt requested, on

Date

05/23/18  
 Date 7069 2250 0004 3140 9554

**F. Appeals**

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

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

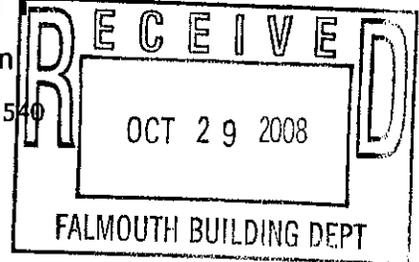
The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310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



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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



October 21, 2008

Commonwealth of Massachusetts  
Brewer's Fiddler's Cove Marina  
42 Fiddler's Cove Road  
North Falmouth, MA 02556  
Att: Fred Sorrento

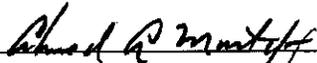
Dear Mr. Sorrento:

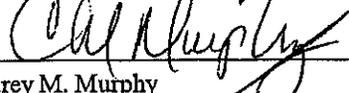
After a public hearing duly advertised and held on October 20, 2008 at 8:45 p.m. in accordance with Section 240-77 (Wetland Regulations) of the Zoning By-Laws, for permission to maintain dredging up to 500 cubic yards of sand from entrance channel to Fiddler's Cove Canal. Area affected is Fiddler's Cove Canal, the Board of Selectmen has voted approval subject to the following:

1. That all dredging work is done in accordance with the revised plan dated July 3, 2008 and submitted at the hearing by J.E. Landers-Cauley, P.E.
2. That you first obtain all other permits and licenses necessary before commencing work.
3. This dredging permit will expire one (1) year from the date that final approval has been received from all governmental agencies from whom permits are required.

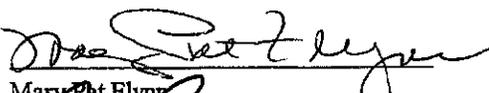
Notice is hereby given that any appeal of this decision shall be made pursuant to Section 17 of Mass. General Laws, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

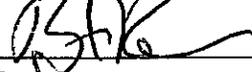
Sincerely,

  
\_\_\_\_\_  
Ahmed A. Mustafa

  
\_\_\_\_\_  
Carey M. Murphy

  
\_\_\_\_\_  
Kevin Murphy

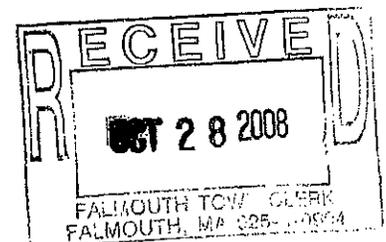
  
\_\_\_\_\_  
Mary Pat Flynn

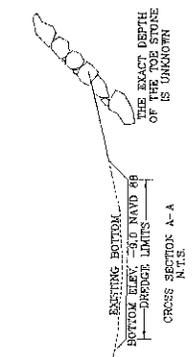
  
\_\_\_\_\_  
Brent Putnam

BOARD OF SELECTMEN

BOS/ck

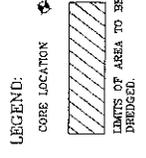
cc: Conservation Commission  
DNR/Shellfish  
Harbor Master  
Planning Board  
Building Department  
Health Department  
Rogue Wave Field Services  
Abutters





**DREDGE LIMIT COORDINATES**

NO.	EASTING	NORTHING	DESCRIPTION
1	862359.761	2895998.917	SOUTHWEST CORNER
2	862359.048	2895998.048	SOUTHEAST CORNER
3	862402.061	2895998.048	ANGLE POINT IN EASTERN DREDGE LIMIT
4	862359.048	2895998.048	NORTHWEST CORNER
5	862359.048	2895998.048	ANGLE POINT IN WESTERN DREDGE LIMIT



**NOTES:**

AVERAGE TIDAL RANGE IS 4.0'  
 VOLUME OF DREDGE MATERIAL: UP TO 500 CYDS.  
 CONTRACT DREDGE DEPTH = -8.0 NAVD 88 (-7.0 MLW)  
 THE CHANNEL WAS RESURVEYED FOR THE WOODS HOLE GROUP IN OCTOBER OF 2017.

DETAILS AND CONDITIONS OF MAINTENANCE DREDGING REFER TO THE SPECIFICATIONS ON DRAWING NO. 2008 AND ACP PERMIT NAE-2008-26 ISSUED ON FEBRUARY 11, 2008. DEP WOC TRANSMITTAL NO. X284102 ISSUED ON AUGUST 11, 2005.

ALL CONSTRUCTION SHALL BE FROM A BARGE SUPPORTED CRANE AND DEWATERING SHALL TAKE PLACE ON THE BARGE AT ELEV. 17 FLOOD ZONE

DEPTHS RECORDED IN NAVD 88 DATUM.

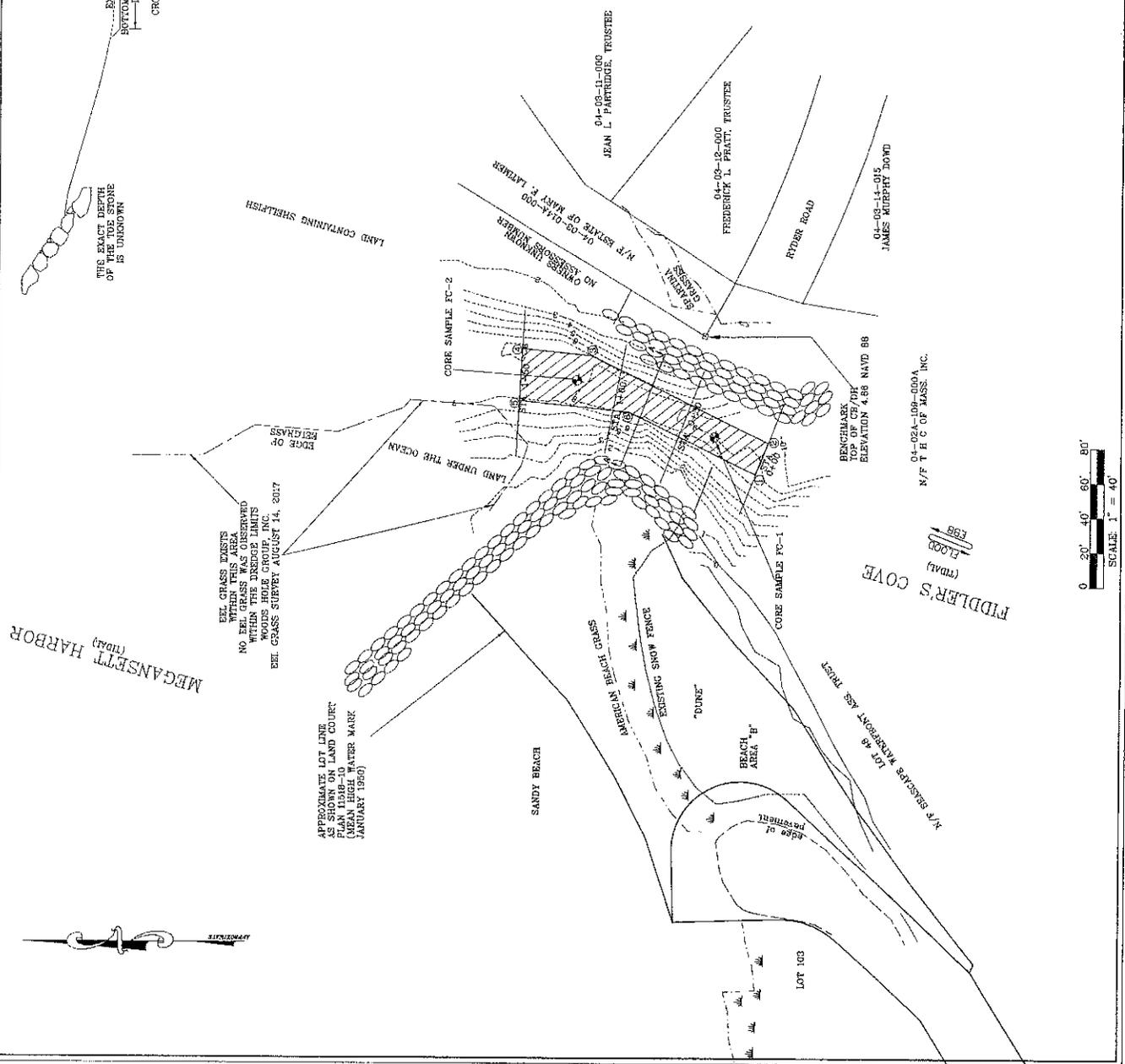
PROPERTY LINES AS DEPICTED ON PLAN BOOK 301 PAGE 97, AND FALMOUTH GIS MAP.  
 REFER TO PLAN BOOK 301 PAGE 97 FOR LOCATION OF FORMER CENTERLINE OF CHIEFLY PLAN BOOK 480 PAGE 22 AND PLAN BOOK 569 PAGE 41.

**EXISTING CHANNEL PLAN**

PREPARED FOR  
 BREWER FIDDLER'S COVE MARINA  
 OF  
 42 FIDDLER'S COVE ROAD  
 NORTH FALMOUTH, MA

J.F. LANDERS-CAULEY P.E.  
 CIVIL ENVIRONMENTAL ENGINEERING  
 P.O. BOX 284 WEST FALMOUTH, MA 02574  
 (508) 540-7930 FAX (508) 540-3022 PH

ASS # N/A DATE: 01/11/18  
 SCALE: 1" = 40'  
 DRAWN BY: JDR/SF  
 JOB NO. 2848 SHEET: 1 OF 1



**Diane Davidson**

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**From:** Diane Davidson <ddavidson@falmouthmass.us>  
**Sent:** Tuesday, June 26, 2018 12:46 PM  
**To:** Jennifer McKay (jmckay@falmouthmass.us); Gregg Fraser (gregg.fraser@falmouthmass.us); Chuck Martinsen (cmartinsen@falmouthmass.us)  
**Cc:** Courtney Tazziz (Courtney.Tazziz@falmouthmass.us); Phyllis Downey (phyllis.downey@falmouthmass.us)  
**Subject:** Wetlands Hearing - Maintenance Dredging - Brewer Fiddler's Cove  
**Attachments:** Dredging - Brewer Fiddler's Cove.pdf; Public Hearing Notice-Brewer Fiddler's Cove Marina.pdf

Jennifer,  
Gregg,  
Chuck,

The Board of Selectmen has received the following wetland/dock application. The applicant has provided a copy of the Order of Conditions. Please provide any recommendations or additional documents you may have for the Board of Selectmen by Friday, July 13, 2018.

The hearing is scheduled at the Board of Selectmen's meeting on Monday, July 23, 2018 at 7:50 p.m.

Applicant: Brewer Fiddler's Cove Marina  
Location: 42 Fiddler's Cove Road, North Falmouth  
Proposed Work: Maintenance dredging of Fiddler's Cove Entrance Channel

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*

**JULY 23, 2018**  
**BOARD OF SELECTMEN**

Charter Review Committee:

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

We have four applications on file. The deadline for new applications was Friday, July 13, 2018.  
No new applications were received by the deadline.

Interviews planned for Monday, July 23, 2018:

Mary Pat Flynn  
Marc Finneran  
Charlie McCaffrey

Interviewed on Monday, July 9, 2018:

Charles Rader

### 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*

Shellfish Advisory Committee Candidates:

Interviews conducted on Monday, June 18, 2018:

1. Ronald D. Zweig
2. John W. Sylvia, Sr.
3. Brian Ridgeway
4. Scott Lindell
5. Daniel Ward
6. David Bailey
7. Eric Matzen
8. David A. Heffernan
9. Richard E. Baker
10. Robert O. Sargent Sr.

Not interviewed:

1. Peter Chase (still interested, but has work commitment on 7/23)

## **Shellfish Advisory Committee Charge**

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

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

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

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

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

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

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

***Adopted 4/23/2018 by vote of Board of Selectmen***

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

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

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

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

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

# 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

## **BOARD OF TRUSTEES' 2018 FUNDING PRIORITIES**

The following priorities are primarily based on the Falmouth Housing Production Plan 2009-2014 and will be considered by the Board of Trustees when making funding determinations.

### Neighborhood Context, Design, and Sustainability

- Create and preserve affordable housing with an increased density that is compatible with surrounding homes and neighborhoods.
- Create and preserve affordable housing that is consistent with the Commonwealth's Sustainable Development Principles.
- Affordable housing that is dispersed throughout town and in mixed-income developments.

### Multi-Family & Mixed-Use

- Create multi-family houses in the villages and mixed-use developments for adaptive reuse of commercial/retail buildings in locations consistent with the Local Comprehensive Plan.

### Land Conservation

- Create affordable housing that is consistent with community land conservation goals and objectives, including rehabilitation of existing structures, infill development in existing neighborhoods, and Open Space Residential Design projects.

### Target Populations

- Low- income households with incomes up to 80% of the Area Median Income (AMI)
- Larger families needing 3+ bedrooms
- Seniors and elderly units with support services for programs/projects to support "aging in place"
- Persons with disabilities
- First time home buyers

### Increase # of Affordable Units in Proposed Developments

- Create more affordable units than proposed in affordable housing developments, including those proposed and required through Comprehensive Permit Applications
- Workforce housing for households with income up to 100% of the AMI for units in excess of the 25% required by a comprehensive permit
- Workforce housing for households with income up to 100% of the AMI for units that are created without a comprehensive permit.

Preservation of Deed Restricted Affordable Units

- Preserve deed restricted units that are subject to re-sale or foreclosure

Program: Owner Occupied Rehabilitation

- Create a rehabilitation assistance program for low- and moderate income owners unable to afford necessary improvements. Such a program would need to be crafted for compliance with the Community Preservation Act or funded from a source other than CPA.

# 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  
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(508) 495-7344

## **Falmouth Affordable Housing Fund Application Review Process**

Applications requesting funds from the Falmouth Affordable Housing Fund (FAHF) are reviewed by the FAHF Working Group. The FAHF Working Group is appointed by the Town Manager to advise the Town Manager on his/her funding recommendations. The FAHF Working Group consists of: 1 Selectman; the Assistant Town Manager; 1 representative of the Community Preservation Committee; 1 representative of the Affordable Housing Committee; the Housing Coordinator; and 1 non-voting designee from the state office of MassHousing.

### **Preliminary Review**

The process begins with the applicant submitting a Letter of Intent to the Housing Coordinator who conducts a preliminary screening based solely on:

1. Receipt of a complete Letter of Intent (LOI);
2. Consistency with the purposes of the FAHF enabling legislation –Chapter 29 section 2 (b) of the Special Acts of 2011 of the MA General Court;
3. Consistency with the purposes of the Community Preservation Act (or other funding source if applicable).

The Housing Coordinator will make every effort to complete this preliminary review within 10 days of receipt of an LOI and notify the applicant and the FAHF Working Group of the eligibility decision. Eligible applicants are invited to submit a full application.

### **Application Review**

The FAHF Application is submitted to the Housing Coordinator who notifies the FAHF Working Group that an eligible application has been received. The Housing Coordinator distributes the project application to the following Town Departments for a 14-day review and comment period: Assessor; Building Commissioner; Conservation; Health; Planning; and Public Works. Depending on the size and complexity of the project, a consultant may need to be retained to conduct a financial review.

The Housing Coordinator prepares an application summary and assembles related information and staff comments for review by the FAHF Working Group. The FAHF Working Group evaluates the project feasibility, the degree to which it meets the priorities for the FAHF established by the Trustees (Board of Selectmen), and the availability of funds. The FAHF Working Group submits a funding recommendation to the Town Manager. The recommendation may be full, partial or no funding. The

Town Manager within 5 days submits his/her recommendation to the Community Preservation Committee for consideration per enabling legislation. Funding recommendations by the Community Preservation Committee are submitted to the Board of Selectmen acting as Trustees of the FAHF for a funding decision. The Board of Selectmen/Trustees may accept, reject, amend to reduce or return for further study such recommendations. The Board's decision shall be final. All funding awards approved by the Board of Selectmen will be subject to terms and conditions to be detailed in a commitment letter from the Town Manager. The Applicant is notified of the Board of Selectmen/Trustees funding decision and the Housing Coordinator facilitates preparation of the commitment letter in consultation with Town Counsel, the Town Manager's Office, and the applicant. The Housing Coordinator processes payments to the applicant pursuant to the commitment letter and other contractual documents.

# 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

## **FALMOUTH AFFORDABLE HOUSING FUND 2018 FUNDING ALLOCATION GUIDELINES**

Falmouth Affordable Housing Fund monies are available on a limited basis for projects that support the FAHF 2018 Funding Priorities. The Board of Selectmen, as Trustees of the FAHF, will review the housing pipeline and the target allocations and will adjust awards within the range based on expected applications and a determination of the current housing needs of Falmouth. The Board, upon recommendation of the FAHF Working Group and Community Preservation Committee, may allocate up to \$65,000 per unit with the specific amount to be determined based upon the review of the community benefit and the particular aspects of each project.

**JULY 23, 2018**  
**BOARD OF SELECTMEN**

During its meeting of 7/12/10, the Board of Selectmen voted to establish that the Town will have five (5) constables (copy of minutes attached).

After the reappointments and appointments at the meeting of 6/18/18, there are now seven (7) constables:

Ronald Braga	6/30/19
Thomas Zine	6/30/20
James Crossen	6/30/21
Kevin Casey	6/30/21
William Dalton	6/30/21
David Braga	6/30/21
Harry Martin Jr.	6/30/21

Interviewed, but waiting for vote to appoint:

Harold March for a term until 6/30/21

Attached is a copy of the Constable Appointment Policy.

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.

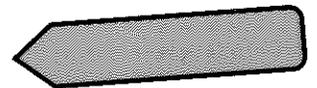
## **Board of Selectmen Agenda for: 07-12-2010**

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



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

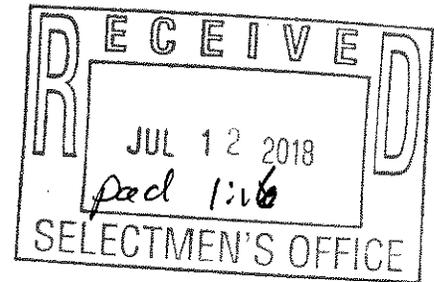
Mary Pat Flynn has an issue with the location of the event. There is no control. She suggests moving to the Jones Road portion of the Stop and Shop lights as there is a natural slow down of traffic. Melissa Freitag agreed. Move the location and/or date. For the record, Brent Putnam noted that Captain 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 23, 2018**  
**BOARD OF SELECTMEN**

**Annual Appointments:**

<b>Position</b>	<b>Incumbent for Reappointment</b>	<b>Term</b>
Weighers, Certified – Cape Cod Aggregates	David V. Peterson, Jr.	6/30/19
	Paul C. Lorusso	6/30/19
	Samuel A. Lorusso, Jr.	6/30/19
	Linda De Vito	6/30/19
	Ted Freeman	6/30/19
	Ted Bousfield	6/30/19
	Paul De Vito	6/30/19
	Jennifer Quinn	6/30/19
	Darrin Allen	6/30/19

  
CAPE COD AGGREGATES CORP.  
1550 Phinney's Lane  
P.O. Box 517  
Barnstable, MA 02630-0517



June 8, 2018

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

RE: Certified Weighers 2018-2019

Cape Cod Aggregates respectfully requests that the following persons be appointed as Certified Weighers for the term of July 1, 2018 through June 30, 2019:

· Linda DeVito 18 Seabrook Drive East Falmouth, MA 02536	· Paul DeVito 18 Seabrook Drive East Falmouth, MA 02536	· Darrin Allen 76 Trotting Park Road East Falmouth, MA 02536
· David V Peterson Jr 236 Acapesket Road East Falmouth, MA 02536	· Samuel A Lorusso Jr PO Box 1677 North Falmouth, MA 02556	· Jennifer Quinn 106 Bridge Street East Falmouth, MA 02536
· Paul C Lorusso 366 Blacksmith Shop Rd East Falmouth, MA 02536	· Ted Freeman 32 Brigantine Drive Hatchville, MA 02536	· Ted Bousfield 62 Wood Road Sandwich, MA 02563

Thank you for your assistance with this matter.

Sincerely,



Laura L L Peterson  
President

# **Board of Selectmen Strategic Plan**



**FY2019 – FY2023**

## Introduction

In accordance with the Town of Falmouth Home Rule Charter, the Falmouth Board of Selectmen hereby presents its five-year strategic plan for the Town of Falmouth. During its annual Strategic Planning retreat on June 29, 2018 the Board reviewed strategic priorities for Fiscal Years 2019-2023. For this planning period, the Board continued its work and focus on strategic goals rather than specific tasks.

As it embarks on the work of Strategic Planning, the Board recognizes the importance of setting forth a vision for our community annually and the need to work through our Town Manager to involve the department heads, also receiving input from town boards and committees in our decision making. There is also the fundamental need to hear from our citizens to gain a better understanding of community priorities. The goals set forth herein reflect this community of varied, comprehensive interests.



Our workshop session was held on June 28, 2018 in the recently completed Long Pond Water Treatment Plant.

In this five-year plan, the Board has established broad policy areas. The goals of each Town Department are expected to be regularly updated and to address all programs and services of our community. Acting through the Town Manager, the Board will communicate its expectations to the Department, Board, Committee or Commission involved in achieving the policy objective. The Board expects that over the course of the

five-year planning period, additional goals may be added during plan review or as updated annually as progress is reported by advisory committees and staff.

This year the Board affirmed its commitment to proactively interact with department heads, committees and the public throughout the year. This commitment is reflected in the Board's first priority: to enhance community engagement.

The Falmouth Board of Selectmen adopted six Strategic Priority areas for the 2023 planning horizon as follows:

- 1. Enhance Community Engagement**
- 2. Balance Financial and Economic Stability with Community Development**
- 3. Maintain Coastal Resources, Infrastructure and Beaches**
- 4. Conserve and Manage Resources**
- 5. Manage Water and Wastewater**
- 6. Promote Health and Public Safety**

The members of the Board recognize that the Board's strategic priorities do not address every area of service provided by the Town of Falmouth. The core values, established for strategic planning purposes, in no way diminish the value and importance of all of the services provided by Falmouth's Departments and Divisions. In fact, these strategic priorities will touch all staff members and citizens as the Board begins to implement its objectives, and will serve as the foundation for the administration of Town government and delivery of services.

It is our hope that all decision makers, including staff, boards and committees, will embrace these priorities and take positive steps toward achieving our strategic vision for the planning period of Fiscal 2019-2023.

Falmouth Board of Selectmen,  
Susan Moran, Chairman  
Megan English-Braga, Vice Chairman  
Douglas C. Brown  
Doug Jones  
Samuel Patterson

Adopted: \_\_\_\_\_, 2018



## I. Enhance Community Engagement

This goal involves creating a public participation process so that the Board of Selectmen can better understand and inform the Falmouth community. The Board recognizes there is already a high level of community engagement in Falmouth. We all benefit from the fine work of the talented individuals who serve as Town Meeting members and volunteer their service on our many boards and committees. We seek to build upon that strength by engaging with the community and department heads in new ways.

By doing so, we hope to better serve the diverse members of our community.

### **The goals within this strategic priority area are to:**

- A. Improve Communications with Department Heads, Staff and other Boards and Committees;

#### Action Steps:

- 1) Meet regularly with committees.
- 2) Receive reports from department heads and committees on topical issues.
- 3) Hold staff appreciation/interaction event.

- B. Get More and Better Feedback from the General Public and to Engage New Voices in Town Affairs;

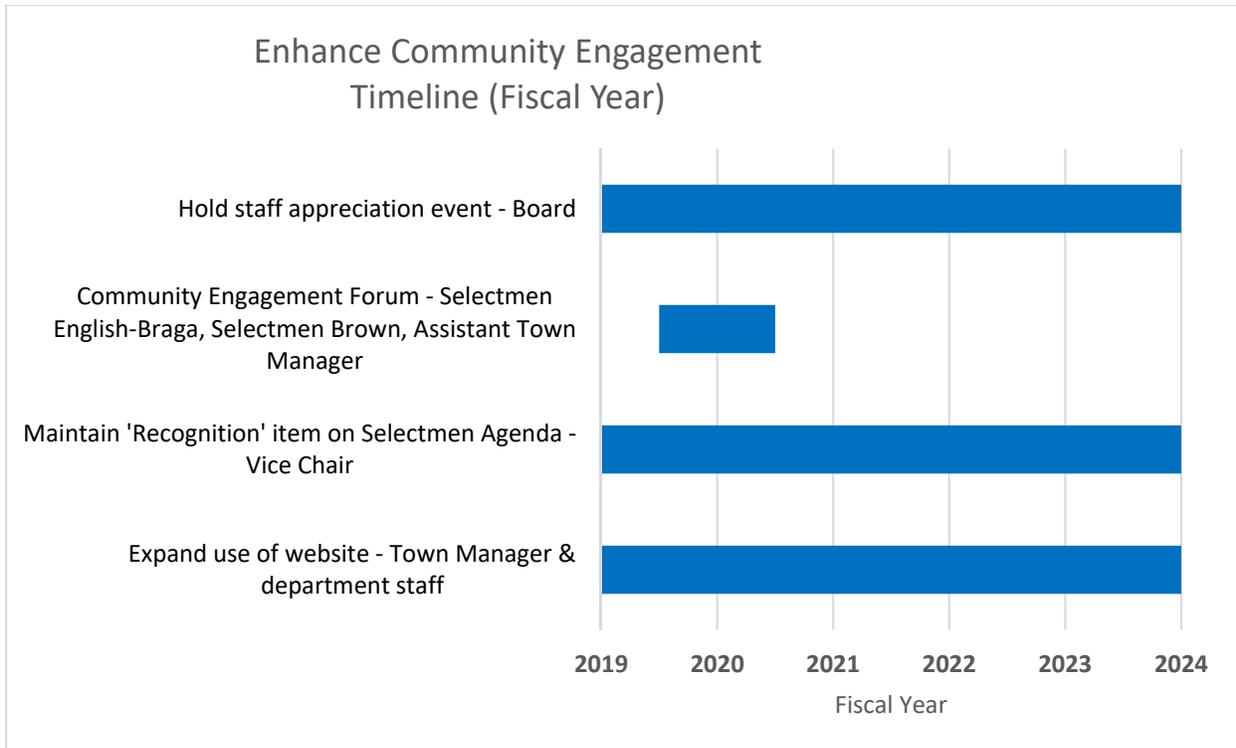
#### Action Steps:

- 1) Hold one 'Community Engagement Forum' in February of 2018 and another in the Summer of 2018 (FY2019).

- C. Better Inform the Community of the Town's Services and Activities;

#### Action Steps:

- 1) Maintain a 'Recognition' item as a routine item on future Selectmen agendas to celebrate individuals, staff and groups for noteworthy contributions to the community.
- 2) Expand use of website and 'notify me' function to notify the public of matters of interest.



## II. Financial and Economic Stability and Community Development

In this five-year planning period the fiscal health of our operations and community remains a strategic priority for the Town of Falmouth. The Board of Selectmen has included Community Development with a focus on community housing needs with our fiscal goals, understanding that a healthy, vibrant and diverse local economy is integral to our fiscal health.

Among the Town's financial goals are to promote long-term financial stability of Town operations through sound financial planning and practices. The Town will be positioned to sustain essential services through economic downturns by continuing conservative revenue assumptions and disciplined budgeting. These sound financial practices allowed us to upgrade the Town's bond rating to 'Aaa' – the highest available bond rating. This bond rating upgrade will save taxpayers money by reducing borrowing costs and it represents an independent third party validation of the Town's management practices. The Town's ongoing Capital needs remain the most pressing fiscal concern.



Strategic Planning Retreat June 28, 2018

The Town has begun to see the result of budget policies adopted in recent years as well as modest local economic growth resulting from our work in community development and overall positive economic trends. We are close to achieving our goals for all reserve categories with the exception of OPEB. With the great work of policy leaders and Town departments the outlook for the next five years is stable. While the Board expects to continue to see some improvement in capital programs, the operations of the town will

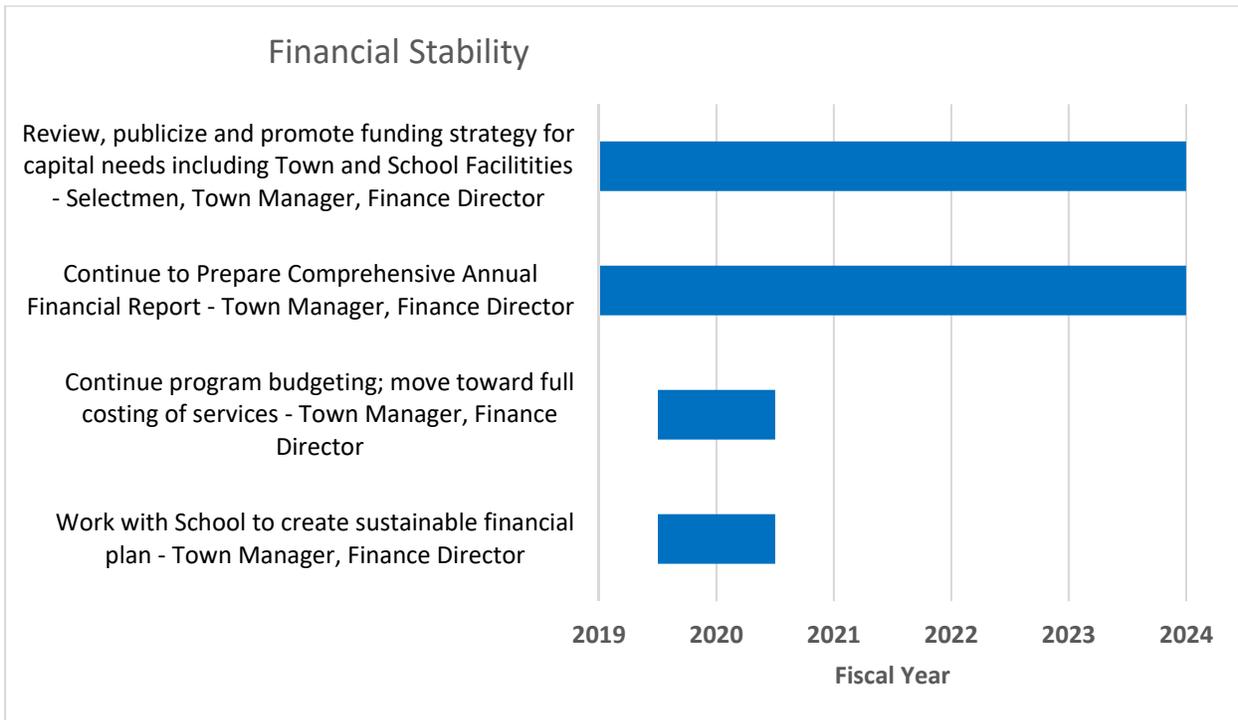
have to be flexible, creative and efficient to offer sustainable operations into the future. This broad strategic priority area will influence decisions made about public safety, education and other important direct services such as community planning, housing, historic preservation, recreation, visitor resources, human services, elder services and others.

**The goals within this strategic priority area are to:**

**A. Promote Long-Term Financial Stability of Town Operations**

Action Steps:

- 1) Review and publicize long-term capital plan and promote funding strategy for capital needs including town and school facilities report.
- 2) Continue to prepare a Comprehensive Annual Financial Report each year.
- 3) Continue program budgeting and move toward full costing of services.
- 4) Work with School Department to create a sustainable financial plan.





Strategic Planning Retreat June 28, 2018

## B. Manage Town's Physical Facilities

### Action Steps:

- 1) Review and support plan for reorganization of Town offices & necessary renovation at Town Hall.
- 2) Continue collaboration with School Department to complete efficiency upgrades.
- 3) Construct new Senior Center and plan for disposition of original senior center at 300 Dillingham Ave.
- 4) Manage municipal golf operations – review lease at 5-year renewal.



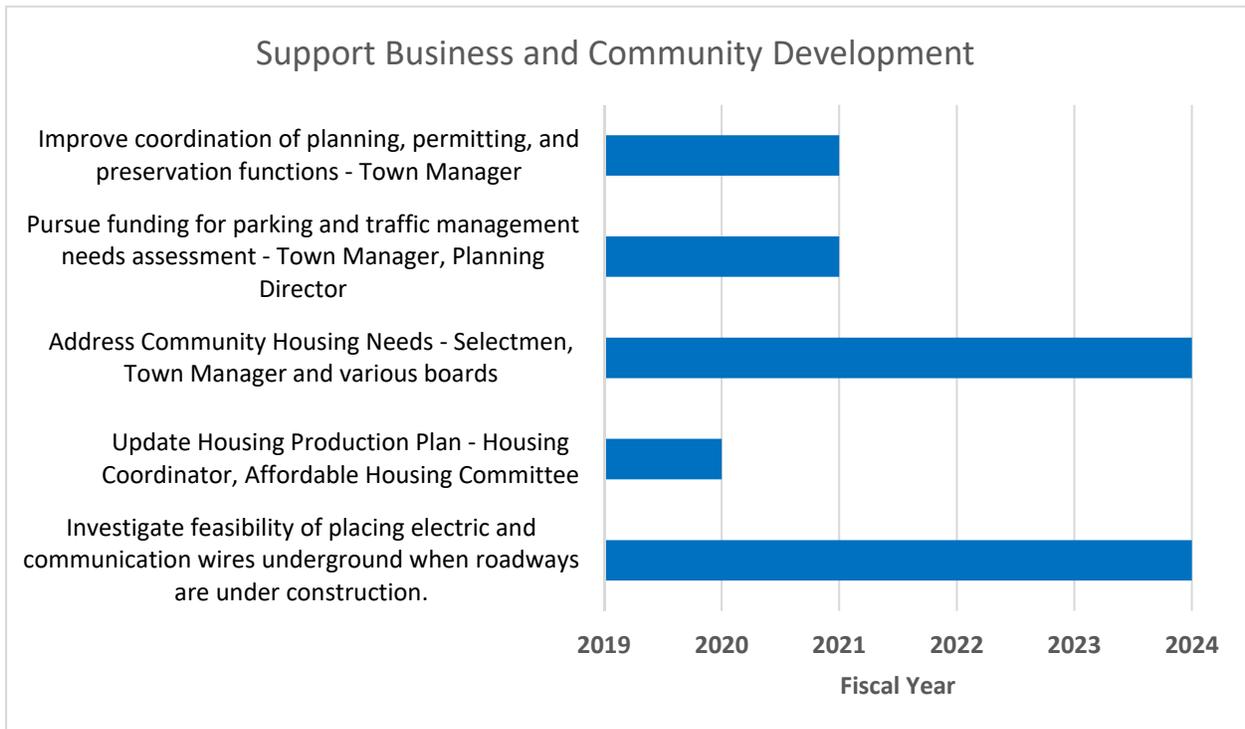
**C. Support Business and Community Development to Sustain a Vibrant Local Economy**

**Action Steps:**

- 1) Improve coordination of planning, permitting, and preservation functions.
- 2) Pursue funding for parking and traffic management needs assessment
- 3) Address Community Housing needs.
- 4) Review and update Housing Production Plan.
- 5) Investigate feasibility of placing electric and communication wires underground when roadways are opened for construction (i.e. for paving or installation of water or sewer lines).



Falmouth Road Race August 20, 2017



### III. Coastal Resources, Infrastructure and Beaches

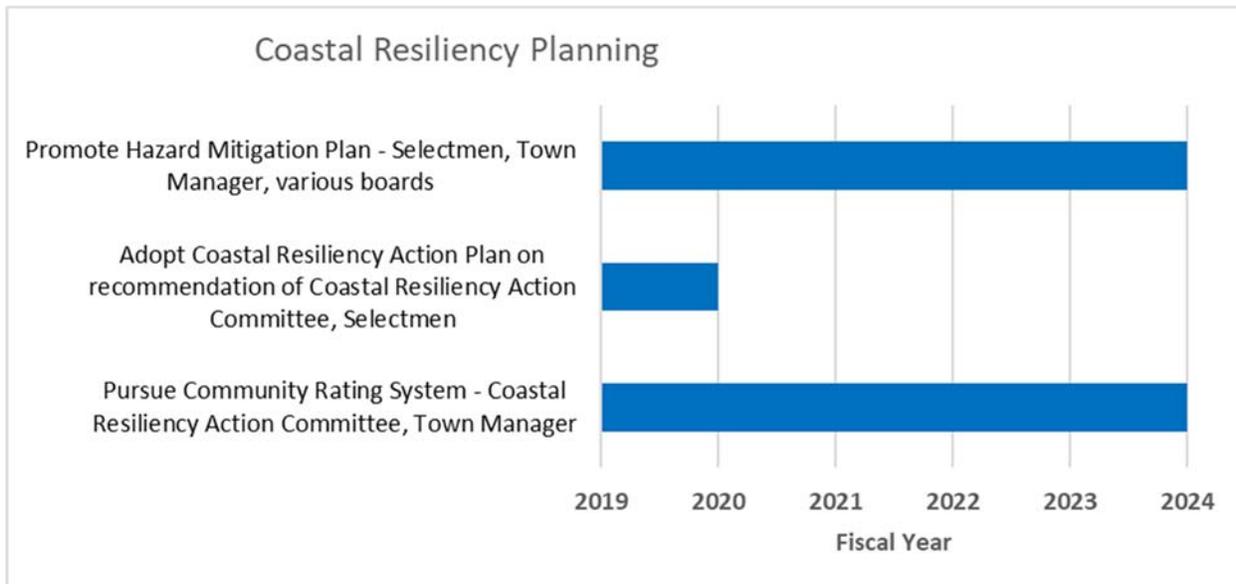
Falmouth’s waterfront amenities and natural and enhanced coastal resources are the cornerstone of our cultural identity and financial foundation. The Board of Selectmen’s decision-making will be guided by the principle that clean and welcoming coastal resources and our marine environment are core values. The resiliency of our coast and our infrastructure is a driver of our Strategic Plan and community decision making process.

**The goals within this strategic priority area are to:**

**A. Coastal Resiliency Planning**

Action Steps:

- 1) Promote Hazard Mitigation Plan.
- 2) Adopt Coastal Resiliency Action Plan on recommendation of Coastal Resiliency Action Committee.
- 3) Pursue Community Rating System.



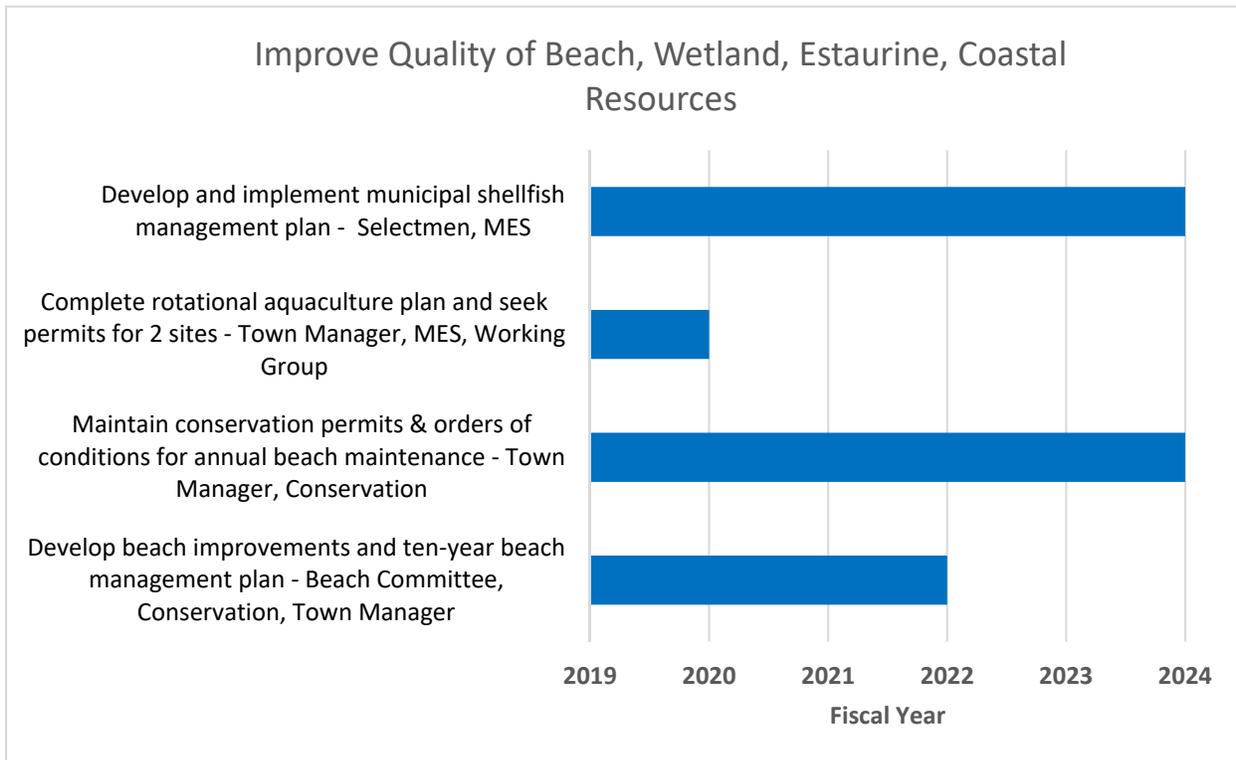
**B. Improve the Quality of Beach, Wetland, Estuarine and Other Coastal Resources**

**Action Steps:**

- 1) Develop and implement municipal shellfish management plan.
- 2) Complete rotational aquaculture plan for coastal ponds and seek permits for at least 2 sites.
- 3) Maintain conservation permits & order of conditions for annual beach maintenance.
- 4) Develop beach improvements and ten-year Beach Management Plan.



The Town sewer system was recently extended to the neighborhoods surrounding Little Pond which is expected to improve water quality in this estuary.

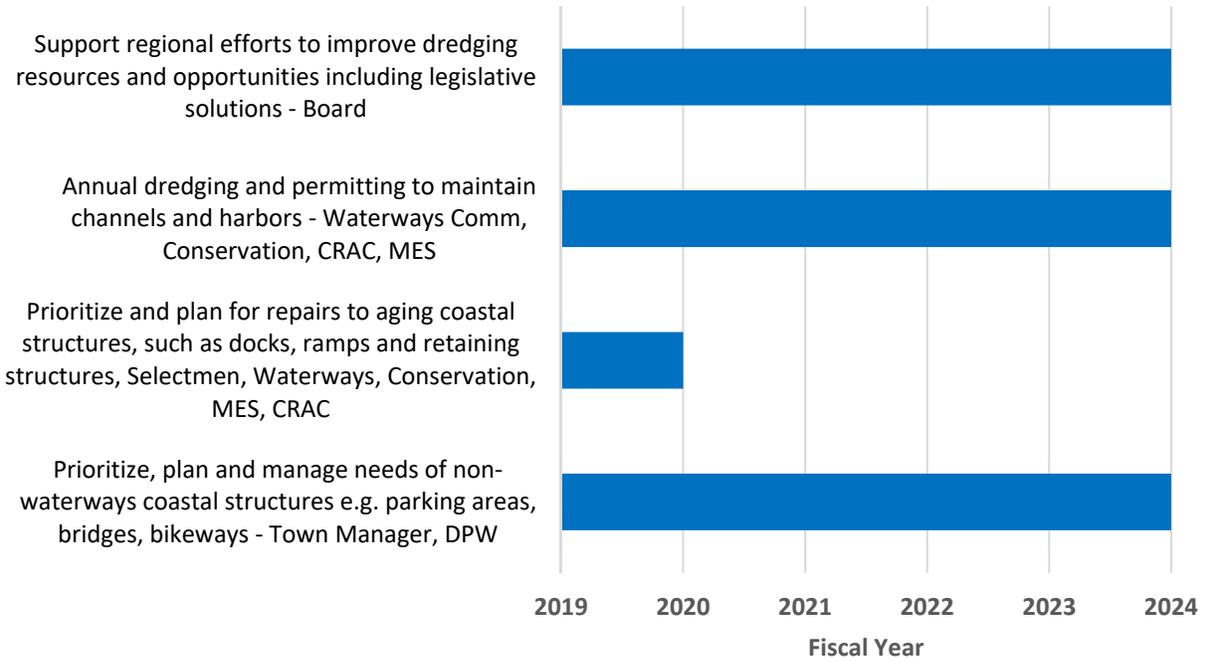


### C. Improve Waterways and Coastal Infrastructure

**Action Steps:**

- 1) Support regional efforts to improve dredging resources and opportunities including legislation that reduces time of year restrictions.
- 2) Continue annual dredging and associated permitting to maintain channels and harbors.
- 3) Prioritize and plan for repairs to aging coastal structures, such as docks, ramps and retaining structures.
- 4) Prioritize, plan and manage needs of non-waterways coastal structures, such as parking areas, bridges, bikeways, Trunk River sewer, etc. and other non-waterways retaining structures.

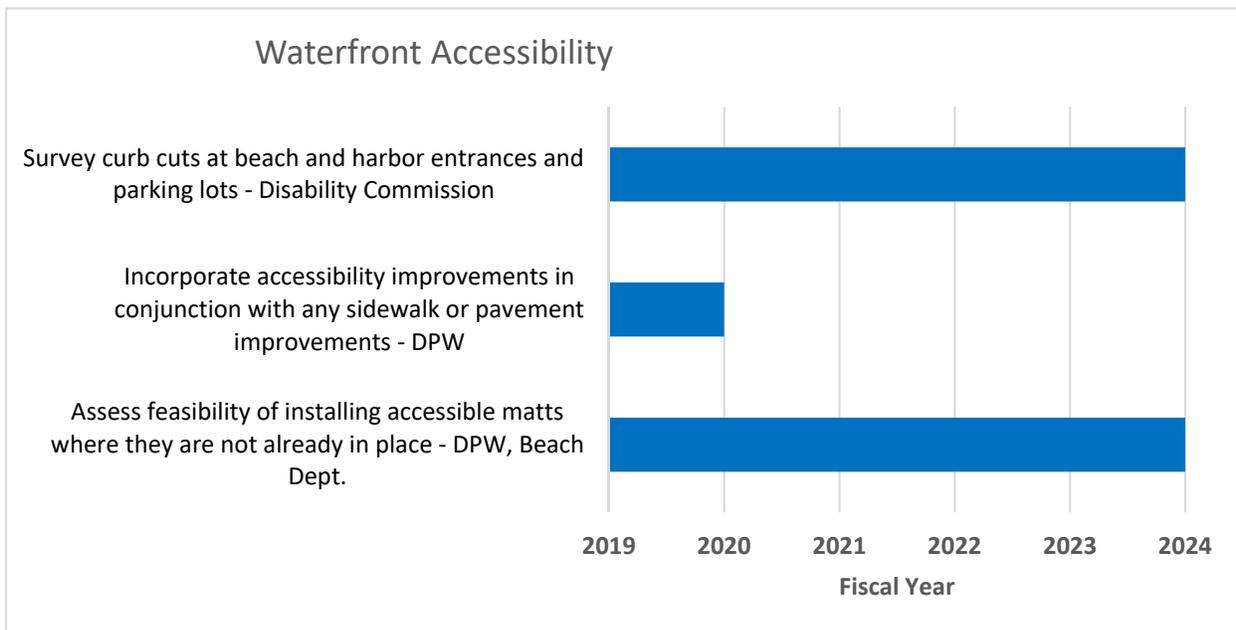
### Waterways and Coastal Infrastructure



### D. Improve Accessibility of Waterfront Areas

**Action Steps:**

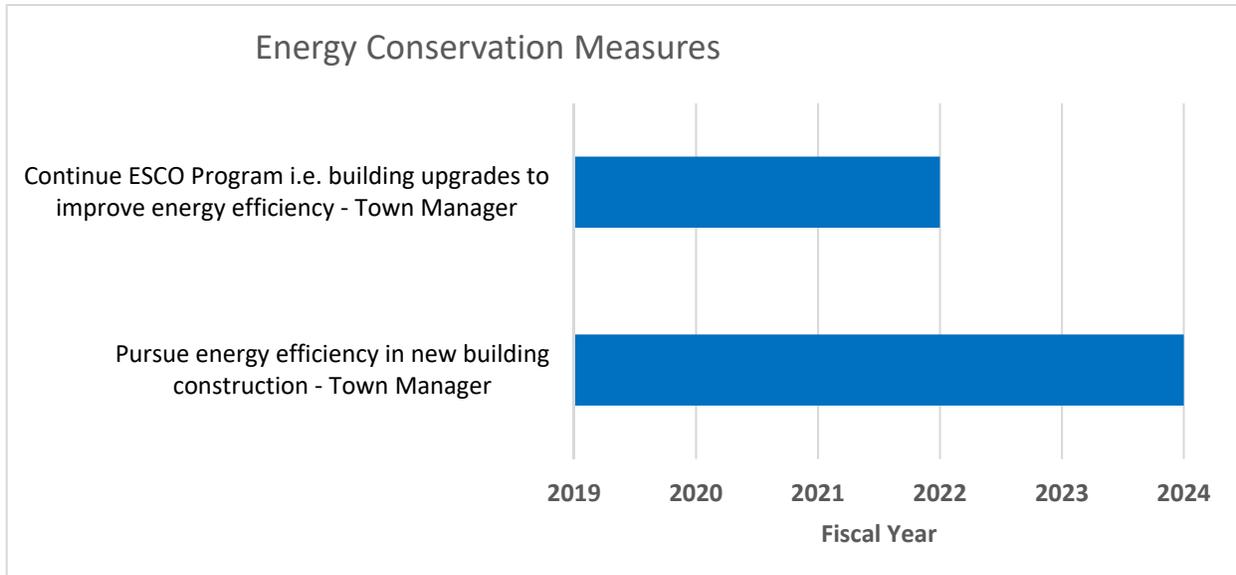
- 1) Survey curb cuts at beach and harbor entrances and parking lots.
- 2) Incorporate accessibility improvements in conjunction with any sidewalk or pavement improvements.
- 3) Assess feasibility of installing accessible mats where they are not already in place.



#### IV. Resource Conservation and Management

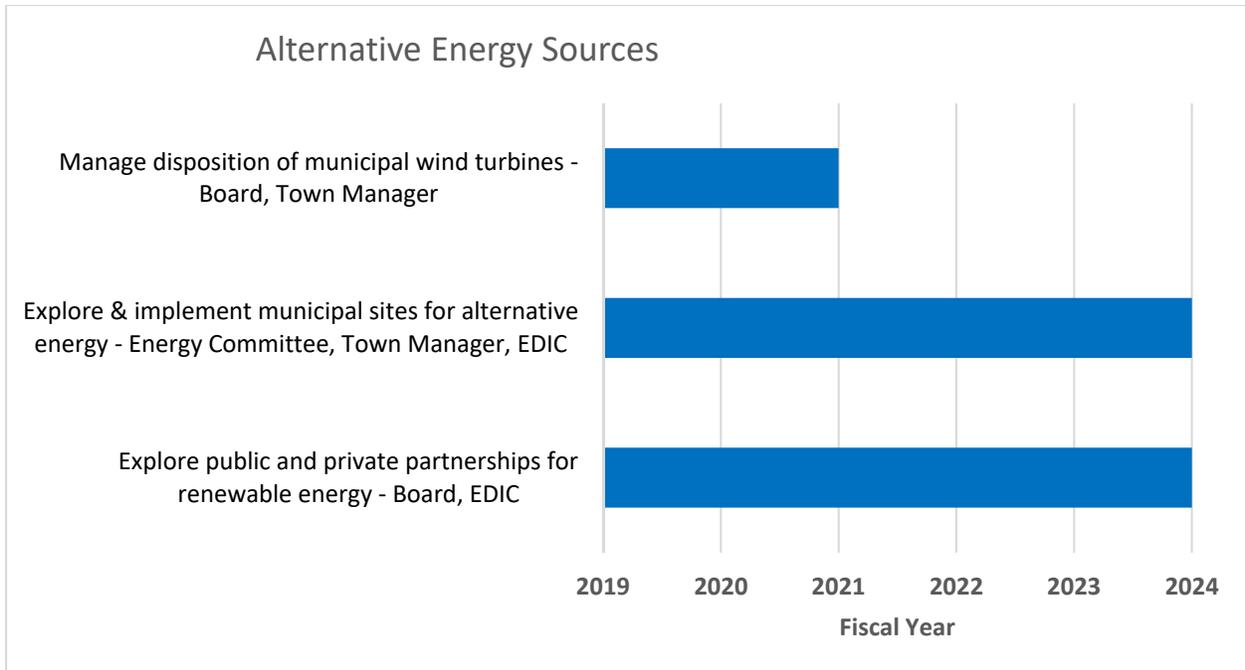
##### A. Implement Energy Conservation Measures

- 1) Continue ESCO and related programs – i.e. building upgrades to improve energy efficiency.
- 2) Pursue energy efficiency in new building construction.



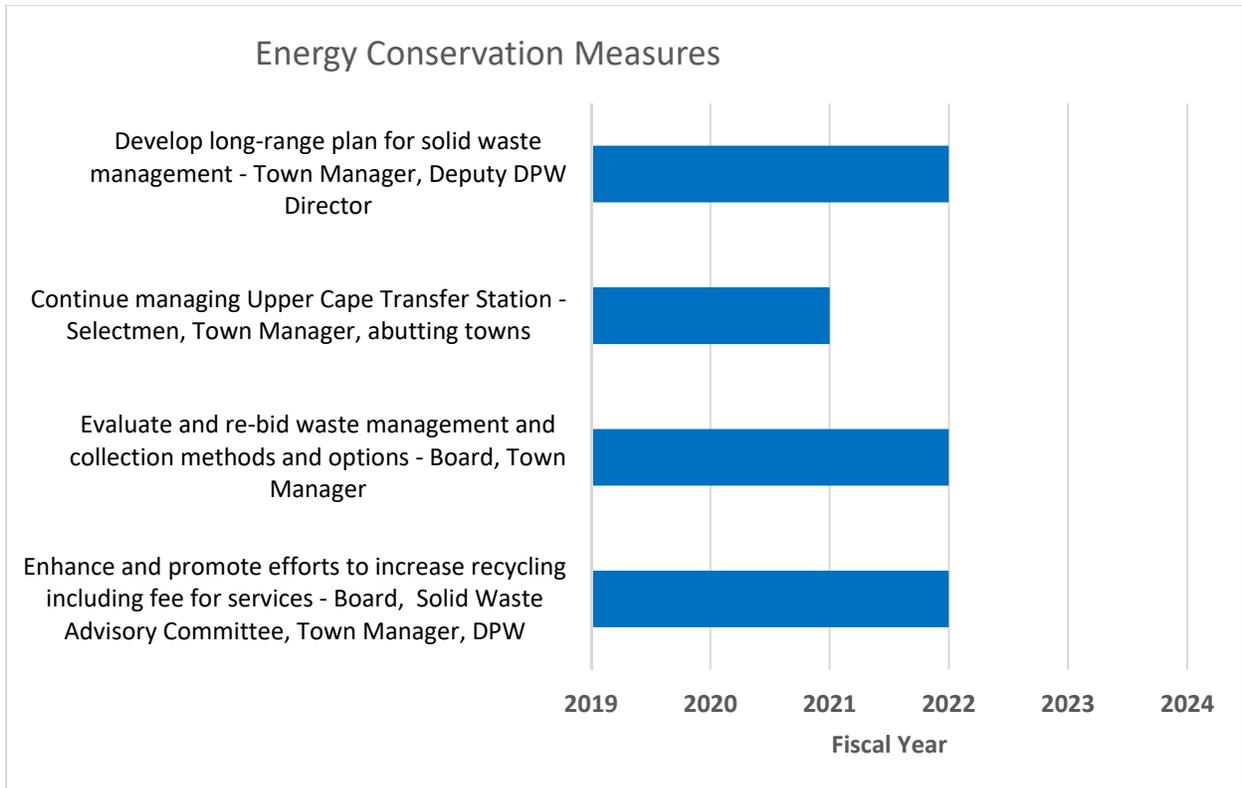
##### B. Alternative Energy Sources

- 1) Manage disposition of municipal wind turbines.
- 2) Explore & implement municipal sites for alternative energy.
- 3) Explore public and private partnerships for renewable energy.



**C. Solid Waste Management**

- 1) **Develop long-range plan for solid waste management.**
- 2) **Continue managing Upper Cape Regional Transfer Station.**
- 3) **Evaluate and re-bid waste management and collection methods and options.**
- 4) **Enhance and promote efforts to increase recycling including fee for services.**



## V. Water and Wastewater Management

By comprehensively and effectively managing our water and wastewater needs and operating systems, Falmouth will improve water quality, protect public health, and enhance the Town's economic vitality. If managed and planned for properly, we can offer our residents, visitors and future generations healthy water and sustain property values and our vibrant economy.

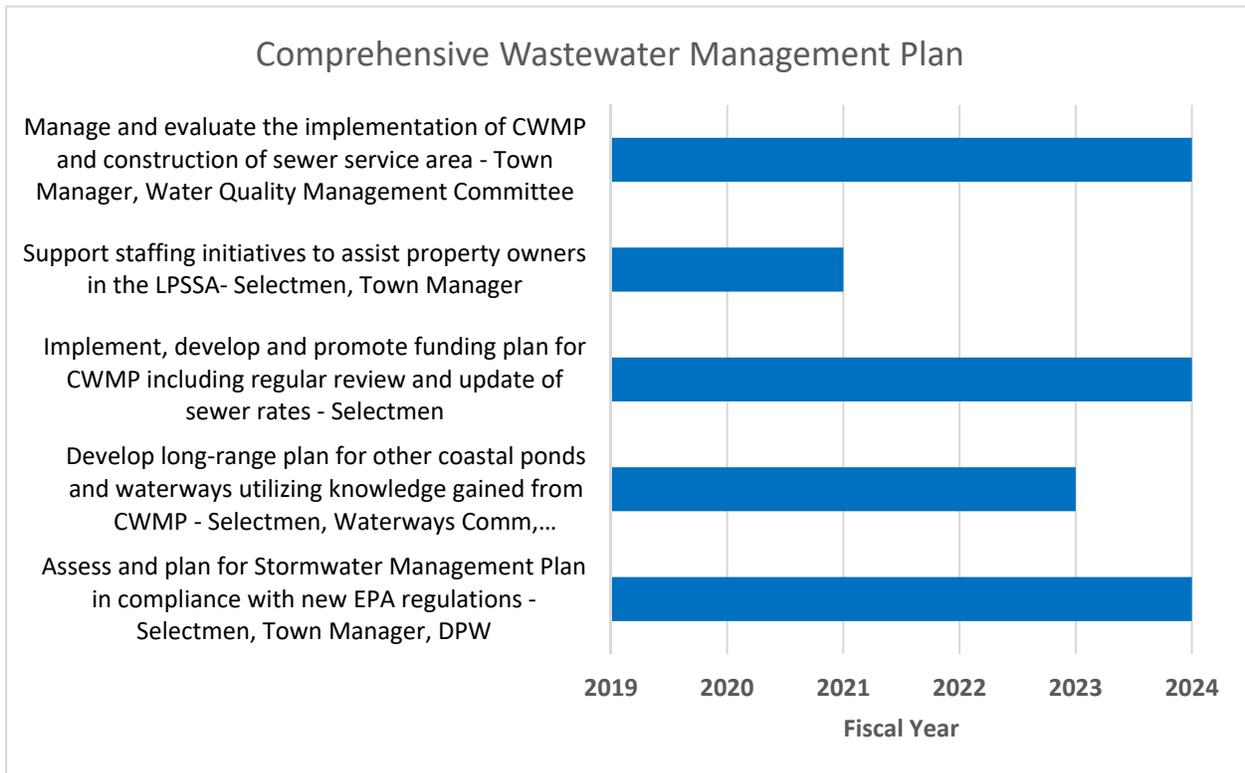
This planning period will focus on the management of the new Water Filtration Plant and the nearly completed Little Pond Sewer Service System. These systems, planned for more than twenty years, will improve coastal and potable water quality and will require necessary increases in staffing and resources to support operations. The careful implementation of these programs and ongoing quality control will be the hallmark of the long-term success of these important water quality projects.

### **The goals within this strategic priority area are to:**

#### **A. Implement the Town of Falmouth's Comprehensive Wastewater Management Plan**

##### Action Steps:

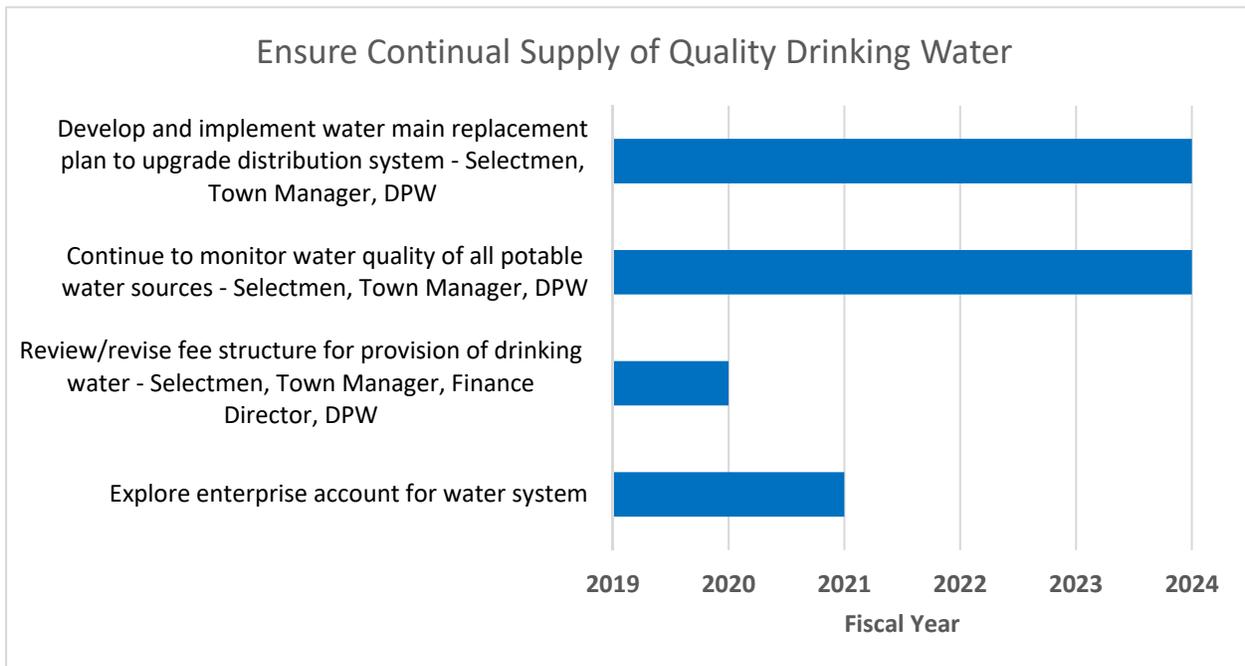
- 1) Manage and evaluate the implementation of CWMP and construction of sewer service area.
- 2) Support staffing initiatives to assist property owners in the LPSSA.
- 3) Implement, develop and promote funding plan for CWMP including regular review and update of sewer rates.
- 4) Develop long-range plan for other coastal ponds and waterways utilizing knowledge gained from CWMP.
- 5) Assess and plan for Stormwater Management Plan in compliance with new EPA regulations.



**B. Ensure Continual Supply of Quality Drinking Water**

**Action Steps:**

- 1) **Develop and implement water main replacement plan to upgrade distribution system.**
- 2) **Continue to monitor water quality of all potable water sources.**
- 3) **Review/revise water rate structure for provision of drinking water.**
- 4) **Explore enterprise account for water system.**

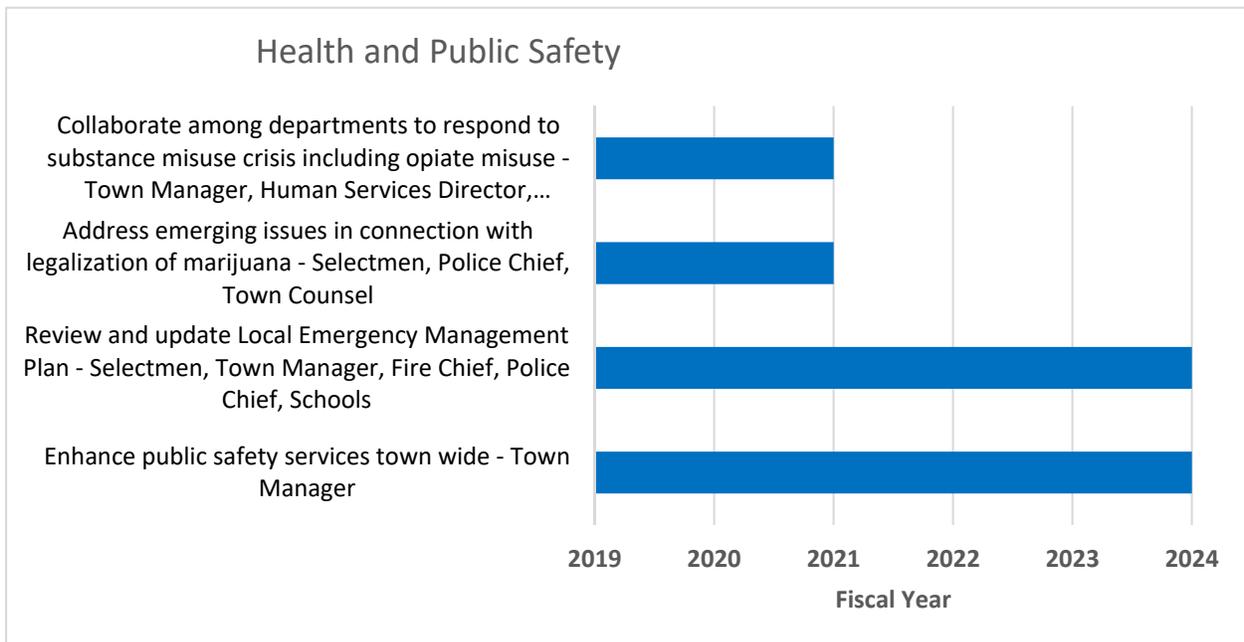


## VI. Health and Public Safety

Public Health and Safety are fundamental governmental functions. In this planning area the Board will develop goals to address town wide issues of concern including, a coordinated response to the Opiate use epidemic in our Town and nation and revising and updating the Falmouth Emergency Management Plan. The Town will focus on efforts to efficiently use our limited staffing and budgetary resources to sustain a high quality of public safety and improve accessibility in the Town of Falmouth.

### The goals within this strategic priority area are to:

- A. Collaborate among departments to respond to substance misuse crisis including opiate misuse.
- B. Address emerging issues in connection with legalization of marijuana.
- C. Review and update Local Emergency Management Plan.
- D. Enhance public safety services town wide.



### Action Steps:

- 1) Explore single new fire station to serve North and West Falmouth
- 2) Support expanded services and efficiency of police operations

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***Non-Binding Resolution for the Town of Falmouth on  
Aid in Dying***

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WHEREAS, all people are by nature free and independent and have inalienable rights; and

WHEREAS, advances in science and technology have created medical interventions that often prolong the dying process and increase suffering; and

WHEREAS, "aid in dying" describes a medical practice defined by established standards of care, which enables a mentally capable, terminally ill adult to obtain a prescription for medication, which the patient may choose to self-administer, in the face of unbearable suffering, to advance the time of an approaching death; and

WHEREAS, absent the availability of aid in dying, patients and loved ones in Massachusetts have become so desperate to relieve suffering caused by terminal illness that they turn to violent means; and

WHEREAS, many find comfort and peace of mind in having access to options at the end of life, including aid in dying, even if they do not exercise those options; and

WHEREAS, more than 50% of Falmouth voters voted in favor of the 2012 Ballot Initiative authorizing aid in dying; and

WHEREAS, a 2014 public opinion poll by Purple Strategies found 70% of Massachusetts registered voters agree with the statement: The decision of a terminally ill adult to end their own life should be a private decision between the patient, their family, their faith, and their own doctor; and

WHEREAS, seven states (Oregon, Washington, Montana, Vermont, California, Colorado, Hawaii and the District of Columbia) now explicitly authorize the medical practice of aid in dying, enabling terminally ill, mentally capable adult residents to receive a prescription for life-ending medication from their doctor; and

WHEREAS, aid in dying is only available to those terminally ill, mentally capable adults who have a prognosis of six months or less to live, as determined by their doctor and confirmed by a second medical doctor; and

WHEREAS, twenty years of transparent reporting and study of aid-in-dying practice in Oregon demonstrates the utility and safety of the practice in upholding a patient's right to self-determination; and

WHEREAS, the two decades of implementation in Oregon data shows "no evidence of heightened risk for the elderly, women, the uninsured, people with low educational status, the poor; the physically disabled or chronically ill, minors, people with psychiatric illnesses including depression; or racial or ethnic minorities;" and

WHEREAS, many people find significant relief in the legal right and medical means of control in bringing an end to the suffering caused by their terminal illness which allows them to fully live their remaining days free of the fear that they will have to suffer needlessly; and

WHEREAS, well-respected health and medical organizations recognize aid in dying as a legitimate, necessary end-of-life option for eligible adults facing an imminent death from a terminal illness, including The American Public Health Association, The American Medical Women's Association, The American Medical Student Association, The American Academy of Legal Medicine, The Gay and Lesbian Medical Association;

WHEREAS, the Board of Selectmen of the Town of Falmouth recognizes that the choices a person makes at the end of life are inalienably grounded in that individual person's life experience and values; and

WHEREAS, the Board of Selectmen of the Town of Falmouth perceives that the Commonwealth of Massachusetts law does not, and should not, encompass the rational judgment of a mentally capable, terminally ill individual facing end-of-life suffering, who asks his or her physician for the means to die in a humane and dignified manner;

THEREFORE BE IT NOW RESOLVED, that the Board of Selectmen of the Town of Falmouth respects the diversity of perspectives on end-of-life decisions; and

THEREFORE BE IT RESOLVED, that the Board of Selectmen of the Town of Falmouth supports equal protection within the diversity of perspectives on end-of-life decisions; and

THEREFORE BE IT RESOLVED, that the Board of Selectmen of the Town of Falmouth recognizes the practice of aid in dying as a desirable medical option for many terminally ill, mentally capable adults; and

THEREFORE, BE IT NOW RESOLVED, that the Board of Selectmen of the Town of Falmouth hereby calls on the Massachusetts State Legislature to pass An Act Relative to End of Life Options; and

THEREFORE BE IT FURTHER RESOLVED, that this resolution shall be transmitted to the Commonwealth of Massachusetts Legislature, including state representatives and state senators who represent the Town of Falmouth.



## NOVEMBER 2018 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting..... Monday, July 23, 2018

Close Warrant.....Friday, August 24, 2018

Selectmen Vote Articles & Execute Warrant ..... Monday, September 10, 2018

Publish Articles Only .....Friday, September 14, 2017

Selectmen Vote Article Recommendations ..... Monday, September 24, 2018  
(or Monday, October 1, 2018)

Publish Warrant with Recommendations.....Friday, October 19, 2018

Town Meeting .....Tuesday, November 13, 2018

**Diane Davidson**

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**From:** Frank Duffy <fduffy@falmouthmass.us>  
**Sent:** Friday, July 20, 2018 3:45 PM  
**To:** 'Julian Suso'  
**Cc:** Michael Palmer; Diane Davidson; Patricia Harris  
**Subject:** RE: Cable Advisory Committee

Julian: The Town Clerk has advised me the Cable Advisory Committee is not mentioned in the Falmouth Home Rule Charter and was not created by bylaw or town meeting vote. It appears the committee was designated by the Board of Selectmen and the board is its appointing authority.

Sec. C3-6C of the FHRC provides “[t]he Board shall also have the power to appoint ad hoc committees and to multi-member bodies and define their duties, set the limits of the scope of their responsibilities and for the terms of their existence.”

Acting under the authority so granted, the board may change the Cable Advisory Committee’s name, redefine its duties and reset its responsibilities and the terms of its existence.

---

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

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**From:** Julian Suso [<mailto:jsuso@falmouthmass.us>]  
**Sent:** Friday, July 20, 2018 2:23 PM  
**To:** Frank Duffy  
**Subject:** Cable Advisory Committee

Hello Frank,

I note that Su Moran today has added to Monday’s BOS agenda: “Amend Cable Advisory Committee Name and Request to Review Potential Municipal Broadband.” This, apparently, from the meeting this morning. To be fully prepared for Monday evening, would you be able to (expeditiously) confirm for me whether the BOS can change this existing Committee name with a simple majority vote or something more significant or complicated required? Thanks.

Julian

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, JULY 9, 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. Call to Order by Chair Moran at 7pm.  
Request to record live by Phil Afonso granted by Chair Moran.
2. Pledge of Allegiance
3. Proclamation
4. Recognition

Ms. English Braga recognized the Commission on Disabilities, which held the first wellness fair at the Gus Canty Recreation Center.

5. Announcements
6. Public Comment

Chair Moran stated she spoke with Ms. Heylin regarding having one representative speak during public comment on the Gosnold issue.

Ms. Heylin said she was informed there is no limit on the number of people to speak. According to Chair Moran, it is at the prerogative of the Chair and noted that if there is an interruption, the meeting will be adjourned.

Sarah (last name unknown) resident of Falmouth and has two children in Falmouth Public Schools. She wrote a letter that she read to the Board of Selectmen and included parents' concern about it being within a school zone, the number of calls to the FPD from the present Gosnold facility, and that she is against the proposed location, along with many who spoke out against it the community meeting Gosnold recently held.

Chair Moran noted that Sarah reached the time limit and that this subject was closed.

Chair Moran adjourned the meeting at 7:08 p.m.

Chair Moran reconvened the meeting at 7:18 p.m.

**SUMMARY OF ACTIONS**

1. Licenses
  - a. Application for Entertainment License – Cape Cod Winery, 4 Oxbow Road, East Falmouth

The applicants told the Board of Selectmen that they want to start a summer concert series with solo and duo artists performing acoustically and the entertainment will end at 8 p.m. They have a wedding scheduled that will end at 10 p.m. and ask for this Friday evening allowance to play. Neighbors have been advised of the music and date, no one has raised any issues. The Board of Selectmen reminded them of the noise bylaw and to check to make sure they will be able to prevent the sound from being heard outside the tent.

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

2. Administrative Orders

- a. Approve Preservation Restriction Agreement between Town of Falmouth and WGBH Educational Foundation, 3 Water Street  
Mr. Suso received information from Town Counsel through the Community Preservation Committee to protect the investment in the Water Street property and the Historical Commission would hold the restriction.

This has been under negotiation for a year and well vetted.

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

- b. Affirm Letter of Support for Town of Bourne EPA Application – Retroactively  
Mr. Suso transmitted copy of a letter spoken about at last meeting, provided letter to the Board of Selectmen regarding the Economic Development Administration wastewater upgrade Bourne is exploring. The Bourne Town Administrator asked Falmouth and another Town if they would extend a letter of support for the efforts as this may result in additional job creation.

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

Mr. Afonso started speaking citing the MGL; Chair Moran did not recognize Mr. Afonso.

Chair Moran adjourned the meeting at 7:24 pm until 7:30 pm.

Chair Moran reconvened the Board of Selectmen meeting at 7:29 pm.

- c. Approve Temporary Easement for Access to the Town Bulkhead at Simpson's Landing, Falmouth Inner Harbor, for Bulkhead Repairs

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

- 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

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

- e. Approve Letter of Support for Farley Bog/Upper Childs River Restoration Project  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

- f. Approve Annual Transfer of Funds Request for Snow and Ice

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

- g. Vote Recommendations on Applications for Abatement of Sewer Betterments

Mr. Suso stated there was a request for abatement for betterment, the documents were provided to the Board of Selectmen and he notes the Board of Assessors recommend against the granting of these abatements.

Ms. Favulli noted that there is no support or reason for the 41 Swallow Street abatement; they did not give a reason, they just want to abate it.

**Mr. Jones motion not to approve the 41 Swallow Street abatement. Second Mr. Patterson. Vote: Yes-5. No-0.**

Ms. Favulli noted that the property at 197 Grande Avenue was a bed and breakfast zoned as a multi-family that is now a single family home. They were charged twice. They could get the abatement tonight and then change it back to commercial use in the future. The Board of Assessor

felt the applicant should have taken care of this when they were aware the abatement was going into place and did not feel they wanted to start doing this. They did not want to start an abatement process on these. If they requested to go back to a B&B the Board of Assessors would not be notified, although the Clerk's Office would be. They would also need to come in for approval by the Board of Selectmen. Chair Moran noted that the administrative burden is low when weighted against the cost to the property owner.

Mr. Suso asked the Board of Selectmen if they would like to carry this forward to the next meeting for more definitive information from Town Counsel, including options if someone should start up commercial use again.

28 Short Street is unbuildable due to conservation issues. Ms. Favulli noted abatement is recommended.

**Ms. English Braga motion to approve the abatement for 28 Short Street. Second Mr. Patterson. Vote: Yes-5. No-0.**

- h. Approve 40b Project Letter of Eligibility for Falmouth Housing Corp Proposal at 587 Gifford Street

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

### 3. Special Events

#### **Recurring - Recommended:**

- a. Autumn Escape Bike Trek – Surf Drive Beach – Bike Ride through Town – Friday, 9/28/18  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**
- b. Falmouth in the Fall Road Race – Woods Hole to Falmouth Heights – Sunday, 11/4/18  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**
- c. Bastille Day – Crepe Cod – 649 Main Street – Saturday, 7/14/18  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

The applicant will have entertainment 10am-7pm, special menu and beverages with a disc jockey inside.

- d. Bayside Beach Annual Neighborhood Cookout – Bayside Drive – Saturday, 7/21/18

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

#### **New - Recommended:**

- a. Kevin Looney Fundraiser Bike Ride – Shining Sea Bikeway – Saturday, 9/28/18  
9/8/18 is the correct date.  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- b. Beach Wedding Ceremony – Old Silver Beach – Curran – Saturday, 8/11/18  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- c. Beach Wedding Ceremony – Old Silver Beach – Lemons/Koss – Friday, 9/14/19  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- d. Beach Wedding Ceremony – Falmouth Heights Beach – Dionne – Wednesday, 9/19/18  
**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**

### **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

Hearing notice read by Chair Moran.

Kevin Klauer, Falmouth, representing the applicant. The applicant proposed a new brewery/tap room; they have received approval from the Zoning Board of Appeals for the site, which Attorney Klauer described. The Planning Board has also approved. They are seeking a liquor license tonight, State and Federal farmer brewing license has been received. Staff will be TIPS certified. This is the last step in the planning process, if approved they can move forward. Will bring new jobs and revenue and in line with intent to extend what we consider destination part of the Town.

This will be septic.

The outdoor space will be enclosed using hedges and plantings surrounding.

Public comment in favor: none.

Public comment against: none.

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

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

**7:40 p.m.**

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

Chair Moran read the hearing notice.

Peter McConarty, DPW Deputy Director

Provided a PowerPoint presentation with photos. Of the two trees being considered for removal, one tree is directly in the right of way. Trucks need to make wide turns to get around the tree; one truck had to stop in middle of the intersection and could not make the turn. Bad sight distance, pulling too far into Sandwich Road, sight distance, and school bus distance problems. Tree bark is damaged; signs of tree decay, multiple complaints have been received. Working with Parks Superintendent Jeremiah Pearson who is also present, usually replace the trees but in this area there is no area for replacement; could do it in another section of town. Mr. Pearson spoke with the abutter.

Public comment in favor: none.

Public comment against:

Dave Sylvester has lived in that house for 30 years. He called the Town numerous occasions; the tree closest to the road on the curve should go. His yard has been eroded away from cars swinging into it and cars will cut across his yard. Take both trees and cars will cut the corner right through his yard. Showed pictures to the Board of Selectmen. He suggested putting a stone there, if he did Mr. Pearson said then he is liable for it. He asked if the Town could put something there if the tree were to go.

Mr. McConarty said that there is about 2 feet near the tree to the road; one lane is wider than the other on the roadway. If they do work at this intersection, they would make it more of a radius. One option could be a physical barrier on the property to keep vehicles from skipping over the front of the yard.

The Board of Selectmen liked the idea of installing granite curbing and Mr. McConarty suggested a stop bar be installed as well.

Jeremiah Pearson, Parks Superintendent and Tree Warden

The tree has been hit numerous times, so it is damaged. He feels it would be appropriate to remove due to sight line issue.

Mr. Sylvester likes the tree due to protection of his yard and asked if the Town puts something there, would it go the full radius, the Board of Selectmen noted it would.

Mr. Pearson said they could leave a stump until curbing goes in.

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

**Ms. English Braga motion approval to remove the two trees with the condition that curbing would be put in place to prevent trespassing the property with vehicles. Second Mr. Jones. Vote: Yes-5. No-0.**

**BUSINESS**

1. Interview, Vote and Appoint Committee Members

- a. Constable: The Board of Selectmen chooses the number of constables they allow to function. The Board of Selectmen noted it needs to be an agenda item and it would be prudent to make it an agenda item regarding changing the number of constables. The Board of Selectmen was willing to hear from the applicant and then discuss the number.

- i. Kevin Casey
- ii. William Dalton
- iii. Jim Crossen
- iv. David Braga
- v. Harry Martin, Jr.
- vi. Harry March is appointed constable in other Towns located in, Plymouth, Bristol, and Norfolk County areas for about 35 years. He has residence down here and is here often, which is why he wants to be appointed one in Falmouth. He expects to do this year round.

b. Solid Waste Advisory Committee

- i. William Peck  
Served a couple terms already, dealt with a lot of issues in Town, including leaf composting issue, changing days it is open, going there and counting vehicles coming in, many from out of town were bringing leaf/compost to Falmouth. H has been dealing with the Barnstable County representative who is helping with grants. Mr. Peck would like to look at recycling education in the schools.

- ii. Ruth Brazier

Mr. Jones and Ms. English Braga commented that term limits ask to take a break, they are inclined to stick with the current incumbent than to bring someone else back.

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

c. EDIC-Treasurer

Chair Moran noted as Vice Chair of the EDIC, she interviewed Mr. Burke, and he was well thought of by the EDIC.

Mr. Paul Burke from Boston relocated here 9 months ago after coming for many years. He works for Cape Cod Five Investment Services, his background is in dealing with businesses and people in financial matters and he would serve the EDIC well in that capacity.

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

2. Interview Applicant for Charter Review Committee

Charles Radar 44 Elvira Ave

Mr. Radar has lived in other places, served on charter review committees, and thought he was effective. He has been to all but one meeting and hopes to continue. There are two things the committee looks at, 1. Housekeeping function because no matter how well it is done, always things to clean up. 2. Is there something to put in the charter that would make the Town better? Mr. Radar reviewed his experience in Chatham and Concord

The Board of Selectmen noted the vote will be at next Board of Selectmen meeting.

3. Presentation – Upper Cape Cod Regional Technical School – Robert Dutch, Michael Degan  
Bob Dutch, Superintendent UCCRTS

Falmouth representatives to the Regional School Committee, Tom Corriveau and Marianne Smith were present

Bob Dutch noted the freshman class has 220 students expected; there is a waiting list. In last 10 years, the school has grown to about 748 students. Interest continues to outweigh capacity, they are expanding the facility, and all buildings are being constructed with staff and students. The LPN building was built a few years ago; they also added an HVAC program. An IT building was also built. They are in the process of constructing 2 buildings, 1 auto/collision repair annex and expanding the Allied Health Program. The school will be looking to add a field house; the capitol campaign will begin this fall. The existing gym will be converted to classroom space and likely remove the bulk of the waiting list because they will have 100 additional spots for students. Started program with the Cape Cod Collaborative and are participating in a Facilities Management program. Looking to add secondary programs in HVAC, construction programs, and other areas where this is demand for employment. They are also looking at 13<sup>th</sup> year program, students from FHS who know they're not going to college, want to attain a skill, looking to have them come to Upper Cape for 13<sup>th</sup> year, enroll full time in spaces where there are programs while seniors are on their coops.

Student achievements were reviewed and include coop education, which was described. 140 students over a 10 month period earned \$676,000, 60% of students go on to two and four year colleges. Skills USA is vocational Olympics, which was described. UCT received 2 national gold medals in occupational skills and safety, silver in Internet. Future farmers of America chapter: 5 teams of students participating at the national level. Sports participation growing, 50% of students participate. Upper Cape has their own football team. The school also gives back to the communities, they have built several docks for Falmouth, 2 lifeguard chairs, and the plumbing program closes the surf drive location annually.

UCT is a stepping stone to CCCC for many students, they partner with CCCC as a pathway. UCT offers something different than FHS, which is traditionally a college preparatory high school where UCT is preparing students to be career and college ready. UCT seeks to assist students and employers in creating relationships so when they graduate there is more of a desire to stay.

Ms. Smith noted her being impressed with leadership and staff at the school. Thankful for the Town to vote her on the board and Falmouth should be proud.

Tom Corriveau commented that in the 4 years he has been a representative on the committee, he enjoys the positive changes and it is exciting to see someone go to college even if they do not continue in the trade.

4. Presentation – Seaport Economic Council Grant Update – Rob Munier, Woods Hole Oceanographic Institution (WHOI)

Robert Munier, Vice President Marine Facilities and Operations WHOI, presented a PowerPoint presentation report showing the dock project study. They formed a partnership with the Town and were ultimately awarded the grant, the study completed in May 2018, the grant expired June 30, 2018.

This is the first grant awarded to a partnership. Purpose of this project is to provide a plan to redevelop the Iselin dock and waterfront in the next decade with goal of providing next generation world class facilities that will enable WHOI's mission and also benefit the local communities and the greater MA Blue Economy.

The goals include a state of the art dock and building for activities needing access to the sea, optimize design life, resilient design, anticipate sea level rise, and provide potential for growth. The study develops a road map and how to get to a project you can actually construct and what that process looks like. Reviewed the feasibility team and contributors. The study process described, developed a dock advisory group and working groups, including a Community advisory committee.

Design considerations were reviewed, as were finance estimates for various concepts. Construction phasing was discussed. Both government and private financial sources will be looked into.

Next steps include narrowing options to hone in on a plan. Many studies need to be continued, engage with regulatory agencies, and initiate the financing, and then community engagement.

They would like to apply for another Seaport Economic Council Grant, to help for planning effort. Next round is in November 2018.

Would like to engage with the Town Coastal Resiliency Action Committee as the Board of Selectmen representatives on this subject because a panelist noted the importance of getting the right approach to facilitate that dialogue.

SSA has shared their info with WHOI.

Mr. Jones noted it is important to hear from the Woods Hole Village Association regarding parking and it is important to feel like partnership on all these issues.

The Executive Summary was provided to the Board of Selectmen. Information is available on the WHOI website.

5. Report – Cable Advisory Committee

Donna Buckley, Chair noted three items that the Committee would like to address:

1. Mill Road easement

In 2013 the Town executed easement to Comcast and Nstar; was supposed to be fiber wiring to Town Hall and the Library; the committee has gone to Comcast to accomplish the wiring. The most recent information is that Comcast does not believe they have an obligation to do that. The committee recommends the Board of Selectmen look into that to see if town has receive full consideration under the easement.

2. Outage reimbursements

Comcast bills before the services are used, that practice was taken into account when the terms of the license were negotiated. In the event of a service outage, MGL and cable license providers requires that Comcast grant a pro-rated, credit, or rebate for the loss of service that was more than 24 consecutive hours. A subscriber aware a rebate might be due attempted to secure one from Comcast but had to be tenacious to receive it. This credit is supposed to be given automatically. The Committee wrote a letter on 5/19/18 to Comcast asking for information about service interruptions and credits given, but no response has been received. There is a case in US District Court, Cooper v. Charter Communications, LLC; this is a class action suit in the western part of the state looking for their refund. The case is not yet decided, the Committee recommends the Board of Selectmen talk with Town Counsel to see what options may be available to the Town and subscribers.

3. Upcoming ascertainment period for license renewal

Entering 10/1/18 the 3 year ascertainment period prior to renegotiation of the cable license. All working closely regarding the needs of the town and community. Currently scope of the Committee was reviewed, but as we think about the changing nature of technology, use of cable TV, the Committee wants the Board of Selectmen to think about whether it would better serve the Town if the Committee had a broader scope. Cable is intertwined with Internet, cable usage down; benefits from the cable contract are at risk if subscribers decline significantly. They want to be able to think about what is in the best interests of the community including what other options are available. We have one option of Internet service.

There are several vacancies on the committee, if we look at scope of the committee before publicizing vacancies, may attract people that have broader interest than in just the cable license.

Chair Moran noted the next step is to have a meeting with Town Counsel and the Committee members and maybe someone from the Board of Selectmen and the Town Manager's Office would be there as well.

Carol Murphy, Comcast subscriber who came to Committee to find out why Falmouth subscribers are not getting their credits addressed the Board of Selectmen. She had a difficult time. Springfield filed a class action lawsuit; the Town can sue for not providing service.

6. Discussion with Eversource Representative, Robert Smith

Interested in discussing electric vehicle charging stations.

Mike McGuire, supervisor of operations and most experienced member. Greg Carlson, Engineer, also addressed the Board of Selectmen.

Mr. Carlson developed the plan to remove double poles in Falmouth and explained the plan that was provided to the Board of Selectmen. A lineman would be dedicated to Falmouth addressing the need of each of the 84 double poles in Falmouth. This is a proposal, approved at director level and still in the planning phase. Goal is to move equipment beginning in the fall.

Mr. Brown asked about assessment of the older poles.

Mr. Jones noted experiences in the last few months when work was not getting done. This latest proposal motioned starting on 7/6, but Mr. Carlson is saying it will begin in the fall.

According to Mr. Carlos, this is a model, blueprint; the timeframe is a suggestion and trying to give indication of how they are moving forward. Lakeview work is complete; Eversource had been waiting for Comcast and Verizon to swap their equipment. Contact with other utilities is part of the plan Mr. Carlson presented tonight.

Mr. Suso stated the plan presented attributes significant need to the March storm, but many poles have been double poles for multiple years. He appreciates the commitment to prioritize issues in Falmouth. Requests were made to the legislature for tools to enforce things that were not occurring otherwise, the legislature has not granted that authority to the Town. He hopes this overture is an appropriate substitute for it. Mr. Suso asked for the email address for the individual who would be Eversource's eyes in the field. Eversource will transmit the contact info.

7. Recreation Fields Status Update – Department of Public Works

Jeremiah Pearson, Parks Superintendent made a PowerPoint presentation describing the work done to date on the prioritized fields including Central Park, FHS, Lawrence School, Sandwich road, GUV Fuller, Trotting Park, School Administration Building, and 151 Allietta Field. Spring and summer nutrition plan has begun, late summer and fall plan was described. Soil testing is done on all those fields, aeration in spring and fall. Liming is being done. There is a fertilization program to improve quality and promote new growth. Now that things are growing faster, it has been hard to keep up with the demand of cutting all of the fields. There is a tracking system in place. More equipment is in service, so seasonal staff schedules are being considered, they are looking to get seasonal staff to work earlier and later into the season and higher pay.

Sandwich Road field will be available for play this fall.

The Recreation Department is working on adverse weather conditions rules, monitoring will be done by the Recreation Department and Mr. Pearson's staff.

Mr. Brown noted entering the slope to trotting park fields and suggested a walkway to make it more accessible.

Peter McConarty noted that the DPW goal is maintenance; the rules and regulations would be more through the Recreation Center. This is an example of the School Department, Recreation Department, and DPW working together.

Mr. Suso urged all involved to exercise patience for this long term improvement.

Kathleen Burke addressed Mr. Patterson's request for update on the synthetic field. The construction for the FHS field will start in the fall and expect to be complete in the spring. School Committee is supposed to approve the contract next week.

Bob Brown, Recreation Committee, said the DPW is working with them. He would like to see the MPS fields added to the priority list.

Mr. Olenick noted it would be ideal to have fields have a rest, but some fields are used constantly.

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

Carla Feroni, Falmouth Housing Coordinator, explained the action needed, to authorize expenditure of funds to maintain some affordable units in town. 4 units up for sale or going into foreclosure. The most pressing need is 38 Jeffrey and 110 Dillingham Avenue, unit 110 because they are being marketed by the agent and can only be purchased by an eligible purchaser. Difficulty finding eligible purchases because HUD income level does not relate to the housing costs in Falmouth. Higher for sale price than some of the incomes allow for. She is asking to list the units with MLS, which requires a fee to a broker,

The MLS service does not have a specific fee requirement; they would be getting marketing assistance by having the MLS advertising platform. Deed restrictions, HAC would get a percentage of the sale and it is paid by the current owner out of the sale. Chair Moran noted could be broker hired to do the sale for a lower percent.

Ms. Feroni is proposing a 2.5% brokers fee max. It depends on deed restriction, in some cases the state would pay the 2.5% and in some cases they will not. She is asking for two particular properties because they are at greatest risk of losing their affordability, but would like long term guidelines as well.

When listed on the MLS it would say it would be sold with deed restrictions, and then HAC is contacted.

Ms. Feroni showed the Board of Selectmen the MLS listing with income.

The motion would be specific to 110 Dillingham Place Unit #110 and 38 Jeffrey Lane in the MLS and approved fee to the broker of 2.5% or \$3,875 to find an eligible buyer.

**Mr. Jones read the motion in the packet into the record. Second Mr. Patterson. Vote: Yes-5. No-0.**

9. Sign Variance – Off-Premise Educational Signs Regarding Recycling and Litter – Solid Waste Advisory Committee and Department of Public Works

Linda Davis, Chair, explained to the Board of Selectmen their plan to use three sandwich boards to educate the public on issues of trash and recycling. They would like to post these signs most of the time, change periodically. Proposed locations included the School Administration Building, Village Green, and Davisville Road intersection. An example of the sign was provided to the Board of Selectmen.

Mr. Patterson noted the sign may have too many words on it and having it up constantly will result in it being ignored. He is adverse to sign clutter. He would like it further defined and more effective communication. He also suggested reaching out to the School Committee.

Ms. English Braga commented that these may be moveable and broader messaging caption, maybe not saying the same thing every time. The Board of Selectmen would like a time period and where it will be for what sign board.

Marc Finneran asked if they do it once a month and then it could change and they could come back next month. Chair Moran noted it could be approved several months at a time.

10. Sign Variance – Off-Premise Signs – Bayside Drive Beach Annual Neighborhood Cookout  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

11. Sign Variance – Off-Premise Signs – East Falmouth Village Association Annual Meeting

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

12. Discuss/Consider Non-Binding Resolution on Medical Aid in Dying (Roger Kligler, MD)  
Dr. Kligler told the Board of Selectmen that this would permit terminally ill mentally competent adults to receive script for medication. As a primary care physician, he was there while they transitioned to death; hospice was not always completely successful in eliminating the pain. Had it been legal, several of his

patients would have opted for medical aid in dying. He has a life threatening disease and feels the individual can determine whether one's life is tolerable while going through the terminal phases of disease. If less than 6 months life expectancy, this should be an option.

Rabbi Elias Lieberman, 214 Hatchville Road, urging support in medical aid in dying and the Board of Selectmen support will help with communicating to the legislature. Not all suffering can be adequately addressed in terminally ill patients. Medical aid in dying must be made available to residents of the commonwealth.

**Mr. Brown motion to support. Second Ms. English Braga. Vote: Yes-4. No-0. Abstain- Mr. Patterson.**

Ms. English Braga looked to how the town has voted in the past; there has been support for many years in this community. This is a basic human rights issues to look with compassion and what another is going through and acknowledging them in honoring their choice.

Mr. Patterson wonders if this is his role as Selectmen, he recused himself on this type of vote. He would rather put an article out to Town Meeting.

According to Mr. Jones, Town Moderator David Vieira does not believe non-binding advisory votes should go to Town Meeting because the state legislature will be making these decisions. Mr. Jones is comfortable making these decisions and he supports it.

Chair Moran explained the next step would be to present something to the Board of Selectmen and Mr. Suso hopes the Committee requesting the language sends it to the Town Manager.

13. Discussion of Next Community Outreach

No date yet, subject to location. Goal for this outreach is narrowing the focus to look at issues particular to parts of Town represented by the 02536 zip code and hold it in that zip code. The date will likely be scheduled at the next Board of Selectmen meeting.

Allowing more time for zip code specific concerns/questions.

Mr. Brown noted idea part of the last outreach and people saying to get into their neighborhoods more.

Live survey comments were reviewed; they wanted Town Meeting Members to be more available and be a part of attending.

14. Announce Board of Selectmen Fourth Quarter 2018 Meeting Schedule

August 6, 20

Sept 10, 24

Oct 1, 15, 29

Nov 5, 13, 19 (town meeting 11/13, and 11/14 if needed)

Dec 3, 17

15. Minutes of Meetings:

Public Session

April 23, 2018

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

May 21, 2018

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

Executive Session

April 23, 2018

May 21, 2018

These session minutes are not complete at this time.

16. Individual Selectmen's Reports

Mr. Brown:

Attended the Falmouth Service Center Thrift Shop opening.

Attended planning session on the design possibilities for plan initiative on Davis Straights.

The first ever beach concert in Falmouth will take place on 7/25/18.

Mr. Patterson:

Attended the Community Housing Design Workshop, which presented good ideas, including cottage courtyards.

Attended Scoba Rhodes' wake.

The Fireworks were superb.

Assisted in Nobska light tours this year.

He would like to have the Storm Water Runoff Regulations be an agenda item.

Chair Moran:

Mentioned the Gosnold issue and decision to limit public comment to one representative to the 2 minute comment period given every week. She was contacted over the weekend by a number of people and advised Ms. Heylin in advance that it would be an opportunity to use of the public comment period. If others had comments on other matters, they would take one comment on each issue. That will be the continued process. The meeting has to be organized and she hopes they are able to continue this important discussion. Town Counsel has been asked for an opinion on what the Board of Selectmen is allowed to say publicly.

Mr. Jones noted that the Board of Selectmen is not allowed to discuss what is on the agenda and there are times when an item is on the agenda and public comment may be more available.

According to Ms. English Braga, there is confusion between making public comment at the beginning without being on the agenda v. comments taken from the public on the agenda that have been noticed. Public comment is a frustrating mechanism that allows you to scratch the surface; it does not allow for back and forth comment.

17. Review of Town Manager's Report

Town providing services to summer residents, we pay a higher fee year round because we are contracting with an entity that provides increase level of service for 60-90 days a year.

Mr. Johnson-Staub notes that the Lt. Governor and Secretary of Environmental Affairs will be in Woods Hole regarding the municipal vulnerability preparedness program.

18. Review and/or Discuss Correspondence Received

**Mr. Jones motion to adjourn at 11:26 pm. 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 20, 2018

Handwritten signature of Julian M. Suso in black ink, with a horizontal line underneath the name.

- We will convene in executive session at 6:30PM on Monday to have a status update on Fire Department collective bargaining.
- Selectmen will consider a variety of items of "Summary of Actions" once again.
- I am leaving in a few moments to attend a meeting which I was just recently notified about with Commonwealth Secretary of Housing and Development, Jay Ash. Apparently, this was assembled by Michael Galasso of EDIC at the Chamber of Commerce Offices.
- I will have further information to report when we meet together on Monday evening.
- Falmouth's "Chamber of Commerce" crowds continue throughout the Town, greeted by warm and sunny weather. All hands are on deck providing basic municipal services to our guests.
- I was pleased to attend both the West Falmouth Village Association and the East Falmouth Village Association Annual Meetings on Tuesday and Thursday evenings respectively, this past week.
- Good weekend to all.