

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

**AGENDA**

**MONDAY, SEPTEMBER 10, 2018 – 6:00 P.M.**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

**6:00 p.m. OPEN SESSION**

**6:00 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(3) – Review/Discussion of Elijah Smith Legal Claim

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

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

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

1. Licenses
  - a. Application for 12 Special One-Day Wine and Malt Liquor Licenses – On the Water Outfitters, 707 Teaticket Highway – “Fun on the Water” Customer Appreciation Open House – One per Month, September 2018 – August 2019
  - b. Application for New Entertainment License – Josh’s at Davisville, 339 East Falmouth Highway
  - c. Application for Special One-Day Wine and Malt Liquor License – 13 River Street, LLC d/b/a International Cycling – Cape Cod Fairgrounds - Saturday, 11/3/18 and Sunday, 11/4/18
2. Administrative Orders
  - a. Approve Request for Waiver of Building Permit Fees – 72 Deer Pond Road
  - b. Vote to Accept Donation from Falmouth Triathlon New England Endurance Events in the Amount of \$1,400.00 to the Beach Department Donation Account
  - c. Vote to Authorize Town Counsel and Town Manager to Respond to Open Meeting Law Complaint Received by the Board of Selectmen on August 21, 2018
3. Special Events

**New - Recommended:**

  - a. Beach Wedding Ceremony – Roman - Menauhant Beach – Saturday, 10/6/18

**PUBLIC HEARINGS**

**7:30 p.m.**

1. Wetlands Hearing – Steven Balas, Michael Kachadoorian, #64 and Lot 77 Muskegat Road, East Falmouth – Proposed Ramp and Float – Eel Pond – Continued from 8/6/18

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

1. Discussion of FY2020 Budget Policy
2. Vote Articles and Execute Warrant for November 2018 Town Meeting
3. Report – Menauhant Beach – John Ramsey, Applied Coastal; Jim McLoughlin, DPW/Engineering
4. Review, Vote and Approve 2018 – 2019 Shellfish Regulations
5. Status Report on Dutch Elm Disease, Downtown – Jeremiah Pearson and Peter McConarty, DPW

6. Request for Sign Variance – Off-Premise Promotional Banners – Cape Cod Marathon – Falmouth Track Club
7. Annual Committee Reappointment
8. Announce Revision to November 2018 Annual Town Meeting Schedule
9. Minutes of Meetings:  
Public Session – June 18, 2018  
Executive Session – June 18, 2018; August 6, 2018  
Vote to Release/Not to Release Minutes of Executive Sessions
10. Individual Selectmen's Reports
11. Review of Town Manager's Report
12. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
Board of Selectmen

2018

# License Alcoholic Beverages

18-30-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

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

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

DATE: Thursday, September 20th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Licensing Board

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

2018

# License Alcoholic Beverages

18-31-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

#### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 18th day of October 2018 until the 18th day of October 2018, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, October 18th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

_____	_____
_____	_____
_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2018

# License Alcoholic Beverages

18-32-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters  
Valerie Watts, Manager

707 Teaticket Highway  
East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 8th day of November 2018 until the 8th day of November 2018, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, November 8th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	_____
_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2018

# License Alcoholic Beverages

18-33-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

#### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 13th day of December 2018 until the 13th day of December 2018, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, December 13th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2018

# License Alcoholic Beverages

18-34-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

#### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 10th day of January 2019 until the 10th day of January 2020, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, January 10th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	_____
_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2018

# License Alcoholic Beverages

18-35-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

#### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 7th day of February 2019 until the 7th day of February 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, February 7th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	Licensing Board

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2018

# License Alcoholic Beverages

18-36-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 7th day of March 2019 until the 7th day of March 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, March 7th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-37-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 18th day of April 2019 until the 18th day of April 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, April 18th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	_____
_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2018

# License Alcoholic Beverages

18-38-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 16th day of May 2019 until the 16th day of May 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, May 16th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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_____	_____
_____	Licensing Board

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2018

# License Alcoholic Beverages

18-39-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 13th day of June 2019 until the 13th day of June 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, June 13th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

_____	_____
_____	_____
_____	Licensing Board

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

2018

# License Alcoholic Beverages

18-40-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

#### To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway

East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 11th day of July 2019 until the 11th day of July 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, July 11th from 5:00 pm to 7:00 pm

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

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Licensing Board

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

2018

# License Alcoholic Beverages

18-41-WM

Fee:

25

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To On The Water Outfitters

Valerie Watts, Manager

707 Teaticket Highway  
East Falmouth, MA 02536

On the following described premises:

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

This license is valid from the 15th day of August 2019 until the 15th day of August 2019, unless earlier suspended, cancelled or revoked.

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

DATE: Thursday, August 15th from 5:00 pm to 7:00 pm

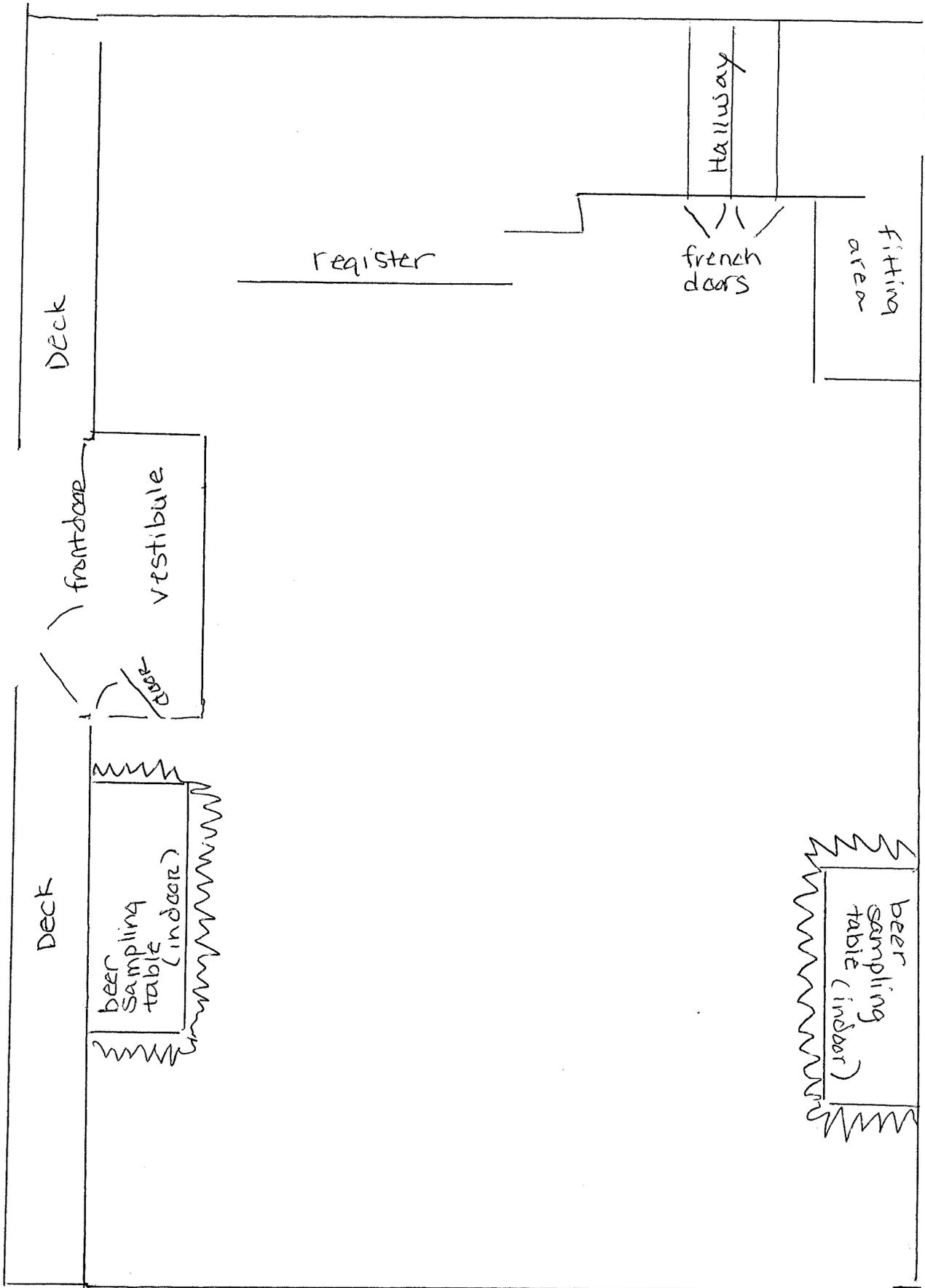
CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of August 2018

_____	_____
_____	_____
_____	Licensing Board

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CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ





ON THE WATER. OUTFITTERS  
 707 TEATICKET HWY  
 EAST PALMOUTH, MA

FLOORMAP  
 2018.

**Phyllis Downey**

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**From:** Brian Reid <breid@falmouthpolice.us>  
**Sent:** Friday, August 17, 2018 2:08 PM  
**To:** 'Phyllis Downey'; 'Sean Doyle'  
**Subject:** RE: just a reminder- FW: One-Day Liquor License x 13

Hello Phyllis,

We have no objection to these license requests.

Thank you,

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

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

**From:** Phyllis Downey [mailto:[phyllis.downey@falmouthmass.us](mailto:phyllis.downey@falmouthmass.us)]  
**Sent:** Friday, August 17, 2018 10:47 AM  
**To:** Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Subject:** just a reminder- FW: One-Day Liquor License x 13

Hello,

This is just a reminder to please send your recommendations, if any, regarding this application for 13 One-day Wine & Malt Beverage Licenses for On The Water Outfitters.

Thank you,  
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:** Tuesday, August 14, 2018 10:16 AM  
**To:** Brian Reid <[breid@falmouthpolice.us](mailto:breid@falmouthpolice.us)>; Sean Doyle <[sdoyle@falmouthpolice.us](mailto:sdoyle@falmouthpolice.us)>  
**Subject:** One-Day Liquor License x 13

Good morning, Officers,

Attached please find an application for 13 One-Day Liquor Licenses for On the Water Outfitters as follows:

1. One-Day Liquor Licenses: On the Water Outfitters, 707 Teaticket Highway, East Falmouth for the following dates:
  - a. August 30, 2018
  - b. September 20, 2018
  - c. October 18, 2018
  - d. November 8, 2018
  - e. December 13, 2018
  - f. January 10, 2019
  - g. February 7, 2019
  - h. March 7, 2019
  - i. April 18, 2019
  - j. May 16, 2019
  - k. June 13, 2019
  - l. July 11, 2019
  - m. August 15, 2019

If you have any comments/recommendations you would like to provide the Board of Selectmen on this application, would it be possible to forward them to me by Friday noon, August 17, 2018? If there is not sufficient time, the August 30, 2018 will be removed as potential date.

Thank you very much for your time,  
Phyllis

**Phyllis Downey**

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

Number:  
18-48-AAENT

Fee  
\$100.00

The Commonwealth of Massachusetts  
Town of Falmouth

This is to certify that  
JZ Restaurant d/b/a Josh's at Davisville  
Joshua James Zamira, Manager  
339 East Falmouth Hwy  
East Falmouth MA 02536  
is hereby granted this  
Entertainment License

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

Valid from: September 10, 2018      Valid until: December 31, 2018

By order of The Falmouth Board of Selectmen

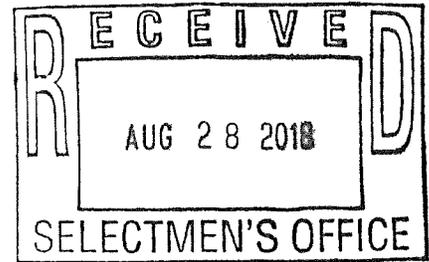
September 10, 2018

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



Town of Falmouth  
Office of the Town Manager/Selectmen  
59 Town Hall Square  
Falmouth, MA 02540  
508-495-7320



Application for ENTERTAINMENT LICENSE in accordance with Massachusetts General Laws, Chapter 140, Section 183A as amended by Chapter 694 of 1981

NAME OF ESTABLISHMENT Josh's at Davisville

ADDRESS 339 E. Falmouth Hwy E. Falmouth, MA 02536

TELEPHONE # 774-255-1178 (Bus) (Home)

NAME OF OWNER/MANAGER Joshua Zamira

HOME ADDRESS \_\_\_\_\_

DESCRIBE LOCATION FOR ENTERTAINMENT dining room

DAYS OF OPERATION: (check all that apply) MON \_\_\_ TUE  WED  THR \_\_\_ FRI  SAT \_\_\_

SUNDAY ENTERTAINMENT: YES \_\_\_ (complete separate State application) NO

HOURS OF ENTERTAINMENT: 7<sup>30</sup>-10<sup>30</sup>

PLEASE CHECK THE APPROPRIATE BOX(ES) FOR TYPE OF ENTERTAINMENT:

- 1. DANCING By Patrons \_\_\_ No Dancing
- 2. MUSIC Recorded \_\_\_ Live  No Music \_\_\_  
 No. of Musicians 1 Amplification System \_\_\_\_\_  
 Type of Instruments guitar

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

DATE 8-13-18

[Signature]  
OWNER, MANAGER OR AUTHORIZED AGENT

FEE: \$100.00  
FILING FEE: \$10.00

2018

# License Alcoholic Beverages

18-43-WM

Fee:

50

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

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

License to Expose, Keep for Sale, and to Sell

### Wines and Malt Beverages

To Be Drunk On the Premises

To 13 River Street d/b/a International Cycling

1220 Nathan Ellis Hwy  
East Falmouth MA 02536

On the following described premises:

Barnstable County Fairgrounds, 1220 Nathan Ellis Highway, E Falmouth

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

This license is valid from the 3rd day of November 2018 until the 4th day of November 2018, unless earlier suspended, cancelled or revoked.

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

SATURDAY & SUNDAY 12:00 PM TO 5:00 PM

Per Falmouth Police Department: Put into place all safeguards and conditions that were met in the past. In addition: 1. Alcoholic beverages served on the premises must remain on the premises. 2. Rope off area where alcohol will be sold and consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 10th day of September 2018

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

Licensing Board

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

**PAID**  
\$60.00

TOWN OF FALMOUTH  
Office of the Town Manager & Selectmen  
59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7320

RECEIVED  
AUG 13 2018  
SELECTMEN'S OFFICE

APPLICATION  
SPECIAL ONE-DAY LIQUOR LICENSE  
FOR THE SALE OF ALCOHOLIC BEVERAGES  
M.G.L.A. CHAPTER 138, SECTION 14

NAME OF APPLICANT: William H Sykes  
ADDRESS OF APPLICANT: 13 River St, Plymouth, MA 02360  
NAME OF ORGANIZATION: 13 River Street, LLC dba International Cycling  
MAILING ADDRESS: 13 River St, Plymouth, MA 02360  
TELEPHONE #: 508 746 3207  
EMAIL: bill@intlcyling.com  
LOCATION TO BE LICENSED: Cape Cod Fair Grounds  
TYPE OF EVENT: Bicycle Race  
DATE(S) OF EVENT: November 3 and 4, 2018  
HOURS OF EVENT: 12PM - 5PM  
APPROXIMATE # OF PEOPLE: 300

TYPE OF LICENSE:  
1. WINE & MALT  NON-PROFIT  FOR PROFIT   
2. ALL ALCOHOLIC \_\_\_\_\_ NON-PROFIT ONLY

- REQUIREMENTS:
- Certificate of non-profit status (if your organization is non-profit)
  - Certificate of liquor liability insurance
  - Certificate of TIPS or other alcohol safety training
  - Floor plan of area where alcohol will be served and consumed, and security plan
  - 5. Application for Temporary Food Permit (Health Department)

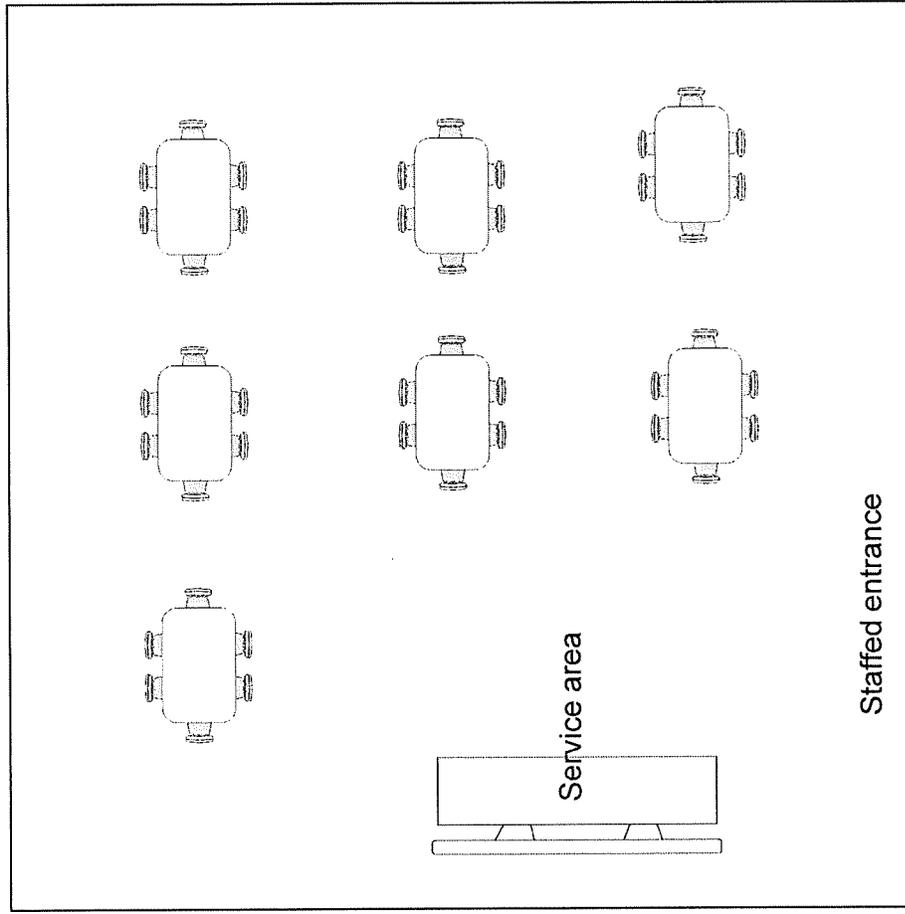
AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT William H Sykes  
(PRINT NAME)  
DATE 8/9/18  
*W H Sykes*  
APPLICANT SIGNATURE

FEE: \$25.00 PER DAY  
\$10.00 FILING FEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
BOARD OF SELECTMEN

Floor Plan for Beer Garden at Cape Cod Fairgrounds, November 3 and 4, 2018

40'



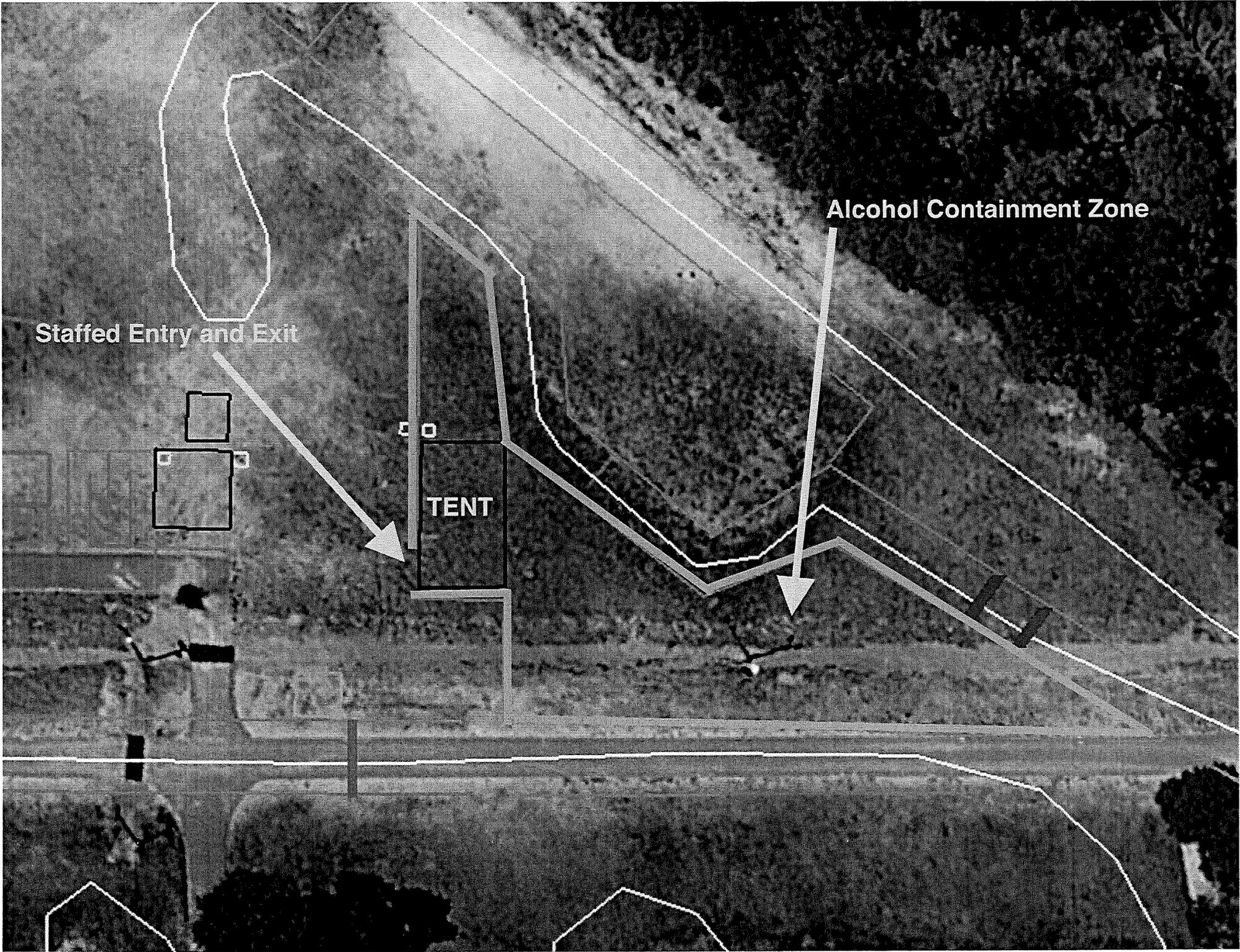
40'

Concourse area  
(see venue map)

Containment fence

Staffed entrance

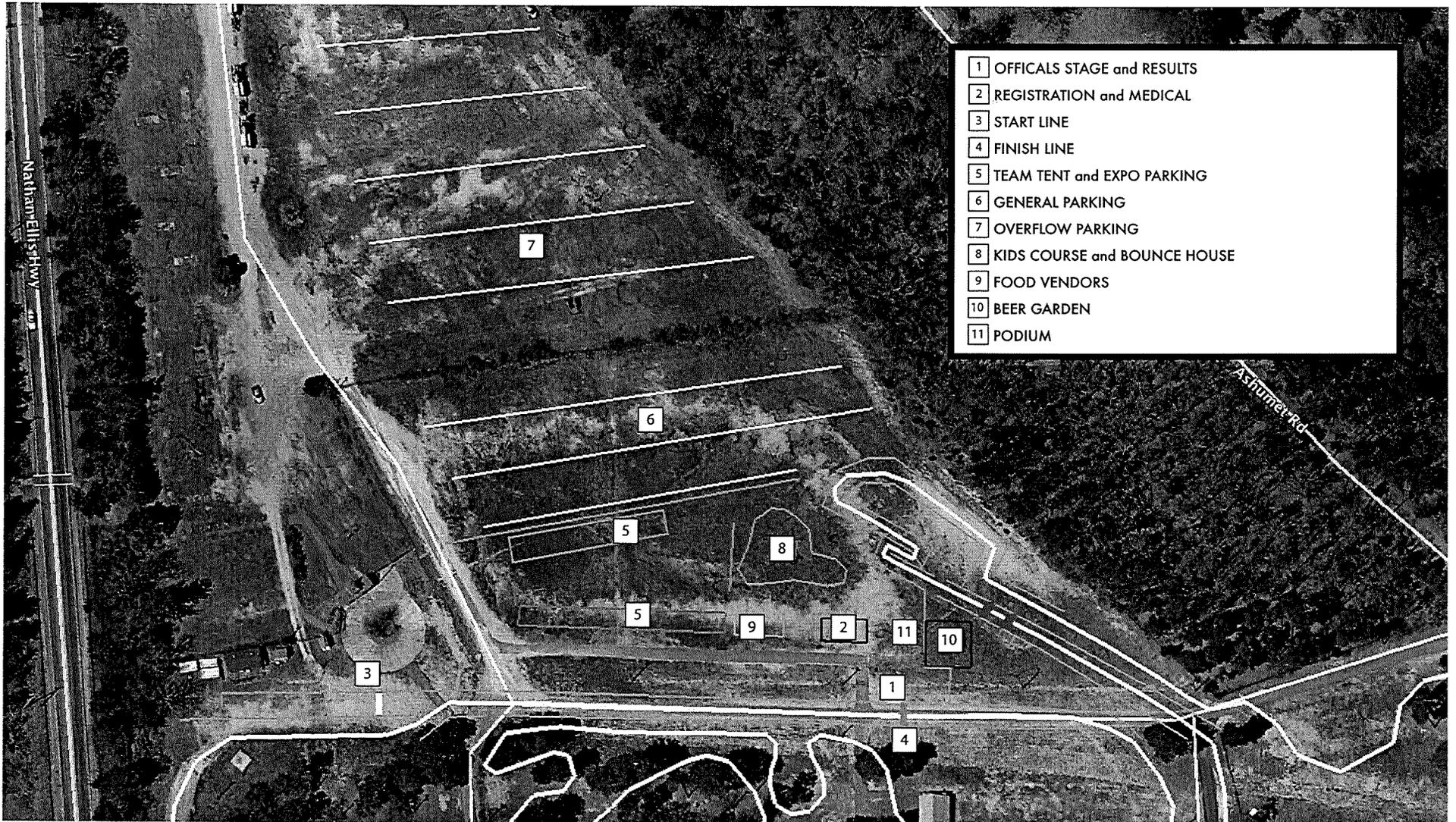
Containment fence



Staffed Entry and Exit

TENT

Alcohol Containment Zone



- 1 OFFICIALS STAGE and RESULTS
- 2 REGISTRATION and MEDICAL
- 3 START LINE
- 4 FINISH LINE
- 5 TEAM TENT and EXPO PARKING
- 6 GENERAL PARKING
- 7 OVERFLOW PARKING
- 8 KIDS COURSE and BOUNCE HOUSE
- 9 FOOD VENDORS
- 10 BEER GARDEN
- 11 PODIUM

13 River St

**Phyllis Downey**

---

**From:** Sean Doyle <sdoyle@falmouthpolice.us>  
**Sent:** Saturday, August 18, 2018 11:55 AM  
**To:** 'Phyllis Downey'; 'Brian Reid'  
**Cc:** 'Diane Davidson'  
**Subject:** RE: One-day Wine & Malt License Intl. Cycling

Good morning,

As long as all laws and by-laws are adhered to then this department does not have any issues with the request. We would ask that the organizers of the Bike Race contact the FPD detail office to discuss proper safety and security measures.

Lt. Doyle

**From:** Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]  
**Sent:** Tuesday, August 14, 2018 3:09 PM  
**To:** Brian Reid <broid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>  
**Cc:** Diane Davidson <ddavidson@falmouthmass.us>  
**Subject:** One-day Wine & Malt License Intl. Cycling

Good afternoon,

Attached please find an application for a Wine & Malt Beverages License as follows:

1. Wine and Malt Beverages license 13 River Street, LLC d/b/a International Cycling, 13 River Street, Plymouth MA

If you have any comments/recommendations you would like to provide the Board of Selectmen on this application, please forward them to me by Thursday, September 6, 2018.

Thank you,  
Phyllis

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

August 22, 2018

Ms. Karen L. Bissonnette, Executive Director  
Falmouth Housing Trust  
P.O. Box 465  
Falmouth, MA 02541

Subject: Request for Waiver of Town Building Permit Fees, 72 Deer Pond Road

Dear Ms. Bissonnette,

As you know, I have been in receipt of your request for this waiver from the Board of Selectmen. This is pursuant to the BOS Fee Waiver Policy, copy attached.

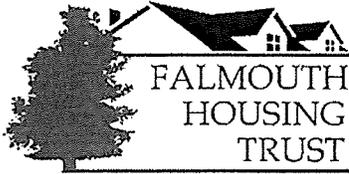
Staff members have completed the review of the pro forma documentation which you have provided, consistent with the procedure under this Policy. It has been confirmed that what you have transmitted is in compliance with the requirements of the Policy. Having completed this review process, the waiver request will now be presented to the Board of Selectmen at an upcoming business meeting.

I understand that the CPC will not be acting on your project request with them until an upcoming meeting on September 13. Normally, the Board of Selectmen would as a courtesy not take definitive action on any related project request until such a companion Board had completed its final actions. However, this would result in a further delay to the later BOS meeting on September 24. Understanding the importance of moving forward, I will review with the BOS Chair the possible placement of this request on the **September 10 BOS agenda** to consider approving the building permit fee waiver, recognizing that the CPC action would be forthcoming a few days following. Lastly, please keep in mind that, as per this Policy, "inspection fees and fees associated with direct service or material costs will not be waived."

Sincerely,

Julian M. Suso  
Falmouth Town Manager

Cc Board of Selectmen  
Rod Palmer  
Peter Johnson-Staub  
Carla Feroni



## Board of Directors

Joanne O'Sullivan, *President*

Kevin McCarthy- *Vice President*

Susan Roman, *Treasurer*

Joan Bates, *Secretary/Clerk*

Addie M. Drolette, *Immediate Past President*

David Garrison

Heather Harper

Tammy Rausch

Mark St. Jean

## Executive Director

Karen L. Bissonnette, CFRE

Falmouth Housing Trust  
P.O. Box 465  
Falmouth, MA 02541  
Tel. (508) 540-2370  
FalmouthHousingTrust.org  
Tax ID: 04-2936558

July 12, 2018

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

Dear Julian,

You may know that Falmouth Housing Trust, a not for profit 501(c)3 organization, is at the beginning stages of a project to build an affordable home at 72 Deer Pond Road.

This house will have an affordable deed restriction and be counted towards the Town's Subsidized Housing Inventory. There will be a lottery for qualified applicant (80% AMI) upon completion of the project which is scheduled for the first quarter of 2019.

I am writing to request that all Town fees associated with the development of this house be waived in accordance with the Board of Selectmen Fee Waiver Policy adopted February 11, 2016.

As required by the criteria, I have attached the development pro forma where you can see that Falmouth Housing Trust is taking far less than the allowable 20% development fee for the project. Also, I want to bring to your attention that Falmouth Housing Trust was given the land after working with a couple whose initial intention was to sell the land. In addition, Falmouth Housing Trust will be contributing \$40,000 of its own resources which will be raised from generous community members.

Clearly you are aware of the affordable housing crisis in Falmouth, and the mission of Falmouth Housing Trust *is to enhance the community of Falmouth by developing and maintaining sustainable, affordable workforce housing.*

I think you will agree that housing for our working demographic is vital to the sustainability of our community and only with the Town partnering with local housing advocates will we even come close to providing the housing opportunities necessary to ameliorate this issue.

Even with the donation of the land, this project is outrageously expensive because of the costs of the goods and services that have seen an extraordinary increase over the past several years. It is the hope of Falmouth Housing Trust that the Town will help by eliminating the Town fees associated with the development of this project.

I am hoping you can make a determination on this relatively quickly as the builder is ready to approach the Town for a building permit.

Thank you for your consideration and please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Karen". The signature is written in a cursive style and is positioned above the printed name of the signatory.

Karen L. Bissonnette  
Executive Director

# TOWN OF FALMOUTH SCHEDULE OF DEPARTMENTAL PAYMENTS TO THE TREASURER

Dept: BEACH

Date: 8/20/18

FROM	SOURCE	AMOUNT	TOTAL
STICKERS	01-632-4230		
GATE (BEACHES)	01-632-4231		
SWIM LESSONS	01-632-4238		
CONCESSION	01-632-4360		
DONATIONS	28-632-5655-4830	1400.	\$1,400

Falmouth Triathlon  
 NE Endurance Events  
 P.O. Box 490  
 S. Orleans, MA 02662

TOTAL \$1,400.00

*the Accounting Officer:*

The above is a detailed list of monies collected by me, amounting in the aggregate to Fourteen Hundred dollars, for the period ending Aug. 20, 2018 which I have paid to the Treasurer, whose receipt I hold thereof.

*Bruce Mogardo*

Bruce Mogardo  
 Beach Superintendent

*the Department Officer making the payment:*  
 received from the Beach Department, the sum of  
 dollars, for collections as per schedule of the date

, filed in my office.

\_\_\_\_\_  
 Treasurer



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

**NAME** Christina Roman

**MAILING ADDRESS** 52 Sand Point Shores Drive, East Falmouth, MA 02536

**CEREMONY DAY & DATE** Saturday, October 6, 2018

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

**LOCATION** Menauhant (Public Beach)

**SET-UP ARRIVAL TIME** 3:00 p.m. **CEREMONY HOURS** 4:00 p.m. – 4:30 p.m.

**NUMBER OF GUESTS** 20-100 **NUMBER OF VEHICLES** 20 – 30

**TIME NEEDED FOR PARKING VEHICLES** 4:00 p.m. – 5:00 p.m.

**ADDITIONAL INFORMATION:** Wedding vows on the beach.

**CONDITIONS:**

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

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

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

**BOARD OF SELECTMEN:**

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

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

## Phyllis Downey

---

**From:** Gregg Fraser <gregg.fraser@falmouthmass.us>  
**Sent:** Wednesday, August 29, 2018 7:30 AM  
**To:** 'Phyllis Downey'  
**Subject:** RE: Roman Wedding Menauhant Beach Oct. 6,2018

Hi Phyllis,  
MES has no objections to this application, thanks  
Gregg

**From:** Phyllis Downey <phyllis.downey@falmouthmass.us>  
**Sent:** Tuesday, August 28, 2018 3:28 PM  
**To:** bdemello@falmouthfire.us; breid@falmouthpolice.us; bruce.mogardo@Falmouthmass.us;  
ddavidson@falmouthmass.us; gregg.fraser@falmouthmass.us; jgrady@falmouthmass.us;  
jeremiah.pearson@falmouthmass.us; jolenick@falmouthmass.us; jsuso@falmouthmass.us; mtrott@falmouthfire.us;  
ofitzpatrick@falmouthmass.us; peter.jstaus@falmouthmass.us; pmconarty@falmouthmass.us;  
rod.palmer@falmouthmass.us; scott.mcgann@falmouthmass.us; sdoyle@falmouthpolice.us; tsmith@falmouthfire.us  
**Subject:** Roman Wedding Menauhant Beach Oct. 6,2018

Good afternoon All,

Attached please find a request for a Wedding Permit for Christina Roman on Saturday, October 6, 2018 at 4:00 PM.

We respectfully request your recommendations by Friday, September 14<sup>th</sup>.

Thank you very much.

Best,  
Phyllis

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

## Phyllis Downey

---

**From:** Sean Doyle <sdoyle@falmouthpolice.us>  
**Sent:** Tuesday, August 28, 2018 8:16 PM  
**To:** 'Phyllis Downey'  
**Cc:** 'Brian Reid'  
**Subject:** RE: Roman Wedding Menauhant Beach Oct. 6,2018

Good evening,

As long as all laws and by-laws are adhered to then this department does not have any issues with the request.

Sean Doyle,  
Lieutenant

**From:** Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]  
**Sent:** Tuesday, August 28, 2018 3:28 PM  
**To:** bdemello@falmouthfire.us; breid@falmouthpolice.us; bruce.mogardo@Falmouthmass.us; ddauidson@falmouthmass.us; gregg.fraser@falmouthmass.us; jgrady@falmouthmass.us; jeremiah.pearson@falmouthmass.us; jolenick@falmouthmass.us; jsuso@falmouthmass.us; mtrott@falmouthfire.us; ofitzpatrick@falmouthmass.us; peter.jstaub@falmouthmass.us; pmcconarty@falmouthmass.us; rod.palmer@falmouthmass.us; scott.mcgann@falmouthmass.us; sdoyle@falmouthpolice.us; tsmith@falmouthfire.us  
**Subject:** Roman Wedding Menauhant Beach Oct. 6,2018

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Thank you very much.

Best,  
Phyllis

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

## Phyllis Downey

---

**From:** Tim Smith <tsmith@falmouthfire.us>  
**Sent:** Wednesday, August 29, 2018 8:55 AM  
**To:** 'Phyllis Downey'; bdemello@falmouthfire.us; breid@falmouthpolice.us; bruce.mogardo@Falmouthmass.us; ddaavidson@falmouthmass.us; gregg.fraser@falmouthmass.us; jgrady@falmouthmass.us; jeremiah.pearson@falmouthmass.us; jolenick@falmouthmass.us; jsuso@falmouthmass.us; mtrott@falmouthfire.us; ofitzpatrick@falmouthmass.us; peter.jstaub@falmouthmass.us; pmcconarty@falmouthmass.us; rod.palmer@falmouthmass.us; scott.mcgann@falmouthmass.us; sdoyle@falmouthpolice.us  
**Subject:** RE: Roman Wedding Menauhant Beach Oct. 6,2018

Phyllis,  
The Fire Department has reviewed this request and no issues noted on our end.  
Thank you.

Timothy Smith, Deputy Fire Chief  
Falmouth Fire Rescue Department  
Work: (508) 495-2514  
Cell: (508) 274-6410

**From:** Phyllis Downey <phyllis.downey@falmouthmass.us>  
**Sent:** Tuesday, August 28, 2018 3:28 PM  
**To:** bdemello@falmouthfire.us; breid@falmouthpolice.us; bruce.mogardo@Falmouthmass.us; ddaavidson@falmouthmass.us; gregg.fraser@falmouthmass.us; jgrady@falmouthmass.us; jeremiah.pearson@falmouthmass.us; jolenick@falmouthmass.us; jsuso@falmouthmass.us; mtrott@falmouthfire.us; ofitzpatrick@falmouthmass.us; peter.jstaub@falmouthmass.us; pmcconarty@falmouthmass.us; rod.palmer@falmouthmass.us; scott.mcgann@falmouthmass.us; sdoyle@falmouthpolice.us; tsmith@falmouthfire.us  
**Subject:** Roman Wedding Menauhant Beach Oct. 6,2018

Good afternoon All,

Attached please find a request for a Wedding Permit for Christina Roman on Saturday, October 6, 2018 at 4:00 PM.

We respectfully request your recommendations by Friday, September 14<sup>th</sup>.

Thank you very much.

Best,  
Phyllis

**Phyllis Downey**  
Administrative Assistant

**Phyllis Downey**

---

**From:** Ollie Fitzpatrick <ofitzpatrick@falmouthmass.us>  
**Sent:** Wednesday, August 29, 2018 9:13 AM  
**To:** 'Phyllis Downey'  
**Subject:** RE: Roman Wedding Menauhant Beach Oct. 6,2018

No issues

Ollie Fitzpatrick  
Assistant Zoning Enforcement Officer  
Town of Falmouth  
59 Town Hall Square  
Falmouth, MA 02540  
Phone: (508) 495-7468  
Fax: (508) 548-4290  
Email: [ofitzpatrick@falmouthmass.us](mailto:ofitzpatrick@falmouthmass.us)

BE ADVISED: This message originates from Town of Falmouth Inspectional Services and contains confidential and or privileged information. If the reader of this message, regardless of the address or routing, is not an intended recipient, you are hereby notified that you have received this transmittal in error and any review, use, distribution, dissemination or copying is strictly prohibited. If you have received this message in error, please delete this e-mail and all files transmitted with it from your system and immediately notify Town of Falmouth Inspectional Services by sending a reply e-mail to the sender of this message.

**From:** Phyllis Downey [mailto:[phyllis.downey@falmouthmass.us](mailto:phyllis.downey@falmouthmass.us)]  
**Sent:** Tuesday, August 28, 2018 3:28 PM  
**To:** [bdemello@falmouthfire.us](mailto:bdemello@falmouthfire.us); [breid@falmouthpolice.us](mailto:breid@falmouthpolice.us); [bruce.mogardo@Falmouthmass.us](mailto:bruce.mogardo@Falmouthmass.us); [ddavidson@falmouthmass.us](mailto:ddavidson@falmouthmass.us); [gregg.fraser@falmouthmass.us](mailto:gregg.fraser@falmouthmass.us); [jgrady@falmouthmass.us](mailto:jgrady@falmouthmass.us); [jeremiah.pearson@falmouthmass.us](mailto:jeremiah.pearson@falmouthmass.us); [jolenick@falmouthmass.us](mailto:jolenick@falmouthmass.us); [jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us); [mtrott@falmouthfire.us](mailto:mtrott@falmouthfire.us); [ofitzpatrick@falmouthmass.us](mailto:ofitzpatrick@falmouthmass.us); [peter.jstaub@falmouthmass.us](mailto:peter.jstaub@falmouthmass.us); [pmconarty@falmouthmass.us](mailto:pmconarty@falmouthmass.us); [rod.palmer@falmouthmass.us](mailto:rod.palmer@falmouthmass.us); [scott.mcgann@falmouthmass.us](mailto:scott.mcgann@falmouthmass.us); [sdoyle@falmouthpolice.us](mailto:sdoyle@falmouthpolice.us); [tsmith@falmouthfire.us](mailto:tsmith@falmouthfire.us)  
**Subject:** Roman Wedding Menauhant Beach Oct. 6,2018

Good afternoon All,

Attached please find a request for a Wedding Permit for Christina Roman on Saturday, October 6, 2018 at 4:00 PM.

We respectfully request your recommendations by Friday, September 14<sup>th</sup>.

Thank you very much.

Best,  
Phyllis

**Phyllis Downey**  
Administrative Assistant

**Phyllis Downey**

---

**From:** Bruce Mogardo <bruce.mogardo@falmouthmass.us>  
**Sent:** Friday, August 31, 2018 10:56 AM  
**To:** 'Phyllis Downey'  
**Subject:** RE: Roman Wedding Menauhant Beach Oct. 6,2018

I have spoken to Christina to discuss the ceremony details. I will recommend the application for approval.

Bruce

**From:** Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]  
**Sent:** Friday, August 31, 2018 10:45 AM  
**To:** Bruce Mogardo <bruce.mogardo@falmouthmass.us>  
**Subject:** FW: Roman Wedding Menauhant Beach Oct. 6,2018

fyi

**Phyllis Downey**

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

**From:** Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]  
**Sent:** Tuesday, August 28, 2018 3:28 PM  
**To:** 'Boyd Demello (bdemello@falmouthfire.us' <bdemello@falmouthfire.us>; 'Brian Reid (breid@falmouthpolice.us' <breid@falmouthpolice.us>; 'Bruce Mogardo (bruce.mogardo@Falmouthmass.us' <bruce.mogardo@Falmouthmass.us>; 'Diane Davidson (ddavidson@falmouthmass.us' <ddavidson@falmouthmass.us>; 'Gregg Fraser (gregg.fraser@falmouthmass.us' <gregg.fraser@falmouthmass.us>; 'James F. Grady Jr. (jgrady@falmouthmass.us' <jgrady@falmouthmass.us>; 'Jeremiah Pearson (jeremiah.pearson@falmouthmass.us' <jeremiah.pearson@falmouthmass.us>; 'Joe Olenick (jolenick@falmouthmass.us' <jolenick@falmouthmass.us>; 'Julian M. Suso (jsuso@falmouthmass.us' <jsuso@falmouthmass.us>; 'Mel Trott (mtrott@falmouthfire.us' <mtrott@falmouthfire.us>; 'Olive Fitzpatrick (ofitzpatrick@falmouthmass.us' <ofitzpatrick@falmouthmass.us>; 'Peter Johnson-Staub (peter.jstaub@falmouthmass.us' <peter.jstaub@falmouthmass.us>; 'Peter McConarty (pmcconarty@falmouthmass.us' <pmcconarty@falmouthmass.us>; 'Rod Palmer (rod.palmer@falmouthmass.us' <rod.palmer@falmouthmass.us>; 'Scott McGann (scott.mcgann@falmouthmass.us' <scott.mcgann@falmouthmass.us>; 'Sean Doyle (sdoyle@falmouthpolice.us' <sdoyle@falmouthpolice.us>; 'Tim Smith (tsmith@falmouthfire.us' <tsmith@falmouthfire.us>  
**Subject:** Roman Wedding Menauhant Beach Oct. 6,2018

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We respectfully request your recommendations by Friday, September 14<sup>th</sup>.

Thank you very much.

Best,  
Phyllis



# 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 4300 (Wetland Regulations) of the Zoning By-Laws of the Town of Falmouth on August 6, 2018 at 7:30 p.m., in the Falmouth Town Hall, on the application of Steven Balas and Michael Kachadoorian for the Proposed Ramp and Float located at #64 and Lot 77 Muskegat Road, East Falmouth. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the  
Board of Selectmen

PUBLICATION DATES:  
JULY 13 and JULY 20, 2018

RECEIVED

JUL - 6 2018

FALMOUTH TOWN CLERK

RECEIVED  
JUN 29 2018  
SELECTMEN'S OFFICE

APPLICATION FOR PERMIT TO FILL, DREDGE OR  
OTHERWISE ALTER WETLANDS

PAID  
\$ 70.00

pad 3:00 pm

Filing Under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law

*PROPOSED RAMP AND FLOAT*  
*#64 AND LOT 77 MUSKEGAT ROAD*  
*EAST FALMOUTH, MASSACHUSETTS*

Prepared for:

Steven Balas and Michael Kachadoorian

Prepared by:



**Falmouth Engineering, Inc.**  
17 Academy Lane, Suite 200  
Falmouth, MA  
02540

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)

To the Board of Selectmen  
Falmouth, MA

Date: June 29, 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: Steven Balas, Michael Kachadoorian 64, lot 77 Muskegat Rd.  
(full name) (address)

AGENT: Falmouth Engineering, Inc. 17 Academy Ln, Ste 2 Falmouth, MA 02540  
(full name) (address)

APPLICANT: Same as owner  
(full name) (address)

1. Location of Property: Map 32 Section 04 Parcel 008 Lot 87,77

Street Name and House Number 64 & Lot 77 Muskegat Road

2. Body of water, marsh or stream affected: Eel Pond

3. Description of property and project site: Fully developed residential area. Single family home exists at #64. A new home is proposed on lot 77. An existing licensed and locally permitted concrete bulkhead currently exist on the waterfront #64 13,750 S.F. Lot 77 11,499 S.F.

a. Dimensions, Acreage of total parcel: \_\_\_\_\_

b. Length of water marsh frontage: n/a

c. Dimensions of area to be dredged: n/a Depth n/a

d. Dimensions of area to be filled: n/a

e. Volume of dredging spoil to be moved: n/a

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: n/a

f. Describe proposed riprap or bulkheading, if any: n/a

g. Other (docks, piers and etc.) 4' x 25' float and 3' x 12' ramp

h. Method (equipment to be used) for proposed work: Barge supported crane

4. Purpose of proposed work: Non-commercial docking and boating access to navigable waters

5. Zoning which governs area: AGB

6. Date of application for permit to dredge or fill from the Commonwealth of Mass. n/a Army Engineers n/a

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

8. Remarks Order of Conditions DEP File No. 25-4366

9. Project Summary for legal notice: The applicants propose to install a ramp and float to the existing licensed bulkhead.

Owner: <u>Steven Balas</u>	Agent: <u>Falmouth Engineering, Inc.</u>
<u>64 Muskegat Rd.</u>	<u>17 Academy Ln, Ste 2 Falmouth, MA</u>
<u>E. Falmouth, MA 02536.</u>	<u>02540</u>
<u>Michael Kachadoorian</u>	
<u>PO Box 751 E. Falmouth, MA 02536</u>	

(Name & Address)

TEL #:

(Name & Address)

TEL #:

Applicant: Same as owner

(Name & Address)

TEL #:

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

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**ATTACHMENT A**

---

**PROJECT NARRATIVE**

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## **ATTACHMENT A - PROJECT NARRATIVE**

---

### **1.0 Introduction and Project Overview**

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Steven Balas and Michael Kachadoorian, Co-applicants. The Applicants propose to install a ramp and float to the existing licensed concrete bulkhead.

Included in this construction project is the placement of two (2) 10-inch diameter piles to secure a 4' x 25' float and a 3' x 12' ramp that connects to a concrete bulkhead.

The proposed ramp and float will replace a float that is currently tied alongside the bulkhead. Re-orienting the float will allow for improved access to tie two boats alongside. The co-applicants intend to share the float.

The application is being jointly filed pursuant to the Massachusetts Wetlands Protection Act (MWWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw (Chapter 235 of the Code of Falmouth) and the Falmouth Wetland Regulations (FWR 10.00).

### **2.0 Existing Conditions**

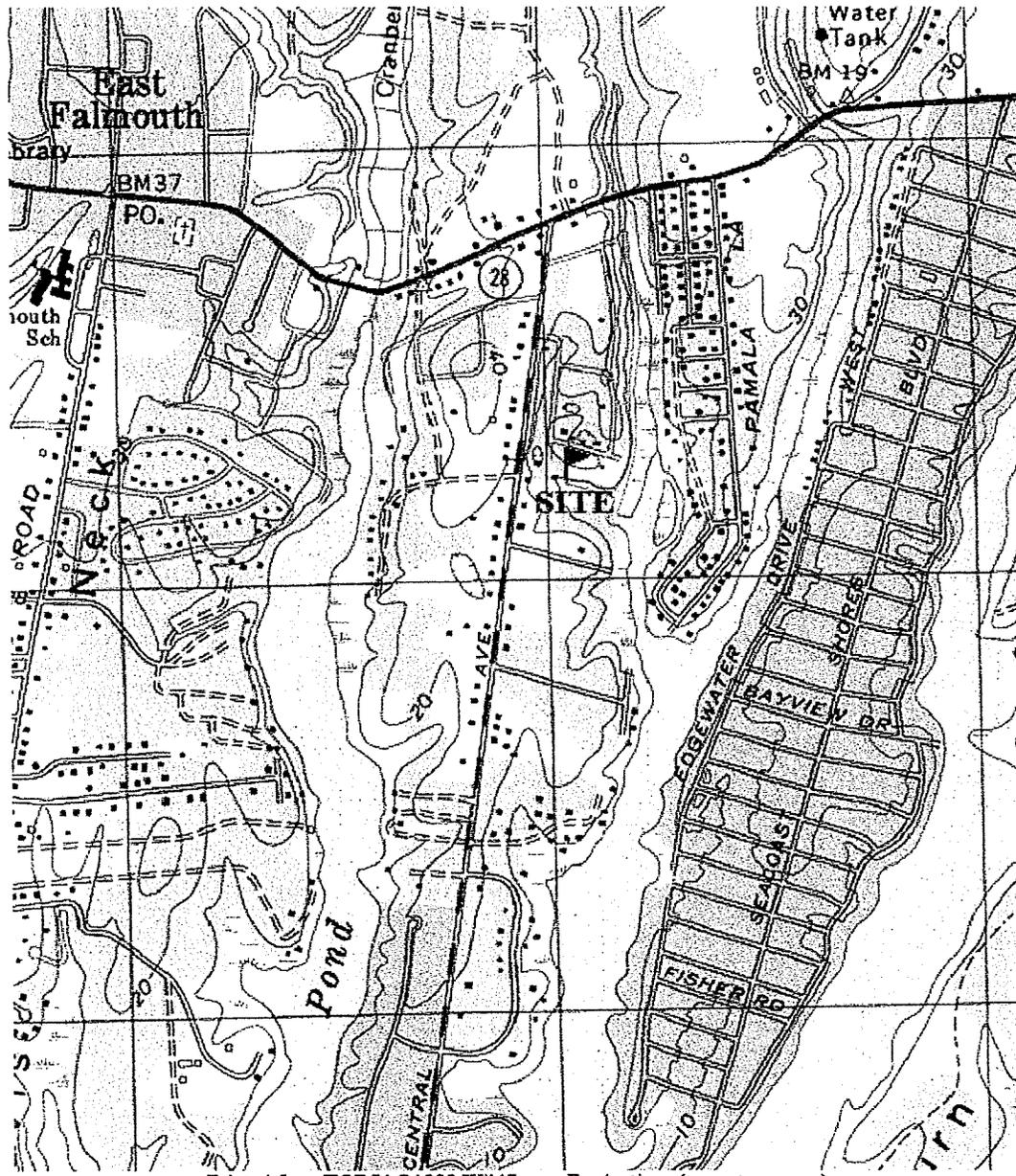
The lot consists of two residential lots in a densely developed residential area of East Falmouth (refer to Figure 1-Site Location Map). A single family residence occupies #64 Muskegat Road and a house is proposed on Lot 77. Other residential properties lie to each side of the site.

An existing licensed and locally permitted concrete bulkhead currently exist on the waterfront. The surrounding area contains a concrete bulkhead and residential floats.

#### *2.1 Regulated Wetland Resource Areas*

All coastal resource areas within 100 feet of the proposed project facilities have been identified and appropriately located in the field. Adjacent resource areas include a Coastal Bank, Land Under the Ocean, Land Containing Shellfish and Land Subject to Tidal Action.

The attached plan shows each of the resource areas that have been identified in the project area.



Printed from TOPO! ©1998 Wildflower Productions (www.topo.com)

### FIGURE 1- SITE LOCATION MAP

64 & LOT 77 MUSKEGAT ROAD

EAST FALMOUTH, MA

### *2.3 Estimated Habitat and Protected Species*

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program indicates that the proposed project is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

## **3.0 Proposed Project**

The proposed project includes the placement of two (2) 10-inch diameter piles to secure a 4' x 25' float and a 3' x 12' ramp that connects to a concrete bulkhead.

The proposed ramp and float will replace a float that is currently tied alongside the bulkhead. Re-orienting the float will allow for improved access to tie two boats alongside. The co-applicants intend to share the float.

Two piles will be driven in the locations shown on the plan. These piles will secure the proposed float in place.

The proposed ramp will be connected to the existing licensed concrete bulkhead.

Both applicants will share the float, docking on each side of the float in the areas designated as mooring field.

The piles will be driven by a barge mounted pile driver.

Each applicant will access the float from their respective properties.

An existing path from #64 Muskegat Road will require some maintenance by replacement of existing timber stairs as shown on the plan.

All staging, cutting, and prep work will be done on the barge or in the upland.

## **4.0 Anticipated Impacts to Resource Areas**

### *Anticipated Impacts*

The total are of the proposed float is 100 square feet. The area of the proposed piles is approximately 1 square foot. Anticipated impacts are expected to be temporary and limited. The entire pond area is a man-made dredged canal. The canal was created to provide access to each lot for recreational boating purposes.

In addition, the harbormaster reviewed the proposed plan and commented that he had no concerns as they relate to navigation. A copy of his correspondence is attached to this application.

## **5.0 Summary**

The existing wetland resources, proposed project and potential project impacts associated with this project have been documented in this application. The proposed common float is designed to improve current conditions and meet standards for new docks. The proposed float will provide docking for two vessels and used in common between the Co-Applicants. The project meets applicable performance standards and should therefore be reviewed favorably by the Board of Selectmen.

**ATTACHMENT B**

---

**CHAPTER 91 LICENSE 14601 AND PLAN**

---

# The Commonwealth of Massachusetts



No. 14601

SIMPLIFIED LICENSE  
BRP WW06

**Applicant must fill in pages 1 and 2 of this license.**

Michael Kachadoorian of the Town/City of: Falmouth in: Barnstable  
Applicant's name Town/City County  
County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License to:

Please check:

maintain an existing (pre-1984):  
Please check all that apply below:

- pier/dock
- boat ramp
- ramp
- float(s)
- pile(s) (as part of pier)
- boat lift
- boat house
- retaining wall/seawall
- bulkhead
- rip rap/stone revetment
- groin(s)
- Nonwater-dependent (NWD) residence
- other \_\_\_\_\_

construct a proposed or maintain an existing (post-1984):  
Please check all that apply below:

- pier/dock
- ramp
- float(s)
- pile(s)
- boat lift
- pile-supported boat house
- other: \_\_\_\_\_

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [Please check one:]  Board of Selectmen  Mayor and City Council, of the Town/City of: Falmouth  
Town/City

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor,~~ authorizes and licenses said Licensee, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

maintain existing structure(s) for:

- non commercial docking/access to navigable water
- shoreline stabilization
- residential, NWD building
- other \_\_\_\_\_

Please check all that apply:

construct and maintain structure(s) for:

- non commercial docking/access to navigable water
- other \_\_\_\_\_

in and over the waters of: Eel Pond in the Town/City of: Falmouth  
Waterway Town/City

and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. 14601.  
(total number of Sheet(s): 2)

DEED Book 30303 Pg 185



**USE:** The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

**TERM:** This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

**WATERWAYS CONDITIONS:**

**1. ACCESS:** In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This License authorizes structure(s) and/or fill on:  
**FOR MassDEP USE ONLY**

<input checked="" type="checkbox"/> Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
<input type="checkbox"/> Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
<input type="checkbox"/> Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
<input type="checkbox"/> Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

**CONSTRUCTION:**

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than  $\frac{1}{4}$  of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

**DOCKING OF VESSELS:**

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

**COMPLIANCE**

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity of use authorized pursuant to this License.

**FOR MassDEP USE ONLY:**

**THE COMMONWEALTH OF MASSACHUSETTS**

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands on this 18th day of January in the year 2018  
date month year

Department of  
Environmental  
Protection

for Program Chief David E. Hill

~~THE COMMONWEALTH OF MASSACHUSETTS~~

~~This License is approved in consideration of the payment into the treasury of the Commonwealth by said —  
Applicant of the further sum of \_\_\_\_\_ Amount dollars and zero cents (\$0.00).~~

~~The amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.~~

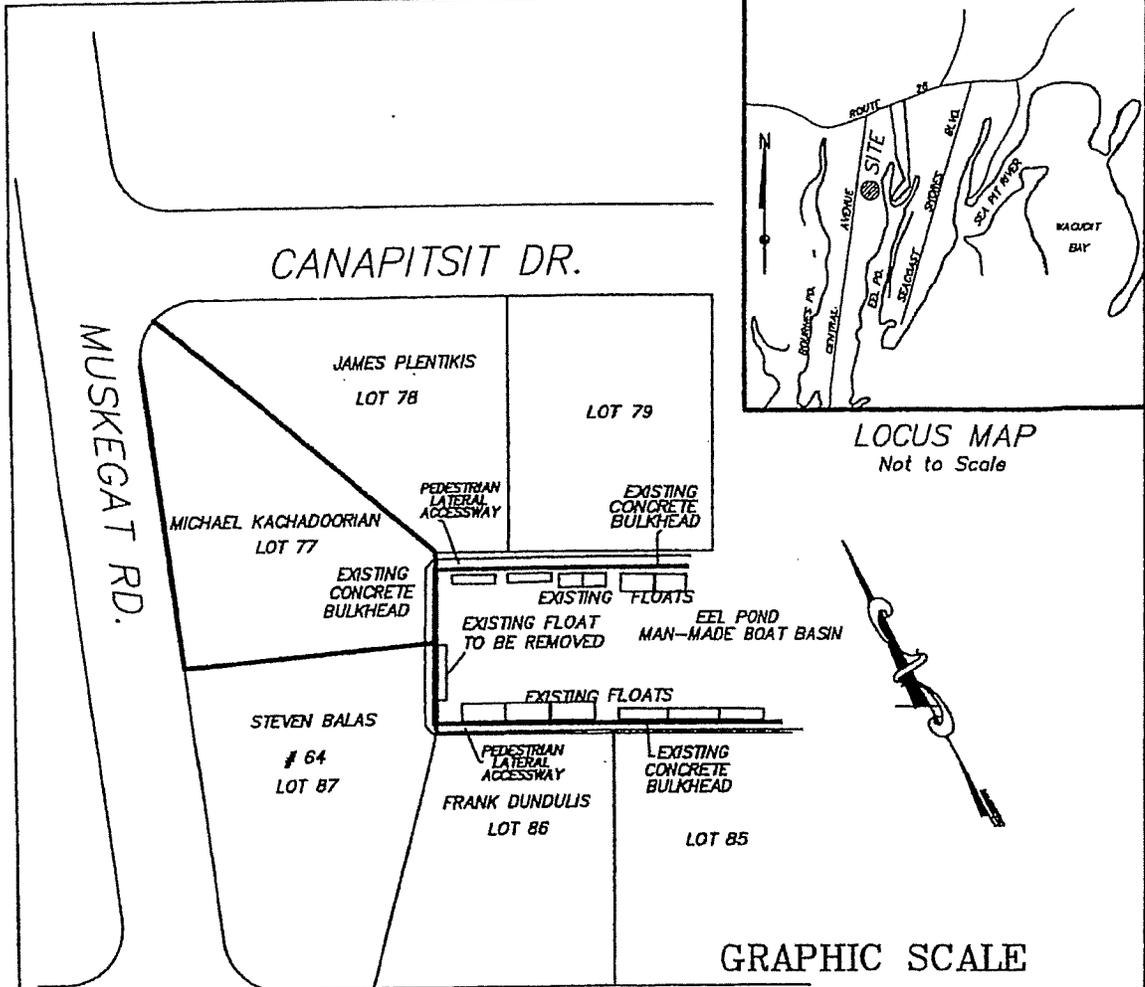
~~Boston~~

~~Approved by the Governor.~~

~~Governor~~

LICENSE NO. 14601

APPROVED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DATE: JAN 18 2018



GRAPHIC SCALE



( IN FEET )  
1 inch = 80 ft.

*Warwick & Associates Inc.*  
63 County Road Box 801  
North Falmouth, Mass 02556

ADJACENT PROPERTY OWNERS

1. STEVEN BALAS  
64 MUSKEGAT RD.  
E. FALMOUTH, MA. 02536
2. JAMES PLENTIKIS  
5 CANAPITSIT DR.  
E FALMOUTH, MA. 02536

PLAN ACCOMPANYING  
THE PETITION OF  
MICHAEL KACHADOORIAN  
LOT 77 MUSKEGAT ROAD  
E. FALMOUTH, MA. 02536

TO LICENSE AND MAINTAIN  
EXISTING CONCRETE BULKHEAD

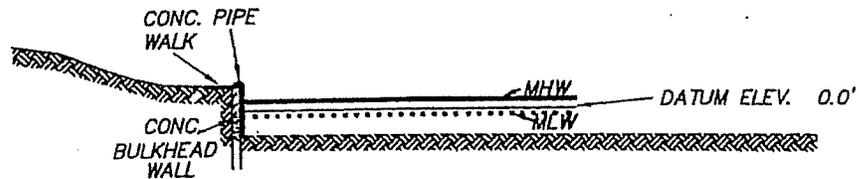
IN THE WATERS OF  
EEL POND AT FALMOUTH

SHEET 1 OF 2  
Date: 06/30/2017  
Rev. 08/14/2017

LICENSE NO. 14601

APPROVED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DATE: JAN 18 2018

## PROFILE VIEW



( IN FEET )  
1 inch = 20 ft.

*Warwick & Associates Inc.*  
63 County Road Box 801  
North Falmouth, Mass 02556

**ADJACENT PROPERTY OWNERS**

1. STEVEN BALAS  
64 MUSKEGAT RD.  
E. FALMOUTH, MA. 02536
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PLAN ACCOMPANYING  
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E. FALMOUTH, MA. 02536

TO LICENSE AND MAINTAIN  
EXISTING CONCRETE BULKHEAD

IN THE WATERS OF  
EEL POND AT FALMOUTH

SHEET 2 OF 2

06/30/2017  
Rev. 08/14/2017

**ATTACHMENT C**

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**HARBORMASTER LETTER**

---

## Mike Borselli

---

**From:** Mike Borselli  
**Sent:** Thursday, March 22, 2018 9:26 AM  
**To:** 'Gregg Fraser'  
**Subject:** RE: Proposed float modification #64 and Lot 77 Muskegat Road

Thanks Gregg.

*Michael J. Borselli, P.E.*

President  
Falmouth Engineering, Inc.  
17 Academy Lane, Suite 200  
Falmouth, MA 02540  
508.495.1225

[mike@falmouthengineering.com](mailto:mike@falmouthengineering.com)  
[www.falmouthengineering.com](http://www.falmouthengineering.com)

**From:** Gregg Fraser [mailto:gregg.fraser@falmouthmass.us]  
**Sent:** Thursday, March 22, 2018 8:51 AM  
**To:** Mike Borselli <mike@falmouthengineering.com>  
**Subject:** RE: Proposed float modification #64 and Lot 77 Muskegat Road

Hello Mike,

I have no objections to this proposal for navigation or moorings.

Gregg

**From:** Mike Borselli <mike@falmouthengineering.com>  
**Sent:** Wednesday, March 21, 2018 5:23 PM  
**To:** Gregg Fraser <gregg.fraser@falmouthmass.us>  
**Subject:** Proposed float modification #64 and Lot 77 Muskegat Road

Hi Greg,

I intend to file a Notice of Intent application to modify the existing float configuration at the above reference property.

I have attached the plan.

Can you review and comment so I can include your comments in the application?

Thank you.

**ATTACHMENT D**

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**ORDER OF CONDITIONS 25-4366**

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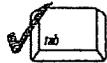
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 25-4366  
 MassDEP File #  
 eDEP Transaction #  
 Falmouth  
 City/Town

**A. General Information**

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

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



1. From: Falmouth  
 Conservation Commission

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

3. To: Applicant:  
 a. First Name Steven, Michael b. Last Name Balas, Kachadoorian

c. Organization  
64 Muskegat Road, PO Box 751

d. Mailing Address  
East Falmouth e. City/Town MA f. State 02536 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 64 & Lot 77 Muskegat Road b. City/Town East Falmouth  
 c. Assessors Map/Plat Number 32 04 d. Parcel/Lot Number 008 087 & 077

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

Provided by MassDEP:  
25-4366  
MassDEP File #

eDEP Transaction #  
Falmouth  
City/Town

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

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

Barnstable

a. County

30222 , 30303

c. Book

b. Certificate Number (if registered land)

84 , 185

d. Page

7. Dates: 04/04/2018 05/16/2018 06/05/2018  
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):

Site Plan - Proposed Ramp & Float

a. Plan Title

Falmouth Engineering, Inc.

b. Prepared By

05/08/2018

d. Final Revision Date

Michael Borselli, PE ; Gary Labrie, RLS

c. Signed and Stamped by

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply
- b.  Land Containing Shellfish
- c.  Prevention of Pollution
- d.  Private Water Supply
- e.  Fisheries
- f.  Protection of Wildlife Habitat
- g.  Groundwater Supply
- h.  Storm Damage Prevention
- i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

25-4366

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

**B. Findings (cont.)**

Denied because:

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
25-4366  
MassDEP File #

eDEP Transaction #  
Falmouth  
City/Town

**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>125 +/-</u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> 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	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment	<u>                    </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment	<u>                    </u> d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	<u>20' +/-</u> a. linear feet	<u>                    </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> 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			
	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>125 +/-</u> a. square feet	<u>                    </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
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**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

**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 in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            25-4366            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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





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**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:

<u>Falmouth Wetlands Bylaw</u>	<u>10.00</u>
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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**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.

06/05/18  
 1. Date of Issuance  
5  
 2. Number of Signers

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

Signatures:  
Mary Schumacher  
Elizabeth H. Goffett  
Kevin F. O'Brien

[Handwritten Signature]  
[Handwritten Signature]

by hand delivery on  
[Handwritten Signature] 6/5/18  
 Date Falmouth Engineering

by certified mail, return receipt requested, on  
 Date

**F. Appeals**

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

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

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



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**G. Recording Information**

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



# Falmouth Conservation Commission

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

Name: Steven Balas, Michael Kachadoorian  
Address: 64 & Lot 77 Muskegat Road, East Falmouth, MA 02536  
DEP #: 25-4366

## FINDINGS:

1. The applicant proposes to reconfigure the existing 4' x 25', unpermitted and unlicensed float to extend into Eel Pond, perpendicular to the existing bulkhead, attached to a 3' x 12' ramp and two (2) 10 inch pilings.
2. The ramp and float are to be considered a Common Dock shared between #64 and #77 Muskegat Road.
3. Resource areas onsite or within 100 feet of the proposed project include Land Under Ocean, Land Under Salt Pond, Land Containing Shellfish, Land Subject to Coastal Storm Flowage (LSCSF), Coastal Bank, and Resource Area Buffer.

## STANDARD CONDITIONS

1. Permission is granted to Steven Balas & Michael Kachadoorian to construct and maintain a ramp and float at 64 & Lot 77 Muskegat Road, East Falmouth property according to the project narrative and plan prepared by Falmouth Engineering, Inc. dated March 5, 2018 with a final revision date of May 8, 2018 and entitled "Site Plan – Proposed Ramp & Float" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any

proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

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

24. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
25. Water lines and attached hoses shall have nozzles attached.
26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. 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. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
33. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

**SPECIAL CONDITIONS:**

1. All floats and piers if designed to be in continual use shall have adequate bubblers protecting

piles during winter months.

2. The Conservation Department and the Marine and Environmental Services shall be notified of the date and time of construction activities utilizing a barge.
3. Only two (2) boats shall be moored to the dock at any one time. The boats shall be located in the areas depicted as the mooring fields on the plan of reference.
4. No trees shall be removed on the coastal bank or within the buffer to the coastal bank for the creation of the path depicted on the plan of reference.
5. Special Condition #1, #3 and #4 shall be written into the COC and registered with and ongoing with the deed.

**ATTACHMENT F**

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**PLAN OF PROPOSED PIER**

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**Diane Davidson**

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**From:** Jennifer McKay <jmckay@falmouthmass.us>  
**Sent:** Monday, August 06, 2018 4:28 PM  
**To:** ddavidson@falmouthmass.us  
**Subject:** Fwd: Re: Additional Items for Selectmen's Packet  
**Attachments:** Muskegat Rd 64 + Lot 77 (Balas + Kachadoorian) 25-4366 OOC 06 05 18.pdf

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

From: "Jennifer McKay" <jmckay@falmouthmass.us>  
Sent: 8/6/2018 4:13:37 PM  
To: "Frank Duffy" <fduffy@falmouthmass.us>, "Julian Suso" <jsuso@falmouthmass.us>  
Cc: "Susan Moran" <smoran@falmouthmass.us>, "Patricia Harris" <pharris@falmouthmass.us>, "Peter Johnson-Staub" <peter.jstaub@falmouthmass.us>  
Subject: Re: Additional Items for Selectmen's Packet

Hi All,

The Commission reviewed the plans for the common dock for the Balas/Karchadoorian properties and issued an Order of Conditions (see attached). There was significant abutter concern, and the abutters to the north and south appealed the Commission's decision to DEP. A DEP onsite was held last week and the abutters attorney did state they would be appealing the decision to Superior Court.

Please let me know if you have any additional questions.

Jen

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

From: "Frank Duffy" <fduffy@falmouthmass.us>  
Sent: 8/6/2018 3:18:36 PM  
To: "Julian Suso" <jsuso@falmouthmass.us>  
Cc: "Susan Moran" <smoran@falmouthmass.us>, "Jennifer McKay" <jmckay@falmouthmass.us>, "Patricia Harris" <pharris@falmouthmass.us>, "Peter Johnson-Staub" <peter.jstaub@falmouthmass.us>  
Subject: RE: Additional Items for Selectmen's Packet

Julian: We have not seen the dock plans for Balas and Kachadoorian at any time in the permitting process. It likely was before the Cons. Com. for an Order of Conditions. Looks like a common dock, which should be carefully examined as they can present unanticipated problems.

Jen McKay: Do you have any comment?

FCTV is requesting a waiver of fees for its expansion project. I would treat the same as any similar not for profit corporation.

BARNSTABLE, SS.

SUPERIOR COURT

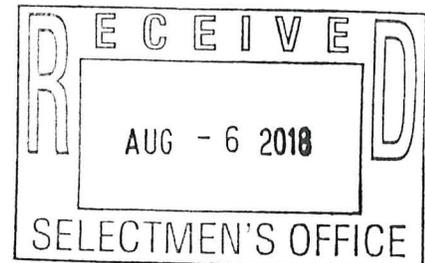
PATRICIA DUNDULIS

Plaintiff

v.

MARY SCHUMACHER, JAMIE MATTHEWS, KRISTIN ALEXANDER, COURTNEY BIRD, ELIZABETH GLADFELTER, MAUREEN HARLOW-HAWKES, STEVEN PATTON, MARK GURNEE, KEVIN O'BRIEN, and PETER WALSH as they are Members and Alternate Members of the TOWN OF FALMOUTH CONSERVATION COMMISSION, STEVEN BALAS, and MICHAEL KACHADOORIAN

Defendants



Docket No.

This entire document is on file in the Selectmen's Office.

**COMPLAINT**

**INTRODUCTION**

1. The plaintiff, Patricia Dundulis, seeks review of a decision by the Falmouth Conservation Commission granting Steven Balas and Michael Kachadoorian an Order of Conditions under the Town of Falmouth Wetland Bylaw, for construction of a dock in the waterbody in East Falmouth known as Eel Pond. A true copy of the Order of Conditions is attached as Exhibit 1.

**PARTIES**

2. Patricia Dundulis is an individual who resides at 18 Tashmoo Drive, East Falmouth, Massachusetts 02536
3. Mary Schumacher, Jamie Matthews, Kristin Alexander, Courtney Bird, Elizabeth Gladfelter, Maureen Harlow-Hawkes, and Stephen Patton are members of the

**Drew W. Hoyt, Esq.**

15 Wall Street, Box 9  
Foxboro, MA 02035  
774-215-0550 (office)  
508-439-0060 (direct)

August 6, 2018

Via Hand Delivery

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



Dear Selectmen,

On behalf of my clients, Frank and Patricia Dundulis, of 18 Tashmoo Drive, I urge you to deny the application of Steven Balas and Michael Kachadoorian for a special permit pursuant to Article XVII of the Falmouth Zoning Bylaw. The applicants have not demonstrated that they are entitled to a special permit for their proposed dock, or that the dock could be constructed and used without causing substantial adverse impacts to shellfish and other aquatic resources.

The applicants have not demonstrated that they are entitled to a special permit. To obtain such a permit, an applicant must prove, through a preponderance of substantial, credible evidence, that the proposed project (with applicable conditions) is desirable to protect and conserve the shellfish and other aquatic resources of the Town, considering the project's effect on the immediate area and the general welfare of the Town. See Falmouth Zoning Bylaw § 240-79. Mr. Balas & Kachadoorian have not come anywhere close to meeting that standard.

### Shellfish

Shellfish is specifically named in Article XVII as a resource subject to the Selectmen's protection. Yet the applicants have provided *no information* with respect to the project's impacts on shellfish.

In 2006, the Town of Falmouth amended its Wetland Regulations, to prohibit the construction or expansion of docks near shellfish habitat areas. New docks are prohibited if there are significant quantities of shellfish within 35 feet of the proposed dock or mooring area. See Falmouth Wetland Regulations ("FWR") 10.16(1)(h)(2), 10.34(4)(d). A "significant quantity" exists if the measured shellfish density is greater than (a) 1 quahog, (b) 1 clam, (c) 3 oysters, or (d) 3 mussels, per 9 square feet, as determined by a shellfish survey. FWR 10.34(3)(b).

The applicants have not performed a shellfish survey. Without such a survey, it is impossible for the Selectmen to determine (a) if the prohibition in the Wetland

Regulations is applicable, (b) what impacts construction and use of the dock would have on shellfish, (c) whether conditions could be imposed to mitigate those impacts, or (d) whether issuing a special permit would be consistent with the Selectmen's mandate to protect shellfish.

In short, without a shellfish survey, the Selectmen have no basis on which to issue a special permit. The application must therefore be denied.

### **Other Aquatic Resources**

Other aquatic resources protected by Article XVII include recreational boating, aesthetics, and property values. The proposed project is not desirable under any of those criteria.

The proposed dock is not consistent with the existing character of the town, or the neighborhood. Unlike existing docks in the area, located parallel to the sidewall, the one proposed by Mr. Balas & Kachadoorian jut far out into the channel. It would be out of place aesthetically, and would substantially interfere with the use of existing docks on abutting properties.

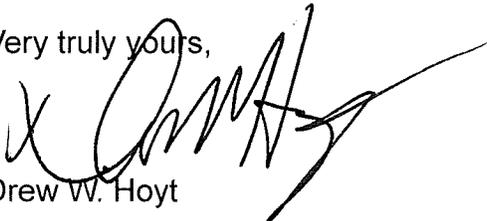
As demonstrated in the attached exhibits, the proposed dock would cut off access to two docks already existing in the channel and used by the abutting property owners. If the proposed dock were constructed, Mr. and Mrs. Dundulis would be unable to use one of their two fully-licensed docks. The other project abutter, Anthony Pentikis, would be prevented from using one of his two docks.

What the applicants are proposing — blocking off their neighbors' existing docks so they can construct a new structure — is absolutely unheard of. The decision of the Harbor Master and Conservation Commission to punt on this issue is unfortunate. It falls to the Selectmen to say "No" to this outrageous proposal.

My clients' objections are more fully set forth in a complaint they recently filed in Barnstable Superior Court, appealing the Conservation Commission's issuance of an Order of Conditions for the project. A copy of the complaint is attached.

Mr. and Mrs. Dundulis are not trying to prevent access to the water from the Balas or Kachadoorian properties. In fact, Mr. Balas's existing dock was given to him by Mr. and Mrs. Dundulis. They would have no objection to Mr. Balas & Mr. Kachadoorian constructing docks alongside their bulkheads, in a way that doesn't interfere with existing docks (assuming there are no significant shellfish in the area and the dock is otherwise permissible). The Selectmen should deny the pending application, and instruct the applicants to go "back to the drawing board" to develop a reasonable plan for accessing the water without interfering with their neighbors' existing docks.

Very truly yours,

  
Drew W. Hoyt



Division of Marine Fisheries  
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: SC14

Area Name: EEL POND

Area Town(s): Falmouth

Shellfish Area Classification



Approved



Conditionally Restricted



Conditionally Approved

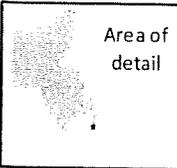


Prohibited



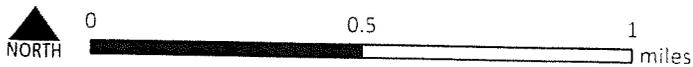
Restricted

Produced: 6/28/2013



This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

- Marsh/Wetland
- Saltmarsh
- Pond/Lake/Reservoir
- Town Boundaries
- Stream/Ditch/Canal



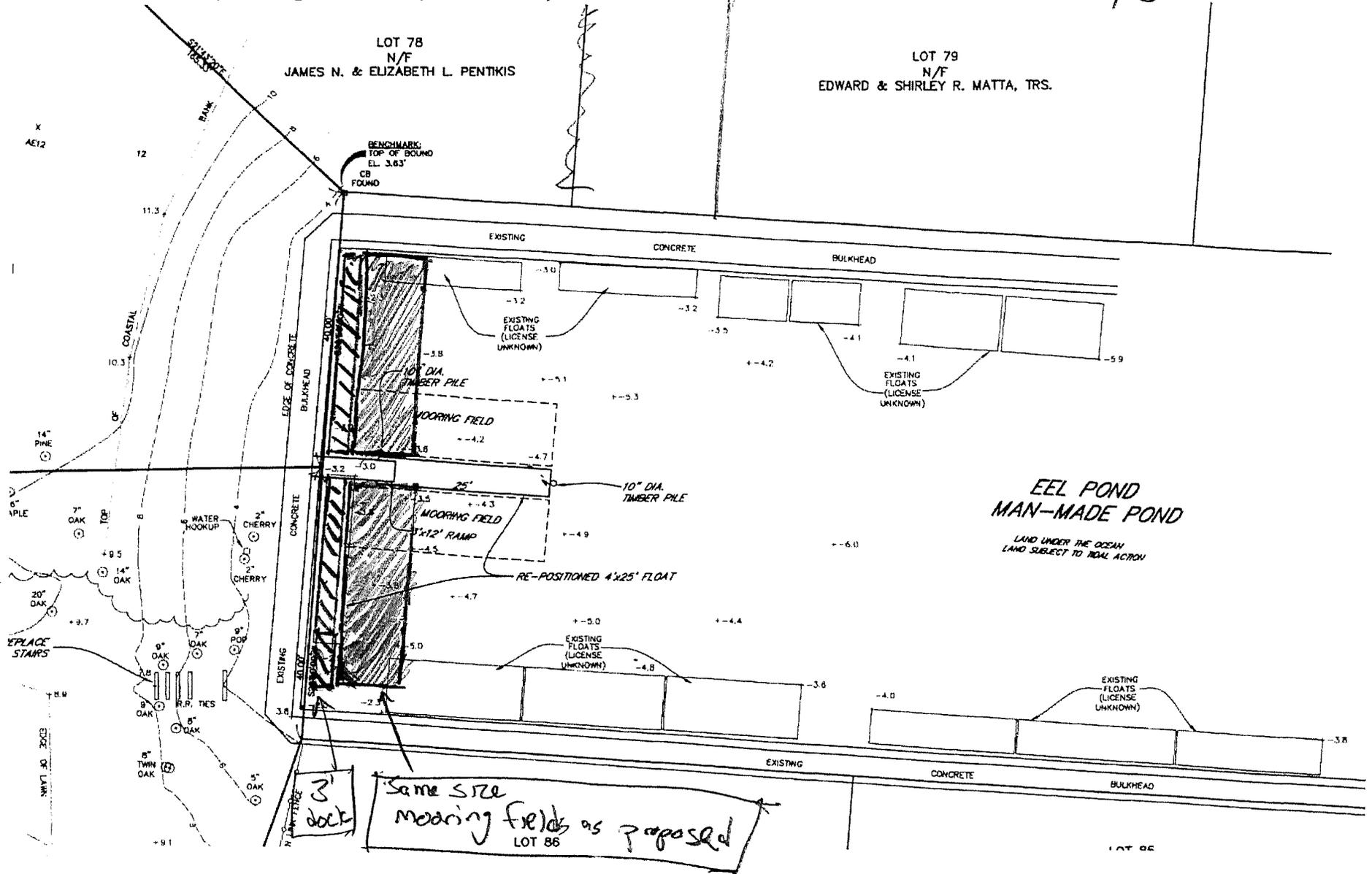








The proposed mooring fields/boats are grossly out of proportion to the applicants' frontage, especially given the corner location.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00



### A. General Information

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



From:

Falmouth  
Conservation Commission

To: Applicant

James Pentikis  
Name  
P.O. Box 901  
Mailing Address  
East Falmouth                      MA                      02536  
City/Town                                      State                      Zip Code

Property Owner (if different from applicant):

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_  
City/Town                      State                      Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

_____ Title	_____ Date
_____ Title	_____ Date
_____ Title	_____ Date

2. Date Request Filed: 5/25/2012

### B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Proposed to install two 4 x 20 ft floats to be secured parallel to existing bulkhead

Project Location:

5 Canapitsit Drive  
Street Address  
33 04  
Assessors Map/Plat Number

East Falmouth  
City/Town  
008 078  
Parcel/Lot Number



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 2 – Determination of Applicability

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

Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

### B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

#### Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Falmouth

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Falmouth Conservation Commission

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

**B. Determination (cont.)**

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. **Under the State and bylaw, as proposed.**
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

**B. Determination (cont.)**

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Falmouth

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Falmouth Conservation Commission

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on

- by certified mail, return receipt requested on

1/25/12  
Date

James M. Ponteikis  
Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:

*Margaret H. ...*

*Elizabeth H. ...*

*M. ...*

*...*

*...*

*...*

*...*

6/13/2012  
Date

## D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, 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 Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see 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 Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

**Diane Davidson**

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**From:** Mike Borselli <mike@falmouthengineering.com>  
**Sent:** Tuesday, August 07, 2018 8:53 AM  
**To:** Diane Davidson  
**Cc:** 'Julian Suso'  
**Subject:** Special Permit application for Balas/Kachadoorian - Lots 77 & 87 Muskegat Road  
**Attachments:** Site Plan with channel width shown in red.pdf

Dear Diane,

At last night's public hearing for the application referenced above, Selectmen Brown asked me what the overall width of the channel was.

In my haste, I incorrectly measured the width on the plan with a scale and indicated that the channel width was 78 feet. This was incorrect. The actual channel width is 68 feet.

I have attached a copy of the plan with this channel width dimension clearly shown in red.

I wanted to provide this information to the Selectmen as soon as possible to avoid any confusion or suggestion by abutters that we purposefully mislead them.

The public hearing has been continued to September 10<sup>th</sup>. We will appear at the public hearing and make sure this is clear.

I apologize for any confusion this may had caused.

Please confirm receipt of this email.

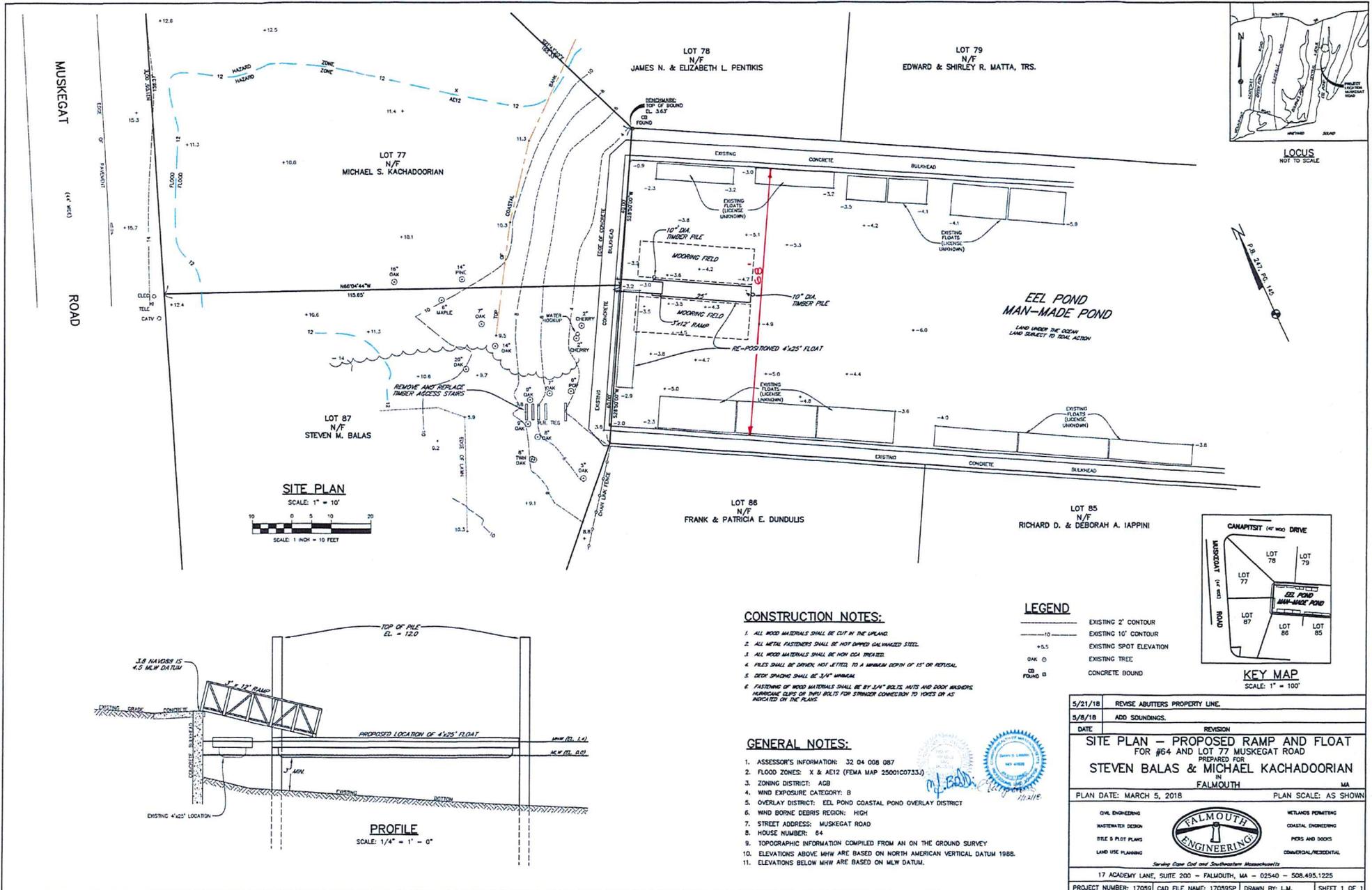
If you have any questions, do not hesitate to contact me.

Sincerely,

*Michael J. Borselli, P.E.*

**President  
Falmouth Engineering, Inc.  
17 Academy Lane, Suite 200  
Falmouth, MA 02540  
508.495.1225**

**[mike@falmouthengineering.com](mailto:mike@falmouthengineering.com)**  
**[www.falmouthengineering.com](http://www.falmouthengineering.com)**



5/21/18	REVISE ABUTTERS PROPERTY LINE.
5/8/18	ADD SOUNDINGS.
DATE	REVISION
<b>SITE PLAN - PROPOSED RAMP AND FLOAT</b>	
FOR #64 AND LOT 77 MUSKEGAT ROAD	
PREPARED FOR	
<b>STEVEN BALAS &amp; MICHAEL KACHADOORIAN</b>	
FALMOUTH MA	
PLAN DATE: MARCH 5, 2018	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING	METLANDS PERMITTING
WASTEWATER DESIGN	COASTAL ENGINEERING
TITLE & PLOT PLANS	PIES AND DOORS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
	
<small>Standing Code Act and Southwestern Massachusetts</small>	
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508-495-1225	
PROJECT NUMBER: 17059J	CAD FILE NAME: 170595P
DRAWN BY: LM.	SHEET 1 OF 1



September 3, 2018

Board of Selectmen  
Town of Falmouth  
Town Hall  
Falmouth, MA

To Whom It May Concern:

We are year round residents at 18 Tashmoo Drive in East Falmouth. Presently your board is reviewing a proposal to install a ramp and floating dock in the man-made canal abutting our home. Allowing this project will greatly impact us. Navigating in the narrow water way will become extremely dangerous with this dock up the center of the canal.

We have been a resident in this home for 13 years. And a home owner in Falmouth for 34 years. All neighbors park boats adjacent to the bulkhead, using the area in front of their property for their desired boats and like us all pay taxes on their dockage property. The dockage proposed up the center of the canal will not be taxed but will allow the parties involved to use a common area that interrupts tax payer's use of their own property. Also this will impact the value of our home because the 60 feet of dockage which we now use and pay taxes on, will become too dangerous to park our boats.

Enclosed please find a certified drawing of the Existing Conditions Plan, certified by Cape and Islands Engineering. It indicates that the canal is 67 feet. Not the 78 feet as stated by Falmouth Engineering in the last meeting. Also please find 2 pictures of our property one indicating the exact boundary of our property, the other showing the dock and boat of our abutter on the back bulkhead.

We strongly oppose this project.

Thank you for your attention to this matter.

Sincerely,

Frank Dundulis and Patricia Dundulis

18 Tashmoo Drive  
East Falmouth, MA 02536  
617-448-3762

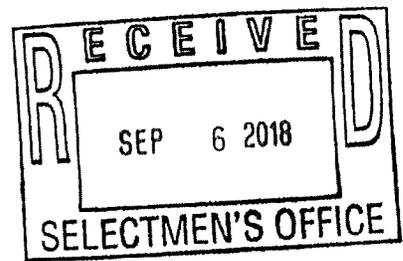


Edge of Dunder's  
Property

68 Feet



September 3, 2018



Town of Falmouth, Board of Selectmen

59 Town Hall Square

Falmouth, MA 02540

RE: 64&77 Muskegat Road, East Falmouth MA 02536

DEP#25-366

Dear Selectmen:

My property is within 25 feet of the proposed floats and ramp to be attached to the back bulkhead of the manmade canal in Eel River. I strongly oppose this. We have owned this property on Catapitsit for over 35 years. My husband built this house. There have never been boats with floats on the back bulkhead until just recently. If the bulkhead was used, the boats were attached directly to the back bulkhead.

On Sunday, 9/2, while sitting on our deck, we observed a small, single engine, Boston Whaler come down the canal. While in the process of making a U turn it grazed the boat docked across the canal from us and proceeded to hit the float next door. This is a very narrow canal when all the boats are in. Additional Floats and a ramp up the middle of the canal would make it very dangerous.

As a certified life guard and safety instructor, in the event of an accident, an underwater approach to assist a victim would be impossible with an additional float and ramp blocking the area.

My grandchildren operate boats from my docks. I want safe boating for them and all my neighbors.

Thank you,

A handwritten signature in cursive script that reads "Shirley Matta".

Shirley Matta

13 Canapitsit Road

East Falmouth, MA 02536

747-203-2700

September 2, 2018

Town of Falmouth

Office of the Town Manager & Selectmen

59 Town Hall Square

Falmouth, MA 02540



As a resident of Falmouth and residents on the canal to which a new dock is proposed and listed at 77 Muskegat Road, I have several comments.

The applicants for this project both have a very solid background in real estate; one party being a real estate attorney, a real estate broker and a mortgage broker and the other a real estate developer/builder. They both realize that their property values will increase substantially if this new dock can be built. Both parties have sufficient access to the waterway today, knew how many feet of canal frontage they were getting when they purchased their properties and decided to go forward with their acquisitions based on this knowledge. Now after the fact they decided that they would like to purchase boats larger than will fit in the waterfront foot print that they own so they have concocted this plan to build a new dock in the center of the canal to give them access that they didn't purchase. Does this seem fair and equitable? They purchased their properties at a value commensurate to the waterfront that they bought. Approving this project will substantially improve the property value of the of the parties proposing this dock while reducing the property values of the two abutters who contest this project. Again, does this seem fair?

***The parties proposing the dock have also mis-stated the width of the canal waterfront to be 78'***. This critical dimension is not correct. How could the applicants certified civil engineer miss this crucial measurement and never try to correct it; even when challenged by the abutters? I invite you to come to the canal and measure the actual canal front. ***The actual width of the waterfront is approximately 67 feet – not 78 feet.*** This convenient error adds substantial constraints to the proposed dock and effectively eliminates the abutters from using about 50% of their canal front. Is this fair to restrict the abutter's canal front and usage due to this proposal? If the town approves this proposal, think of the precedent it could establish. This project must be denied based on common sense and to provide fair and equitable treatment of all parties.

If this is to be approved, there must be a legally enforceable set of conditions written into the approval to control/govern the parties proposing to dock vessels on this dock, such as:

- Vessel with can be no wider than 8'6" (Massachusetts legal trailable width)
- Vessel can be no longer than 26' – total length with pulpit, swim platform, etc., motor vertical or tilted up – the total length of the total boat – bow to outboard
- Only one vessel can be moored to the dock on each side and cannot extend out from the dock more than 8'6" abeam
- No vessel of any type (kayak, canoe, dinghy, etc.) can be tied to the bulkhead at the rear of the canal

- Vessels that violate these conditions will be removed by the Harbor Master at the owner's expense

I cannot sign this letter of concern. At a recent meeting I overheard one of the parties that is applying for this dock threatened to engage in a law suit against another canal resident out of anger over this issue. Unfortunately, I haven't got the financial resources to defend a frivolous law suit if I am identified as one in opposition to this dock, so I must remain anonymous. For this reason, please keep this letter confidential to the Board of Selectmen.

Regards,

A Resident of Salt Water Shores  
Falmouth, MA



**TOWN OF FALMOUTH  
BOARD OF SELECTMEN**

**Fiscal Year 2020**

**Operating Budget Policy**

**Presented to Board of Selectmen on September 10, 2018**

**INTRODUCTION**

The Town of Falmouth, Board of Selectmen hereby establishes the following Fiscal Year 2020 budget policy in order to continue to strengthen the financial position of our community as memorialized in **FY2019-2023 Strategic Plan Goal II.A - Promote Long-Term Financial Stability of Town Operations**.

This policy recognizes and amplifies the existing financial policies of the Town and clarifies strategies for meeting the goals contained therein. The Fiscal 2020 Budget Policy is intended to establish guidelines to ensure the strong fiscal health of the Town of Falmouth as we continue to strengthen the management practices in order to move toward meeting the Town's financial goals.

The FY2020 budget shall be based on conservative and achievable estimates of available revenues. The FY2019 budget established a baseline for municipal services offered within a sustainable operating budget. Recommended expenses shall continue to be analyzed within a multi-year framework of local revenues. Early action shall be taken to address projected shortfalls to ensure that the Town is providing service levels that can be supported within our anticipated revenue stream over the next five years.

The Town of Falmouth will seek to establish a level service budget which limits increases in order to sustain operations under the proposition 2½ levy capacity. The Town will not rely on the use of non-recurring revenues such as free cash, stabilization or other one-time revenues to sustain the operating budget, but will continue to monitor its stream of recurring revenues with the ongoing goal of identifying additional local revenues that could continue to support maintaining basic service levels in our community.

In establishing a budget ceiling for the coming fiscal year, the Selectmen adopt a maximum tax revenue growth of 2.5% above the fiscal year 2019 levy and an estimated new growth component of \$700,000.

The operating budget is supported by four major revenue sources; tax levy, state aid, local receipts and other available funds. Among those, the tax levy and local receipts are the only source of revenue projected to increase. This additional revenue shall be allocated to operating budgets as determined by priority such as fixed costs and the Board of Selectmen's Strategic Plan.

The Town will continue to level fund appropriations to trust funds in the amount of \$1,672,079 from recurring revenues that have been designated as a portion of the operating budget.

The Board may revisit a budget ceiling based on any significant unanticipated, but documented revenue increases which may provide additional flexibility. The Board notes that revenue increases do not necessarily indicate automatic line item budget increases. Individual line item budgets may require reductions or lower proportional growth in order to live within the overall budget increase.

To assist the Town Manager and our Department Managers as they develop an operational budget for the Board of Selectman's review, the following policies will apply:

## **REVENUE POLICY**

### **Local Estimated Receipts**

Recent history of revenue growth will allow an increase in allocation of estimated receipts consistent with the Town's policy of conservative revenue estimates. This circumstance will permit the Town to fund additional public safety positions in the operating budget. The Town will continue to maintain the goal of conservatively budgeting local estimated receipts to responsibly avoid any future revenue deficits and to help meet the Town's goals for financial stability through increases in general fund reserves. The receipts estimated to support the Annual Operating Budget will not include Meals Tax Revenue.

### **State Revenues**

The FY 2019 state budget increased state aid to cities and towns. At this early date, the Town will project level funding of state aid until the State's FY 2020 budget has been further developed. The Town continues to monitor potential new revenues from seasonal lodging taxes.

### **Property Taxes**

The Town will present an operating budget that is consistent with the revenues available within the limits of proposition 2 ½ and no additional property taxes beyond this are proposed to support 2020 operations. The Board shall continue to evaluate temporary property tax increases including capital and debt exclusions for the financing of significant capital improvements or other one-time, major expenses, but will avoid the use of permanent overrides to fund the operating budget.

### **APPROPRIATION POLICY**

To protect the Town's conservative budget strategy, appropriations shall be limited to the existing programs and services of the Town. Additional staff resources, fundamentally in Public Safety, are being evaluated to existing programs and services only. Town Departments shall endeavor to limit any significant increase in appropriations unless there is a fixed cost increase in place to support a current service that the Town offers. Department Heads will submit budgets that do not exceed a 2.30% annual increase.

### **Strategic Priorities**

To further guide the Town Manager in the development of the 2020 Budget, the Board of Selectmen has adopted a five-year Strategic Plan FY 2019-2023. Requests for new programs shall be consistent with the Board of Selectmen's Strategic Plan and where appropriate have an identified revenue source. Priority shall be placed on maintaining and improving basic public services that are justified based on community needs and strategic priority.

### **Increase Reserves**

This section shall address four separate reserves; General Stabilization Fund, Capital Stabilization Fund, OPEB Trust Fund and the Worker's Compensation Trust Fund. The Town will not further appropriate funds into the General Stabilization Fund. The Fund balance has reached \$6,221,136 which is within range of the overall policy goal of 5% of the previous year's operating budget not including excluded debt. The sum of \$440,000 previously distributed to the General Stabilization Fund will be re-distributed to the Other Post Employment Trust fund (\$400,000) and the Workers Compensation Trust Fund (\$40,000).

There shall be an appropriation to the Capital Stabilization Fund which will consist of 75% of the previous year's meals tax revenue and the remainder from the property tax levy in the amount of \$1,032,079. After assessing basic service needs, the Town will continue to review revenue growth and make recommendations as necessary to responsibly increase reserves that may be in excess of the budget policy.



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

TO: Board of Selectmen

FROM: Julian M. Suso, Town Manager

DATE: September 7, 2018

RE: Town Meeting Warrant Articles

---

Attached is a draft of the Town Meeting warrant articles for your review and discussion. Please note that Town Counsel is in the process of reviewing the proposed articles and there may be final adjustments presented at Monday's meeting.

Thank you.

## ANNUAL TOWN MEETING

**ARTICLE 1:** To Hear Reports of Committees and Town Officers and act thereon.

**ARTICLE 2:** To see if the Town will appropriate a sum of money for the purpose of paying unpaid bills from a prior fiscal year, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**ARTICLE 3:** To see if the Town will vote to appropriate a sum of money for the purpose of funding design and construction of water mains, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**ARTICLE 4:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaw Article XXI – Coastal Pond Overlay District - by amending §240-98 C. to change the title and date of the existing map to read:

For the purposes of this article, there is hereby established in the Town of Falmouth the Coastal Pond Overlay District, which is an overlay district superimposed on the zoning districts. This district is depicted on a map entitled "Watersheds of Coastal Ponds Massachusetts Estuaries Project" dated August 14, 2018, scale 1:18,000 on file with the Town Clerk.

And further to amend the Official Zoning Map's Legend for Coastal Pond Overlay to "Refer to Article XXI of the Zoning Bylaws"

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

**ARTICLE 7:** To see if the Town will vote to amend the Zoning Bylaw Article XXXIX- Site Plan Review - by amending § 240-192 Applicability by replacing the words "gross floor area" with "structure" to read:

Any new development or expansion in use, other than one single-family or one two-family residence on a lot which would add 1,000 square feet or more of **structure** or which would, under the parking schedule Table of Minimum Requirements of § **240-108**, require a total of five or more parking spaces based on both existing and new development; or any change of use which would, under the parking schedule Table of Minimum Requirements of § **240-108**, require five or more parking spaces based only on new development; an accessory apartment allowed as a matter of right or special permit shall be permitted only upon the approval of the Planning Board for site plan review.

And further amend § 240-193 Procedure adding a new sub section C. to read:

C. No certificate of occupancy shall be issued until an As-built plan, prepared by a registered architect, landscape architect or professional engineer has been submitted and verified by the Planning Board Agent that all conditions of approval have been met.

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

**ARTICLE 8:** To see if the town will vote to amend the Zoning Bylaw by adding a new Article XLIII Large-Scale Ground-Mounted Solar Overlay District - and to amend the Official Zoning Map by adding a Large-Scale Ground-Mounted Solar Overlay District along the Blacksmith Shop Corridor proximal to the

power line easement on large parcels where tree cover and land forms have previously been impacted, as shown below:

#### Article XLIII Large Scale Ground Mounted Solar Overlay District

§ 240-251 Purpose and Definitions

§ 240-252 General Requirements for all Large Scale Solar Power Generation

§ 240-253 Required Documents

§ 240-254 Site Plan Review Design and Operation Standards

§ 240-255 Site Abandonment or Decommissioning

§ 240-251 Purpose.

- A. The purpose of this bylaw is to promote the creation of new large scale ground mounted solar installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large scale ground mounted solar installations and shall follow the guidelines set forth in the MA DOER/MA DEP/Mass CEC Clean Energy Results Ground Mounted Solar PV Systems dated June 2015, as amended to the most current guideline.

B. Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review, § 240-191 through § 240-198.1, to determine conformance with local zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Commissioner

**Large Scale Ground Mounted Solar Photovoltaic Installation:** A Solar Energy System that is structurally mounted to the ground and is not roof mounted; that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

§ 240-252 General Requirements for all Large Scale Solar Power Generation Installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

A. **Compliance with Laws, Ordinances and Regulations** The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.

B. **Building Permit and Building Inspection.** No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

C. **Fees.** The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

D. Site Plan Review. Ground mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority (SPRA) prior to construction, installation or modification as provided in this section. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

E. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

§ 240-253 Required Documents.

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Site Plan Review Authority:

A. A site plan showing:

- (1) Property lines and physical features, including roads, for the project site;
- (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- (3) Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- (4) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
- (5) Documentation of the major system components to be used, including the panels, mounting system, inverter and storage batteries;
- (6) Name, address, and contact information for proposed system installer;
- (7) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (8) The name, contact information and signature of any agents representing the project proponent; and
- (9) Zoning district designation for the parcel(s) of land comprising the project site.
- (10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.
- (11) Locations of floodplains or inundation areas for moderate or high hazard dams;
- (12) Locations of local or National Historic Districts;

B. Site Control the project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

C. Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large scale ground mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

D. Proof of liability insurance; and

E. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Review notification procedures and otherwise inform abutters and the community as required in §240-193 B.

- F. Utility Notification - No photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer owned generator.
- G. Description of financial surety that satisfies Subsection § 240-255 C. below

§ 240-254 Site Plan Review Design and Operation Standards

- A. Minimum Lot Size: 7 Acres
- B. Dimensional; Requirements front, side and rear setbacks shall be as follows:
  - (1) Front yard: The front yard depth shall be at least 100 feet from the road right of way and maintained as a no disturb zone except for the provision of a site access drive
  - (2) Side yard: Each side yard shall have a depth at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the side yard shall not be less than 100 feet and maintained as a no disturb zone.
  - (3) Rear yard: The rear yard depth shall be at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the rear yard shall not be less than 100 feet and maintained as a no disturb zone.
- C. All structures accessory to ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. Multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.
- D. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws.
  - (1) Not more than 2 acre of forest land shall be deforested for any one Ground Mounted Solar Photovoltaic Installation, and no such installation shall be placed on such land that was deforested within the prior 5 years.
  - (2) Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
  - (3) No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of Subsection D.(1) and (2) above.
- E. Lighting of large scale ground mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- F. Signage - Signs on large scale ground mounted solar energy systems shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- G. Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- H. Emergency Services – The large scale ground mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in

developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- I. Monitoring and Maintenance - The large scale ground mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Chief of the Fire/Rescue Department. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road.
- J. Modifications - All material modifications to a large scale ground mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority

#### § 240-255 Site Abandonment or Decommissioning

- A. Removal Requirements Any large scale ground mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with § 240-255 of this bylaw shall be removed. For a scheduled decommissioning, the owner shall notify the SPRA by certified mail of the proposed date of discontinued operations and plans for removal. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - (1) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
  - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment – The cessation of a solar energy system accompanied by an intent to abandon and voluntary conduct whether affirmative or negative. Time is not a controlling factor of abandonment. although the lapse of time may be evidence of an intent to abandon, and where it is accompanied by acts of abandonment, it may be considered in determining whether there has been abandonment. Abandonment may arise from a single act or a series of acts. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, to enter and remove an abandoned, hazardous, or decommissioned large scale ground mounted solar energy system in accordance with applicable laws. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.
- C. Financial Surety Proponents of large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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

**ARTICLE 9:** To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 240-13 Moratorium on Solar Energy System

§ 240-13 Moratorium on permits for solar.

The provisions of the Zoning Bylaw to the contrary notwithstanding, no building permit or special permit for the construction of a solar arrays, as defined, shall issue until November 30, 2019, or until this article is repealed by a vote of Town Meeting, whichever occurs first. The purpose of this article is to provide the time necessary to study impacts to sites, site coverage and other issues associated with the location of this use in font yard setbacks and along the roadways in Falmouth.

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

**ARTICLE 10:** To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, as follows:

To Article XI, Light Industrial A districts, add;

"§240-54.H. Ground-mounted solar photovoltaic array."

"§240-56.F. Ground-mounted solar photovoltaic array."

To Article XII, Light Industrial B districts, add:

"§240-60.I. Ground-mounted solar photovoltaic array."

"§240-62.C. Ground-mounted solar photovoltaic array."

To Article XIII, Light Industrial C districts, add:

"§240-64.4.D. Ground-mounted solar photovoltaic array."

Or do or take any other action on this matter. On petition of Ronald D. Zwieg.

**ARTICLE 11:** To see if the Town will vote to amend the Falmouth Zoning bylaw in the following manner:

1. Under Article VIII - Section 240 - 36 - Other permitted principal uses:

to add the following:

*"C. Ground- mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240 - 198.2"*

2. Under Article XI - Section 240 - 55 - Other permitted principal uses:

to add the following:

*"D. Ground - mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240 - 198.2."*

3. Under Article XII - Section 240- 61 - Other permitted principal uses:

to add the following:

*"C. Ground - mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240- 198.2"*

4. Under Article XIII - Section 240 - 64. 3 - Permitted business, commercial and industrial uses

to add the following language to paragraph D:

*"on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240-198.2"*

5. Under Article XXXIX Site Plan Review to add the following subsection after Section 240. 198. 1:

"Section 240- 198. 2 Ground Mounted Solar Photovoltaic Array - Application Requirements

A. Ground - mounted solar photovoltaic installations shall undergo Site Plan Review pursuant to this section, prior to construction, installation or modification as provided in this section.

B. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

C. The project proponent shall provide the following documents and information to the Planning Board:

(1) A site plan showing:

[a] property lines and physical features, including roads, for the project site;

[b] proposed changes to the landscape of the site, grading, vegetation, clearing and planting, exterior lighting, screening, vegetation or structures;

[c] blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

[d] one or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;

[e] documentation of the major system components to be used, including panels, mounting systems, and inverter;

[e] name, address, and contact information for proposed system installer;

[e] name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

[f] the name, contact information and signature of any agents, representing the project proponent;

(2) Documentation of actual or prospective access and control of the project site sufficient to allow for the construction and operation of the proposed solar photovoltaic installation;

(3) An operation and maintenance plan.

(4) Zoning district designation for the parcels of land comprising the project site.

(5) A description of the financial surety that satisfies the requirement hereinafter set forth in subsection Q with respect to decommissioning of the installation.

(6) A plan for the operation and maintenance of the installation, which shall include specific measures for maintaining safe access to the installation, a stormwater management plan, and general procedures for and frequency of operational maintenance of the installation.

D. No ground mounted solar photovoltaic installation shall receive a building permit until and executed, interconnected agreement with Nstar, the utility company operating the electrical grid, has been submitted to the building Commissioner. Off -grid systems are exempt from this requirement.

E. Ground mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the applicable zoning district, but the structures which constitute the ground mounted solar photovoltaic array shall be exempt from calculations relating to lot coverage by structure as otherwise set forth in regulations applicable to the district.

F. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

G. Signs on large-scale, ground mounted solar photovoltaic installations shall comply with sign regulations as set forth in this bylaw. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising.

H. All structures accessory to ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. To avoid adverse visual impacts, all such accessory structures, including but not limited to, equipment, shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other, multiple accessory structures shall be clustered to the greatest extent feasible, and use of such structures to residential properties and roadways shall be screened with landscaping.

I. Reasonable efforts shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider.

J. The installation owner or operator shall provide a copy of a Project Summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

K. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the installation.

L. The owner or operator shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to site plan review. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation.

M. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall be submitted for site plan review prior to such proposed modifications.

N. Any installation which has reached the end of its useful life, or has been abandoned, shall be decommissioned and removed. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of decommissioning and plans for removal. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations.

O. Decommissioning shall consist of:

(1) physical removal of all large-scale, ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

(2) disposal of all solid and hazardous waste in accordance with local, state, federal waste disposal regulations.

(3) Stabilization or revegetation of the site as necessary to minimize erosion. The building Commissioner may allow the owner or operator to leave landscaping or below grade foundations in order to minimize erosion and destruction to vegetation.

P. Absent notice of a proposed date of decommissioning, or written notice of extenuating circumstances, the installation shall be considered abandoned by the owner when it fails to operate for more than one

year, without the written consent of the building commissioner. If the owner or operator of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of notification of abandonment from the building commissioner, the town may enter the property and physically remove the installation.

Q. The proponent of the installation shall provide a form of surety, either through an escrow account, bond or otherwise to cover the cost of removal and disposal in the event the town must remove the installation and remediate the landscape, in an amount and in a form acceptable to the Falmouth Town Counsel, but in no event to exceed more than 125% of the cost of removal in compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for prorating removal costs as they may be affected by inflation or changes to disposal regulations.

On petition of Christopher Lynch and others.

**ARTICLE 12:** We, the members of the Town Meeting of Falmouth, Massachusetts, urge the Massachusetts Legislature and Governor Baker to maintain and/or modify the Commonwealth's Net Metering Program so that it (1) has no limits (caps) on the aggregate number of megawatts eligible for net metering, in the Commonwealth or in any of its different zones; (2) allows net metering for a particular installation as long as it can yield electricity to the grid; (3) allows assignment of credits to other accounts; (4) preserves the Massachusetts "Community Solar" model; (5) assures fair rates of compensation; and (6) guarantees fair on-bill solar compensation for renters, low-income residents, and residents of publicly-assisted housing.

If the Massachusetts Department of Public Utilities has approved the Solar Massachusetts Renewable Target (SMART) program, We, the members of the Town Meeting of Falmouth, Massachusetts, also urge the Massachusetts Legislature to maintain and/or modify SMART so that it operates on the six principles spelled out above, and also specifically: (1) removes the limits on the aggregate number of megawatts eligible for compensation in the Commonwealth or in any of its different zones; and (2) eliminates the decline in the rate of compensation that SMART imposes as additional solar installations are approved. On petition of Charles Grant Walker and others.

**ARTICLE 13:** To see if the Town will vote to amend the Zoning Bylaw Article XIV -Dimensional Regulations - by amending § 240-68 Minimum setbacks from side and rear lot lines by adding to subsection (1): A shed 100 square feet or less shall be at least 3 feet from the side and rear property lines. To Read:

(1) For residential structures, and appurtenant accessory structures in excess of 100 square feet, except piers, floats, docks and bulkheads the minimum setback in all districts shall be 10 feet. **A shed 100 square feet or less shall be at least 3 feet from the side and rear property lines.**

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

**ARTICLE 14:** To see if the Town will vote to amend the Zoning Bylaw Article V - Single Resident Districts - and Article VIII - Agricultural Districts - and by amending both § 240-23 I. and § 240-38 I. Accessory Apartments by deleting both sections and inserting the new language below in both sections:

#### I. Accessory Apartments

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

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

(3) Requirements.

a) Only one accessory apartment shall be allowed per lot.

b) The lot size shall be no less than 7,500 square feet.

c) Either the principal dwelling or accessory apartment must be owner-occupied for a period of seven months in every calendar year, or owned by a nonprofit organization or government authority whose purpose is to provide affordable housing.

d) Either the principal dwelling or accessory apartment may be rented, but not both. The owner occupied dwelling cannot be rented while owner is absent. Rental periods shall be no less than six (6) months and weekly/monthly rentals (so called summer rentals) are expressly prohibited. Neither the principal dwelling nor accessory apartment shall be used as commercial accommodations at any time.

e) The accessory apartment shall have no more than two bedrooms and a maximum of eight hundred (800) square feet, or forty (40) percent of the principal dwelling, whichever is less, as measured using the exterior side of the outside wall.

f) The foot print of a new detached accessory dwelling unit cannot exceed that of the principal dwelling.

g) An existing dwelling in excess of four (4) bedrooms may convert two of the existing bedrooms into one accessory unit.

h) The total number of bedrooms on the lot shall not exceed four when the lot contains less than twenty thousand (20,000) square feet. A property that has a preexisting bedroom count that exceeds four (4) bedrooms per twenty thousand (20,000) square feet of lot area can maintain that number of current bedrooms but cannot increase.

i) Whether allowed as a matter of right or by special permit, accessory apartments located on lots subject to the provisions of the Water Resource Protection or Coastal Pond Overlay Districts, the total number of bedrooms shall not exceed one (1) per ten thousand (10,000) square feet of lot area. Properties that preexist with a density greater than one (1) bedroom per ten thousand (10,000) square feet in a Coastal Pond Overlay District can maintain their existing bedroom count but cannot increase.

j) Owners of properties in a Coastal Pond Overlay District that want to increase the number of bedrooms beyond the density outlined in (i) can only do so provided that:

1. both the principal dwelling and accessory apartment are connected to the municipal sewer system and only to the extent allowed within the applicable sewer district bylaw or regulation; or
2. an on-site septic system with enhanced nitrogen removal approved by the Board of Health is installed on the property.

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

a) The architectural effect, as the result of the accessory apartment being constructed within the principal dwelling or attached thereto, shall be that of a single family residence compatible with the surrounding neighborhood.

b) The architectural effect, as the result of the accessory apartment being constructed as a detached accessory structure, shall be that of a structure incidental to a single family residence compatible with the surrounding neighborhood.

c) Parking for the accessory apartment shall be provided on site.

(5) Procedures.

a) An Accessory Apartment constructed within an existing single family dwelling or an existing accessory structure attached thereto:

Prior to the issuance of a building permit for an accessory apartment constructed within a single family dwelling or accessory structure attached thereto, a Site Plan Review (Design Review), pursuant to Article XXXIX (39) of the Zoning Bylaw, shall be conducted by the Planning Board, taking into account the design standards, requirements and purposes of this accessory apartment bylaw. The application for site plan review shall include the information contained in Section 240-195 C, unless waived by the Planning Board.

b) Accessory Apartment constructed within an existing detached accessory structure or within a new detached accessory structure (not attached to a single family dwelling).

In addition to the site plan review requirements above, an accessory apartment built within or as an accessory structure, not attached to a single family dwelling, shall require a special permit from the Zoning Board of Appeals. In addition to the design standards, requirements and purposes of this accessory apartment bylaw, the Zoning Board of Appeals shall take into account the standards found in section 240-216 A through I of this bylaw.

(6) Monitoring

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

(7) Enforcement

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

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

**ARTICLE 15:** To see if the Town will vote to amend Article VI "General Residence Districts" of Chapter 240-Zoning-of the Code of Falmouth by adding Subsection 240-28.H.(5), to read as follows:

(5) Accessory apartments, subject to the same definitions, requirements, design standards and procedures as provided for in Section 240-23.I.

On petition of Kevin P. Klauer, II.

**ARTICLE 16:** To see if the Town will vote to amend the Town's Position Classification Plan for the purposes of adjusting the seasonal compensation schedule.

Delete:

<b>Grade</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
1	Parking Attendant - Beach	\$11.22	\$11.67
2	Clerk I	\$11.67	\$12.14
3	Clerk II	\$12.14	\$12.63
	Head Parking Lot Attendant - Beach		
	Maintenance Laborer		
	Parking Lot Security - Beach		
	Night Watch - Harbormaster		
	Camp Counselor - Recreation		
	Waterways Assistant		
4	Lifeguard - Beach	\$12.99	\$13.51
	Senior Waterways Assistant		
	Sailing Instructor		
5	Water Safety Inst. / Asst. Head Guard - Beach	\$13.89	\$14.46
	Pump Out Boat Operator - Harbormaster		
	Certified Sailing Instructor		
6	Equipment Operator - Beach	\$14.87	\$15.47
	Head Guard - Beach		
	Maintenance Foreman - Beach		
	Caretaker - Parks		
7	Clerk III	\$15.91	\$16.55
	Staff Guard/Supervisor		
	Assistant Harbormaster - Constable		
	Seasonal Police Officer		
8	Swim Program Director - Beach	\$17.02	\$17.71
	Assistant Harbormaster - Dockmaster		
9	Assistant Superintendent of Beaches	\$18.21	\$20.87
11	Superintendent of Beaches	\$20.76	\$23.89
	Inspector	\$11.00	
	Election Clerk	\$11.55	
	Deputy Warden/Deputy Clerk	\$11.55	
	Election Warden	\$12.34	

Add:

<b>Grade</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
1	Parking Attendant - Beach	\$12.00	\$14.59
2	Clerk I	\$12.48	\$15.17
3	Clerk II	\$12.98	\$15.78
	Head Parking Lot Attendant - Beach		
	Parking Lot Security - Beach		
	Night Watch - Harbormaster		
	Camp Counselor - Recreation		
	Waterways Assistant		
4	Lifeguard - Beach	\$13.89	\$16.88
	Senior Waterways Assistant		
	Sailing Instructor		
5	Water Safety Inst. / Asst. Head Guard - Beach	\$14.86	\$18.06
	Pump Out Boat Operator - Harbormaster		
	Certified Sailing Instructor		
6	Head Guard - Beach	\$15.90	\$19.33
	Laborer		
	Assistant Animal Control Officer		
7	Clerk III	\$17.01	\$20.68
	Staff Guard/Supervisor		
	Assistant Harbormaster - Constable		
	Seasonal Police Officer		
	Maintenance Foreman - Beach		
8	Swim Program Director - Beach	\$18.20	\$22.13
	Assistant Harbormaster - Dockmaster		
9	Assistant Superintendent of Beaches	\$19.48	\$23.68
11	Superintendent of Beaches	\$22.21	\$26.99
	Inspector	\$11.00	\$12.00
	Election Clerk	\$11.55	\$12.60
	Deputy Warden/Deputy Clerk	\$11.55	\$12.60
	Election Warden	\$12.34	\$13.46

On request of the Personnel Department.

**ARTICLE 17:** To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Delete:	Network Computer Technician	M-5	\$29.24	\$38.12
Add:	IT Support Specialist	M-3	\$22.08	\$28.83

On request of the Personnel Department.

**ARTICLE 18:** To see if the Town will vote to accept the provisions of Chapter 139 of the Acts of 2012 to increase from \$6,000 per year to \$12,000 per year the benefit payable to surviving spouses of disabled public employees pursuant to M.G.L. Chapter 32 §101. Said increase is to be effective November 1, 2018.

On request of the Falmouth Contributory Retirement Board.

**ARTICLE 19:** To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out the following listed roads according to plans on file with the Town Clerk for taking as a public way under the Betterment Act:

Road	From	To	Length	Width
Winthrop Drive	Seacoast Shores Blvd.	Edgewater Drive West	770.7'	40'
Captain Davis Lane	Davisville Road	Dead End	1096'	40'

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

**ARTICLE 20:** To see if the Town will vote to accept the provisions of General Laws Chapter 143, section 3Z allowing any part time inspector of buildings or part time local inspector to practice for hire or engage in the business for which he is certified, licensed or registered under the building code, while serving as such inspector; provided, however, he shall not exercise any of his powers and duties as inspector on work done by himself, his employer, an employee or one employed with him.  
Or do or take any other action on this matter. On request of the Board of Selectmen.

**ARTICLE 21:** To see if the Town will vote to amend Town Code Chapter 107. Demolition by deleting the word "six" in Section 107-3.D and F of Procedure and substitute with the word "twelve", changing the amount of time the Historical Commission can delay the issuance of a building permit by the Building Commissioner to demolish a historically or architecturally significant building listed on the List of Significant Buildings .

Sections will read as:

§107-3. Procedure.

D. If such letter indicates that the building is on the List, the date on which the request is recorded by the Town Clerk shall be the commencement of a **twelve-month delay period**, during which time the Building Commissioner shall not accept or act on any application for a demolition permit except as provided for under 107-4 of this article entitled "Waiver of delay."

F. Upon performance of such a review, the Commission shall notify the Building Commissioner in writing that the applicant has fulfilled the requirement to attend. The Building Commissioner shall not accept or act on any application for a demolition permit for a building on the List of Significant Buildings without such written notification from the Historical Commission, regardless of whether the **twelve-month delay period** has ended. If the Building Commissioner has received such written notification, and if following the twelve-month delay period the applicant still chooses to apply for a demolition permit, the Building Commissioner may then issue a demolition permit for the building.

Or do or take any other action on this matter. On request of the Historical Commission.

**ARTICLE 22:** Purpose and Intent.

The purpose of this article is make changes to Town Meeting Rules regarding Electronic Voting in order to enhance transparency and open government.

Changes to the Code of Falmouth.

Amend the Code of Falmouth In:

1) Chapter 49-8.2 " Electronic voting " by inserting at the end of the section the following, " An electronic voting request may be made at any time prior to a vote being completed. Each time an approved electronic vote counting and recording system is used the vote shall be considered a recorded roll call vote and the recorded roll call vote shall be made available on the town website unless two-thirds of Town Meeting members vote by standing vote to override the use of a recorded roll call vote.;" "

2) Chapter 49-8.1 " Voice vote " of the Code of Falmouth be amended by adding after the words " a standing vote " the words " or electronic vote " .  
On petition of J. Malcolm Donald.

**ARTICLE 23: Purpose.**

The purpose of this article is to phase out the use of polystyrene and expanded polystyrene foam.

**Intent.**

The production and use of polystyrene and expanded polystyrene foam also known as Styrofoam® has significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of nonrenewable, polluting, fossil fuel nationally for their manufacture.

SECTION 1.

**Definitions**

**"Disposable Food Container"** means single-use disposable products used in the restaurant, food service, and food sales industries for serving, transporting, or packaging prepared, ready-to-consume, or uncooked food or beverages. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and utensils.

**"Establishment"** means any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items.

**"Food Establishment"** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

**"Polystyrene"** means and includes expanded polystyrene foam also known as Styrofoam® which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene, which is known as "oriented polystyrene".

**"Prepared Food"** means any food or beverage prepared for consumption on the food provider's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

SECTION 2.

**Use regulations.**

Establishments within the Town of Falmouth shall be prohibited from:

- (1) dispensing food to customers in or
- (2) distributing to customers

disposable polystyrene food ware. Existing stock of polystyrene shall be phased out within six (6) months of adoption of this article. Any remaining stock shall be disposed of properly by the establishment.

SECTION 3.

**Effective Date**

Except as provided herein, the prohibition of dispensing or distribution of polystyrene and expanded polystyrene foam by all establishments shall be phased in over a period of six (6) months from the effective date of this article.

## SECTION 4.

### **Jurisdiction**

Selectmen shall promulgate regulations for the enforcement of the foregoing section, which regulations shall provide for fines not to exceed one thousand dollars for any single violation and for deferments, in accordance with the following:

A. Upon written application to the health department or its designee, and upon showing by the food establishment that the conditions of this provision would cause undue hardship, the municipal health department or its designee or its designee may defer application of this provision for a food establishment for a one year period. An "undue hardship" shall mean a situation unique to the food establishment where there are no reasonable alternatives to the use of polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that establishment.

B. The application for a deferment shall include all information necessary for the health department or its designee to make its decision, including but not limited to, documentation showing the factual support for the claimed deferment. The health department or its designee may require the applicant to provide such additional information that it reasonably deems necessary to render a decision.

C. The health department or its designee may approve the deferment application, in whole or in part, with or without conditions.

## SECTION 5.

### **Administration and enforcement.**

This article may be enforced by any Town police officer, enforcement officers or agents of the Board of Health through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21 D and appropriate chapter of the Town's General By-laws. If noncriminal disposition is elected, then any establishment which violates any provision of this article shall be subject to the following penalties:

- First offense: fine of fifty dollars (\$50) and two (2) hours of community service.
- Second offense: fine of one hundred dollars (\$100) and four (4) hours of community service.
- Third and subsequent offense fine of two hundred dollars (\$200) and eight (8) hours of community service.
- Subsequent offenses shall be determined as offenses occurring within two (2) years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense.

On petition of J. Malcolm Donald.

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

AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO ESTABLISH RANKED-CHOICE VOTING.

### **Section I**

- 1) **Office elected by ranked-choice voting.** "Office elected by ranked-choice voting" means any of the following offices: Selectmen, Town Clerk and includes any nominations by primary election to such offices.
- 2) **Definition.** "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.
- 3) For offices elected by ranked-choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.

- 4) How tabulated. The Town Clerk shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For offices elected by ranked-choice voting, the Town Clerk shall tabulate the votes according to the ranked-choice voting method described in section II-A. The Town Clerk shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate and shall tabulate the votes that appear to have been cast for an undeclared write-in candidate based on a recount requested and conducted pursuant to Massachusetts recount rules.

## Section II

### Determination of winner in election for an office elected by ranked-choice voting

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
  - A. **"Batch elimination"** means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
  - B. **"Continuing ballot"** means a ballot that is not an exhausted ballot.
  - C. **"Continuing candidate"** means a candidate who has not been defeated.
  - D. **"Exhausted ballot"** means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking.
  - E. **"Highest continuing ranking"** means the highest ranking on a voter's ballot for a continuing candidate.
  - F. **"Last-place candidate"** means the candidate with the fewest votes in a round of the ranked-choice voting tabulation.
  - G. **"Mathematically impossible to be elected,"** with respect to a candidate, means either:
    - (1) The candidate cannot be elected because the candidate's vote total in a round of the ranked-choice voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
    - (2) The candidate has a lower vote total than a candidate described in subparagraph (1).
  - H. **"Overvote"** means a circumstance in which a voter has ranked more than one candidate at the same ranking.
  - I. **"Ranking"** means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on.
  - J. **"Round"** means an instance of the sequence of voting tabulation steps established in subsection 2.
  - K. **"Skipped ranking"** means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.
2. **Procedures.** Except as provided in subsections 3 and 4, the following procedures are used to determine the winner in an election for an office elected by ranked-choice voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.
  - A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
  - B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.
3. **Ties.** A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

**4. Modification of ranked-choice voting ballot and tabulation.** Modification of a ranked-choice voting ballot and tabulation is permitted in accordance with the following.

- A. The number of allowable rankings may be limited to no fewer than 6.
- B. Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

**5. Effect on rights of political parties.** For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party's candidate for an office elected by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

### SUMMARY

This article provides ranked-choice voting for Town of Falmouth offices of Selectmen, Town Clerk. Ranked-choice voting is a method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.  
On petition of J. Malcolm Donald.

**ARTICLE 25:** To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to extend the Business 3 District by rezoning from Residential B to Business 3 that portion of the land at 289 Old Main Road shown on the Falmouth Assessors Map 05A 04 004 000 (the "Premises") currently zoned Residential B, so that the Premises in its entirety shall be zoned Business 3. Said Premises are further described in a deed recorded with the Barnstable County Registry of Deeds in Book 31446, Page 190. See attached Exhibit A for legal description of the Premises.

#### Exhibit A

#### Legal Description - 289 Old Main Road, North Falmouth, MA 02556

Beginning	at a point on the Easterly side of the Old State Highway so called in North Falmouth where the described premises adjoin land nor or formerly of Robert W. Leatherbee being the Southwesterly corner of said described premises, said point of beginning Northwesterly 90/100 feet from a stone bound there located;
Thence	Southerly 49° 50' by said land nor or formerly of Robert W. Leatherbee and by land now or formerly of Clifford L. Hubbard a distance of two hundred seventy and 22/100 (270.22) feet to a point indicated by a stone bound at land now or formerly of Mary Ella Nye:
Thence Northerly	47° 22' East by land of said Mary Ella Nye one hundred five and 46/100 (105.46) feet to a point indicated by a stake located at land of Susan G. Spencer (now or formerly);
Thence Northerly	49° 21' West by said Spencer land a distance of two hundred eighty-six and 01/100 (286.01) feet to the Old State Highway at a point indicated by a stone bound there located;
Thence Southerly	38° 45' West by said Old State Highway, one hundred seven and 13/100 (107.13) feet to point of beginning.

For title reference, see deed recorded with Barnstable County Registry of Deeds Book 31446, Pag 190. On petition of Kevin P. Klauer, II.

**ARTICLE 26:** To ask the Town to create a Solid Waste Division within the Department of Public Works headed by a Solid Waste Manager/Superintendent.  
On petition of the Solid Waste Advisory Committee.

**ARTICLE 27:** Shall Town Meeting vote to authorize the use of a second water meter at properties in sewer service areas for irrigation and other outside water uses? The second water meter would be paid for by property owner, installed by the town and billed at the non sewer rate. Or take any other action on this matter.

On petition of Marc Finneran

**ARTICLE 28:** To see if the Town will vote to transfer a sum of \$11,900 from free cash for ALICE training for no less than 20 persons within the Falmouth Public Schools and Police Department, under the guidance of Falmouth Police Chief and Falmouth Public Schools Superintendent.

On petition of Michael G. Heylin.

**ARTICLE 29:** To see if the Town will vote to approve the hiring of three (3) new Police Officers within the Falmouth Police Department for the fiscal year beginning July 1, 2019, and further, to raise and appropriate and/or transfer a sum of money from taxation, free cash, the Stabilization Fund, or other available source to fund said positions, or take any other action in relation thereto.

On petition of Michael G. Heylin.

**ARTICLE 30:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to construct a pedestrian bridge and wetland walkway at Swift's Crossing, Coonamessett Greenway Heritage Trail and Gateway Park; to determine how the same shall be raised and by whom expended, or do or take any action on the matter.

On request of the Community Preservation Committee.

**ARTICLE 31:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter.

On the request of the Community Preservation Committee.

**ARTICLE 32:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Open Space Reserve Account, and to determine how the same shall be raised, or do or take any other action on the matter.

On the request of the Community Preservation Committee.

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

Given under our hand this 10th day of September in the year of our Lord Two Thousand Eighteen.

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



**Warrant for the Annual Town Meeting**  
**Tuesday, November 13, 2018**  
**TOWN OF FALMOUTH**  
**Board of Selectmen**

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Tuesday, November 13, 2018 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

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 10<sup>th</sup> day of September, 2018.

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

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

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

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

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

FALMOUTH BOARD OF SELECTMEN

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

\_\_\_\_\_  
Constable, Town of Falmouth

\_\_\_\_\_  
Date

# memo

## Department of Marine & Environmental Services

To: Susan Moran, Chairwoman Falmouth Board of Selectmen  
CC: Julian Suso, Town Manager  
Peter Johnson-Staub, Assistant Town Manager  
From: Chuck Martinsen, Deputy Director of Marine & Environmental Services  
Date: 8/22/2018  
Re: 2018-2019 Shellfish Regulations

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Dear Madam Chairwoman and members of the Board of Selectmen,

Please find attached the recommended 2018-2019 Shellfish Regulations. Annually the Board of Selectmen adopts regulations concerning the opening and closing of shellfish areas, as well as regulation modifications. Language in the proposed regulations is nearly identical to the 2016-2017 shellfish regulations. We have heard from the public an asking for the de-emphasis of oyster propagation and an emphasis on quahog propagation, and the proposed regulations for the 2018-2019 season reflect these comments.

It was the department's intention to delay decision-making on the 2018-2019 proposed shellfish regulations until after feedback could be obtained from the Shellfish Advisory Committee. We are quickly running out of time to have this happen, so we must commence with moving forward with these regulations prior to the October 1, 2018 scallop and oyster seasons.

Shellfish Division  
2017-2018 Annual Shellfish  
Resource Management Regulations

September 25, 2018

**TOWN OF FALMOUTH  
OYSTER REGULATIONS  
2018-2019 SEASON**

**Family/Recreational:** Between **October 1, 2018 and March 31, 2019**, both dates inclusive, not more than (10) quarts of oysters per week may be taken from areas open to the taking of shellfish. Seed oysters (less than 3" in length) must be culled from the shells of adult oysters at the harvest site. Oyster shells must be returned to the harvest site after shucking. *Recreational harvesters are not required to have completed Vibrio training to harvest from areas between October 1, 2018 and October 19, 2018.*

**Commercial:** Between **October 20, 2018 and March 31, 2019**, both dates inclusive, commercial harvest of oysters shall be limited to no more than (2) level town-approved containers per day. Commercial fishing is allowed on **Tuesdays, Thursdays and Saturdays only**. Culling of seed oysters from the shells of adult oysters must take place at the harvest site.

## 2018-2019 FAMILY PERMIT SCALLOP REGULATIONS

Pursuant to MGL Chapter 130, Section 52, the following regulations for the taking of scallops by Falmouth Permit Holders effective **OCTOBER 1, 2018 through MARCH 31, 2019** are hereby adopted:

1. Scallop season will open for all FAMILY shellfish permit holders on **October 1, 2018** throughout the town including areas "Closed to Shellfishing" for quahogs, clams, oysters and mussels.
2. Skin diving using mask, snorkel and fins may be used in any area.
3. Scuba diving with air tanks is allowed in Megansett Harbor, with the exception of the "Family Shellfishing Area, Buzzards Bay, Great Harbor Woods Hole and Vineyard Sound from shore only.
4. Skin and Scuba divers shall display a diver's flag.
5. Scallop boats shall not position themselves between the shoreline and any diver's flag. While towing scallop dredges, all boats shall remain outside a 100-foot radius of any dive flag.
6. Dredging is prohibited in West Falmouth harbor and all family shellfish areas.
7. Beginning on **November 1, 2018 until November 30, 2018**, dredging will be permitted in marked navigational channels except on the Atlantic Oyster grant in Seapit River and West Falmouth Harbor. Great Harbor and Little Harbor Woods hole will open for dredging on November 1, 2018.
8. FAMILY CATCH LIMIT: (1) bushel per week of bay scallops.
9. Dredges are limited to 3-foot width and two dredges per boat. Dredges must have two-inch or larger rings in the construction of the bag. Boats shall be limited to two permit holders per boat.
10. All bay scallops taken from Falmouth waters shall be landed in Falmouth. Scallops may not be shucked prior to landing.
11. The use of dredges shall be prohibited in any Family Shellfish Area.

## 2018-2019 COMMERCIAL SCALLOP REGULATIONS

Pursuant to MGL Chapter 130, Section 52, the following regulations for the taking of scallops by Falmouth Permit Holders effective **OCTOBER 1, 2018 through MARCH 31, 2019** are hereby adopted:

1. No Commercial Scallop Fishing on Sundays.
2. Skin diving using mask, snorkel and fins may be used in any area.
3. Scuba diving with air tanks is allowed in Buzzard Bay, Megansett Harbor, Vineyard Sound and Great Harbor Woods Hole from shore only.
4. Skin and Scuba divers shall display diver's flag and commercial divers shall display their permit numbers in 3" numbers on their dive flag.
5. Scallop boats shall not position themselves between the shore and diver's flags. While towing scallop dredges, all boats shall remain outside a 100-foot radius of any dive flag.
6. Commercial season opens on **October 1, 2018** in Buzzards Bay, Vineyard Sound and Great Harbor Woods Hole. All other areas to include Waquoit Bay and West Falmouth Harbor shall open on Monday, **October 8, 2018** to commercial scalloping. Commercial permit holders may take (1) bushel per week in coastal ponds from **October 1, 2018 until October 8, 2018**.  
NOTE: Family shellfish areas are not open too commercial shellfishing of any species.
7. Beginning on **November 1, 2018 until November 30, 2018** dredging will be permitted in marked navigational channels, except in the Seapit River on the Atlantic Oyster Shellfish grant and in West Falmouth Harbor. Dredging of scallops in Great Harbor and Little Harbor Woods Hole shall be permitted from **November 1, 2018 to March 31, 2019**.
8. COMMERCIAL CATCH LIMIT: **October 1 through October 31<sup>st</sup>**, on (1) bushel per week. Beginning on **November 1<sup>st</sup>**, five (5) bushels per open days in coastal ponds. Beginning **October 1<sup>st</sup>**, the limit is ten (10) bushels per open day in the waters of Vineyard Sound, Megansett harbor and Buzzards Bay.
9. Dredges are limited to 3-foot width and two dredges per boat except in the waters of Vineyard Sound, Megansett Harbor and Buzzards Bay where 1 dredge not exceeding 5 feet in width is permitted in place of the 2 three foot dredges. Dredges must have two inch or larger rings in the construction of the bag. Boats shall be limited to two permit holders per boat.
10. All bay scallops take in Falmouth waters shall be landed in Falmouth. Scallops may not be shucked prior to landing.
11. Scallop shells may not be discarded in the water at any town landing.

## **TOWN OF FALMOUTH SHELLFISH REGULATIONS**

Pursuant to MGL Chapter 130, Section 52 the following changes to the Shellfish Regulations are hereby adopted:

### **Closing of Area for Shellfish Resource Management**

#### **GREAT POND SC-11**

The waters of Great Pond to include all connected inlets and wetland are closed until **December 5, 2018** (Wednesday), except:

the Family Shellfish area between Priscilla St and Bourne St. will open on Saturday, **November 3, 2018** and shall remain open on Saturdays and Sundays until **May 26, 2019** (Sunday). This regulation shall not apply to the taking of scallops in Great Pond.

#### **WAQUOIT BAY SC-15**

The Falmouth Waters of Waquoit Bay shall be closed to the taking of soft shell calms and quahogs from **November 14, 2018** until **May 1, 2019**.

#### **SOUTHERN BOURNES POND SC-13**

The waters of Southern Bourne's Pond (Family Area) shall be closed to the taking of soft shell clams and quahogs from **November 11, 2018** until **May 1, 2019**.

#### **GREEN POND SC-12**

The waters of Green Pond, to include all connected inlets and wetlands, are closed until **December 15, 2018**.

**TOWN OF FALMOUTH  
SHELLFISH REGULATIONS**

Pursuant to MGL Chapter 130, Section 52 the following changes to the Shellfish Regulations are hereby adopted:

A portion of the waters of Green Pond and West Falmouth Harbor shall be closed for all shellfishing for Contaminated and Non-Contaminated Oyster Relays.

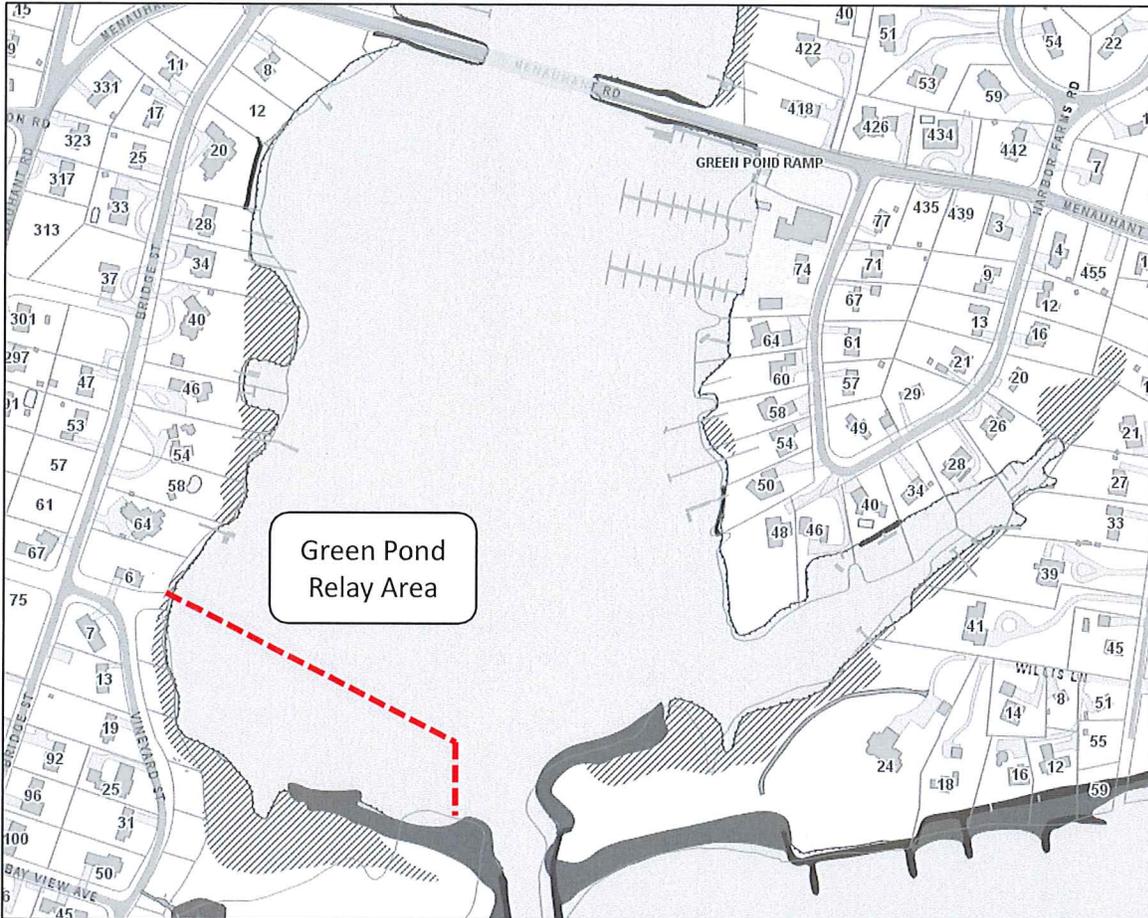
The closed areas are as follows:

- Green Pond Relay Area (Recreational and Commercial Area), located in the southwest corner of the estuary shall be closed for shellfish seeding through the fall of 2019, after which time it will be open for harvest.
- West Falmouth Harbor Relay Area I (Family Area) which runs from a sign on the path over to the dock on Associate's Road) and Relay Area II (Recreational/Commercial Area) (center flat off Old Dock Rd). These areas shall be closed from March 1, 2019 until October 1, 2019.

Area maps and descriptions attached.

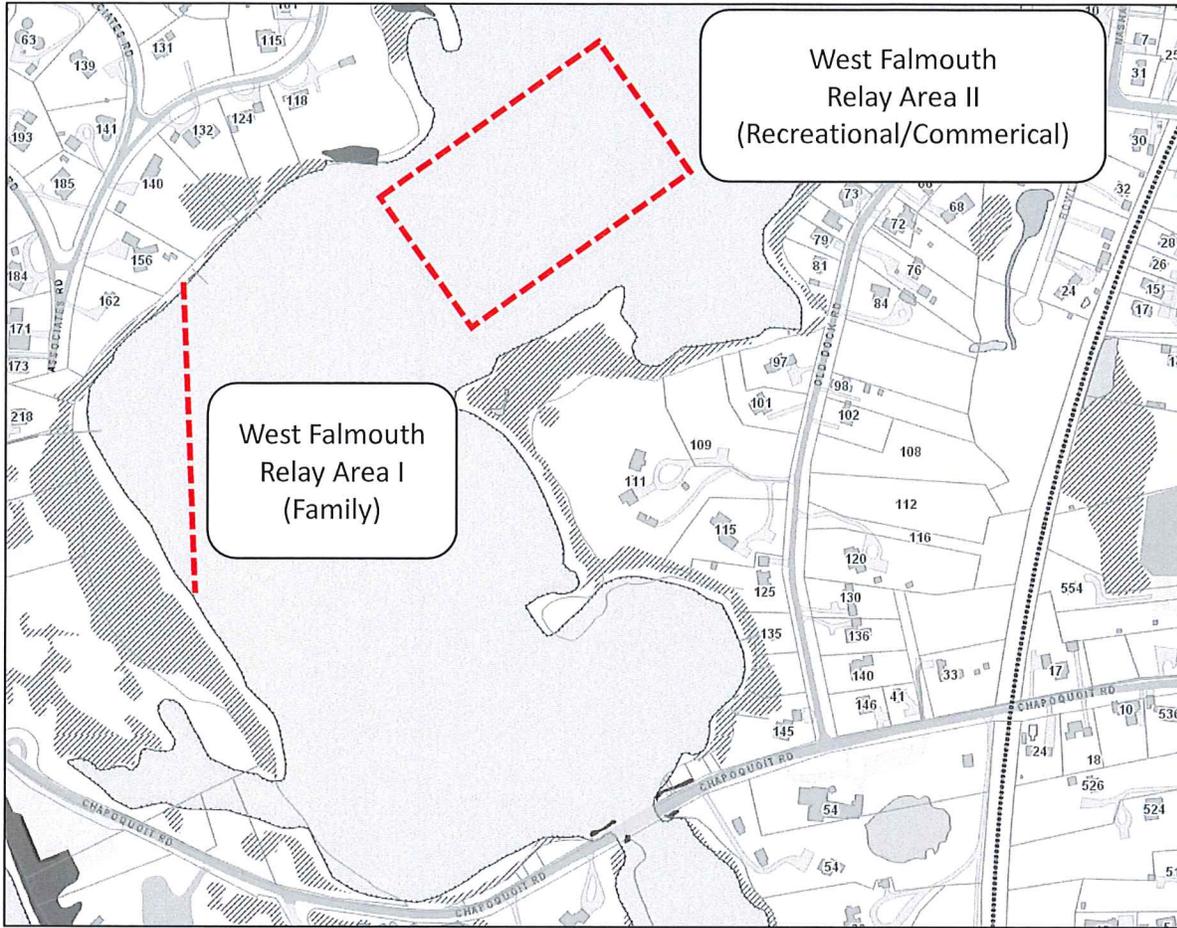
## 2018-2019 SHELLFISH CLOSURE AREA MAPS

### GREEN POND



Map 1. Green Pond Relay Area (Recreational and Commercial Area): the southwest corner of Green Pond.

WEST FALMOUTH HARBOR



Map 2. West Falmouth Harbor Relay Area I (Family Area) which runs from a sign on the path over to the dock on Associate's Road) and West Falmouth Harbor Relay Area II (Recreational/Commercial Area) (center flat off Old Dock Rd).



**TO**            **BOARD OF SELECTMEN**

**FROM**        **FALMOUTH TRACK CLUB**

**DATE**        **September 5, 2018**

We are seeking a variance for permission to place approximately twenty flag type signs to be placed along Main Street on the light posts commencing October 17, 2018 and ending October 27, 2018. The signs are 2 ' x 3'. The Dept. of Public Works have agreed to assist in the placement and the Historic Commission has administratively approved.

The purpose is to advertise and to get more awareness about the Cape Cod Marathon.

All other required permits have been obtained pursuant to the special events meeting.

Thank you.

A handwritten signature in blue ink, appearing to read "Jack Afarian".

Jack Afarian  
Race Director  
Cape Cod Marathon  
508 380 1771



**Historic  
Falmouth**



**October 27, 28  
2018**

**SEPTEMBER 10, 2018  
BOARD OF SELECTMEN**

**Affirmation of appointments:**

**The following has been recommended for reappointment to the Veterans Council Committee:**

<b>Committee</b>	<b>Incumbent for Reappointment</b>	<b>Term</b>
Veterans Council Committee Representatives appointed by organizations: Clark-Haddad American Legion Post 188	Robert Teixeira	6/30/19

CLARK - HADDAD POST, NO.188

*The American Legion*  
P.O. Box 956  
Sandwich, Massachusetts 02563



"For God and Country"



Veteran's Council  
Falmouth Town Hall  
C/o Julia Kramer  
Falmouth, MA  
02540

Dear Sir or Madam;

Clark-Haddad American Legion Post 188 in Sandwich, MA, hereby authorizes Mr. Teixeira to represent our Post on the Veteran's Council.

Richard E. Nycz

Senior Vice-Commander  
American Legion Post 188  
August 20, 2018



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

COMMONWEALTH OF MASSACHUSETTS

The Town of Falmouth

Robert Teixeira  
526 Carriage Shop Road  
East Falmouth, MA 02536

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

**MEMBER – VETERANS COUNCIL COMMITTEE  
CLARK-HADDAD AMERICAN LEGION POST 188 REPRESENTATIVE**

**UNTIL JUNE 30, 2019**

Given at FALMOUTH this 10<sup>th</sup> day of SEPTEMBER, 2018

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

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

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

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

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

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

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

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



## NOVEMBER 2018 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting..... Monday, July 23, 2018

Close Warrant.....Friday, August 31, 2018

Selectmen Vote Articles & Execute Warrant ..... Monday, September 10, 2018

Publish Articles Only .....Friday, September 14, 2017

Selectmen Vote Article Recommendations ..... Monday, ~~September 24~~ October 1, 2018

Publish Warrant with Recommendations.....Friday, October 19, 2018

Town Meeting ..... Tuesday, November 13, 2018



## NOVEMBER 2018 ANNUAL TOWN MEETING

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Town Meeting.....Tuesday, November 13, 2018

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, JUNE 18, 2018**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

Present: Megan English Braga, Acting Chairperson; Doug Jones; Sam Patterson; Doug Brown.

Absent: Susan Moran.

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

1. Acting Chair English Braga called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c30A s21 (a)(6)-Status/update on potential purchase of Lyberty Green project site because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Acting Chair English Braga, aye; Mr. Jones, aye.  
Absent: Chair Moran.
2. Acting Chair Moran reconvened the public session.
3. Pledge of Allegiance
4. Proclamation-none.
5. Recognition  
All the folks who made Arts Alive a wonderful experience.
6. Announcements  
Water kiosk opened by Water stewards at Peg Noonan Park.

Wellness Fair at the Gus Canty will be held this Saturday from 10 am to 4 pm to learn about ability services.

7. Public Comment  
Elizabeth Saito told the BOS she launched a public campaign for a crosswalk from bike path to Goodwill Park across Palmer Avenue to help the community cross the area more safely. She requested the BOS ask the state to lower the speed limit and install a crosswalk at the park entrance.

Kevin Lynch, Precinct 3, would like a crossing at Goodwill Park, could make a crossing there and put up a flasher to warn that a crosswalk is coming and another from the Goodwill Park entrance across to the Trotting Park fields. The Town owns a right of way through Trotting Park, could get people to go through there and to Teaticket Elementary School.

Scott Lindell, commented on the dangerous a stretch along Palmer Avenue past Goodwill Park. This is a thickly settled district and should be 35 miles per hour or less.

Glen Carlson noted that the Town is inviting people to go to an intersection that does not exist.

Alan Robertson, Falmouth Water Stewards, thanked the Town for support provided for the water filling station. They would like to have a table at the Peg Noonan Park during the book sale, offering information about Falmouth water.

8. Affirm Appointment of Beach Superintendent  
Mr. Suso recommended Bruce Mogardo, who has been the Acting Superintendent and Assistant to the previous Superintendent.

Bruce Mogardo addressed the BOS; goals include getting the beaches in the best condition possible.

**Mr. Patterson motion to endorse appointment of Mr. Mogardo to the position of Beach Superintendent. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

## **SUMMARY OF ACTIONS**

### **1. Licenses**

- a. Application for Lodging House License – The Heights House, 20 Grand Avenue, Falmouth  
Maureen Kelley, applicant present.  
**Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**
- b. Application for Change in Sunday Opening for an All Alcoholic Package Store License –  
Himalayan King, Inc. d/b/a Old Barn Package Store, 20 Luscombe Ave., Woods Hole  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**
- c. Application for Special One-Day Liquor License – Buzzards Bay Coalition Reception for Science  
Symposium – Falmouth Academy, 7 Highfield Drive, Friday, 6/29/18  
**Mr. Brown motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**
- d. Application for Change of Manager – Portuguese American Association of Falmouth, Inc. – 55  
Ashumet Road, Hatchville  
Acting Chair English Braga disclosed she is the President of the Association, but receives no  
financial benefit.

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

### **2. Administrative Orders**

- a. Approve Release of Water Main Extension Agreement and Easement for Hiken Way, East  
Falmouth, as authorized by vote of Town of April 2018 Town Meeting on Article 25  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**
- b. Approve Eversource Energy Petition to Install One 4” Conduit on English Street, east of  
Maravista Avenue Ext.  
Bob Smith, Community Relations for Eversource on Cape Cod, told the BOS that he asked Brian  
Sullivan, Manager of Operations, to join the meeting on 7/9/18. Mr. Sullivan will speak to  
specific questions on projects.

**Mr. Patterson motion to move this item out of order. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

- c. Approve Eversource Energy Petition to Remove and Relocate One Pole on Main Street, west of  
Scranton Avenue  
**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**
- d. Vote to Ratify Minor Changes to Andrews Farm Conservation Restriction  
Mr. Johnson Staub explained this was voted by the BOS, after reviewed it was approved and later  
changes were made that need to be affirmed. Mr. Johnson Staub read the motion in the packet.

**Mr. Jones motion as quoted by Mr. Johnson Staub. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- e. Vote to Accept Grant Funding in the amount of \$5,625.00 from the Executive Office of Public  
Safety and Security Highway Safety Division – FY2018 Pedestrian and Bicycle Safety  
Enforcement and Equipment

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

### **3. Special Events**

#### **Recurring - Recommended:**

- a. 41<sup>st</sup> Annual Paul White Memorial Road Race – Nye Park, North Falmouth – Saturday, 7/7/18  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

## **PUBLIC HEARINGS**

**7:30 p.m.**

1. Application for a New Wine and Malt Common Victualler License – Silver Beach Pizza of Cape Cod Inc.  
d/b/a Silver Beach Pizza & Seafood, 557 North Falmouth Highway, North Falmouth  
Hearing notice read by Acting Chair English Braga.

Attorney Christopher Kirrane of Mashpee represented the applicant and provided green cards along with  
abutters' notices and the plan for outdoor patio seating. 7 day a week restaurant, owners own Graziella's in

Bourne and Surf's Up in Sandwich. Luzia Reardon is Serv Safe and TIPS trained, staff would be as well. The outside area will have an enclosure built to make sure alcohol remains in the patio area. The area is visible from the front, customers can watch them as they go sit down. Control of the service of alcohol is concerning to the BOS. Mr. Jones noted approving with alcohol staying in the dining room. The BOS suggested this summer do the inside, in next year's application he can present a plan. Alcohol service to picnic area is done by a staff person.

Public comment in favor: none.

Public comment against: none.

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

The area be enclosed as determined by the building department and any alcohol served in picnic area is served by staff, who are to be Serv Safe and TIPS certified. The BOS expressed concern about service to under age customer and recommended employees be educated on how they will do business and training material be documented as well.

Mr. Patterson motion to approve with appropriate conditions and findings. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.

**7:40 p.m.**

2. Application for Alteration of Premises of an All Alcoholic Common Victualler License – The Tasty Oyster, Inc. d/b/a Epic Oyster, 70 County Road, North Falmouth  
Acting Chair English Braga read the hearing notice.

Attorney Laura Moynihan representing the applicant, Mark Warner is the Principal of the Company and his wife Sarah is the manager of record for the license. Issued spring 2017, 33 inside seats, outside waiting area with picnic tables and would like to extend the license to the waiting area serviced by TIPS certified staff and it is enclosed with a wall, they will move the hostess stand outside so that the hostess can regulate the outside area, which is about 700 square feet. No complaints on the license, neighborhood outreach good, and abutter letter indicates support for application. Photos were provided. Parking is more than sufficient. Ask for approval to expand the license to the outside waiting area.

Customer would check in with the hostess and then go into the waiting area.

Mr. Warner said people would like a glass of wine while waiting. Condition of approval may be no outside food service.

Public comment in favor: none.

Public comment against: none.

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

Mr. Jones noted that the motion include the findings that this would enhance the experience while waiting to have dinner, no additional hazards, and alcohol would be contained within the area with a wall around it and customers checking in for dinner through the hostess. No food to be served in that area.

**Mr. Patterson motion approval with the conditions and findings. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

**7:50 p.m.**

3. Application for a New All Alcoholic Common Victualler License – JZ Restaurant, Inc. – 366 East Falmouth Highway, East Falmouth  
Acting Chair English Braga read the hearing notice.

339 is the correct address, agenda is incorrect.

Applicants opening fresh seafood restaurant. Hours will be Tuesday through Saturday 4pm to close. There will be 12 bar stools, 52-57 dining room seats. The applicant has been in business for 30 years, worked for 15 years as Executive Chef of the New Seabury Club. The food service permit is in process at this time.

There are 35 parking spaces required, 23 on site and there have been no complaints about inadequate parking.

Public comment in favor: none.  
Public comment against: none.

**Mr. Patterson motion to close the hearing. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

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

**8:00 p.m.**

4. Hearing Pursuant to S. 280-10 of the Code of Falmouth (Taxi Regulations) at Request of Falmouth Taxi, 17 Walker Street, Appealing Suspension or Revocation of Taxi Permit by Chief of Police

This has been withdrawn.

**8:10 p.m.**

5. Flow Neutral Bylaw – Evaluation of Request for Variance – LaFrance Hospitality Corp. – 763 Main Street and 24 Scranton Avenue, Continued from May 21, 2018

Acting Chair English Braga read the hearing notice.

Mr. Suso stated the BOS have a copy of the guidelines that were adopted and voted at the last regular BOS meeting. The applicant and Wastewater Superintendent Amy Lowell were present.

According to Ms. Lowell, the flow referred to in the letter on capacity was the proposed flow on the septic plan, 545 gallons per day based on the number of seats in restaurant and rooms in the hotel. Considering the capacity at the wastewater treatment plant and discharge capacity including the flow from the existing service area and other developments currently in the permitting processes, we are slightly above the 80% threshold, the Town has subsequently initiated a planning process for figure wastewater management.

Mr. Johnson Staub explained this was adopted at the last BOS meeting, thought for tonight was to work with this policy as adopted and with more time in the future, consider refinements down the line.

Acting Chair English Braga noted priority areas for waiver or variance consideration was discussed.

Public Comment:

Jerry Potamis stated there is a difference between Title V flow and average daily flow. He suggested a failing septic tank could be considered a public health issue and when expanding the LPSSA, the BOS may want to consider this.

Steve Spitz, Cape Cod Five Cents Savings Bank Regional Vice President, read a statement on behalf of the bank and in support of the project. The bank has vested interest in the area, they have been told new hotel rooms could be used in Falmouth and they help local businesses. The hotel in this location would be a long term benefit to the Town. LaFrance Hospitality is a family business and will be a fine neighbor and community participant. Mr. Spitz provided the letter to the BOS.

Attorney Ament 6/15/18 letter. He was provided guidelines regarding the flow neutral bylaw. This hotel will not qualify under municipal use, but is mixed use and in the business redevelopment district and an improvement to the site. He also addressed economic development in the letter and it was discussed on 5/21/18. This is not intended as a housing project, it is an appropriate redevelopment of a key Main Street location and size requires affordable housing issues be addressed. The Cape Cod Commission will hold a hearing, involves financial contribution to regional affordable housing efforts based on the number of employees earning less than minimum wage on the cape. LaFrance is going to consider creating affordable housing within walking distance or having an obligation to rent such housing for some percentage of their employees. They will come back to the BOS and ask for their recommendation to the Cape Cod Commission and at that point would have refined the proposal and chance for the BOS to judge their efforts. Also need Planning Board and Board of Appeals review. They need to know the project can hook up to the sewer to complete their plans and complete permitting. The Chamber of Commerce sent a letter to the BOS in support of this project.

Mr. Patterson wanted to alert him to the affordable housing issue, this will help them sustain employment of those needed to run their businesses in a profitable way.

Mr. Jones noted the last time a new hotel was proposed, there was a lot of public comment and there are not hearing comments now.

Marc Finneran, Precinct 6, commented that we need more hotel rooms in town and many need to stay over the bridge instead of Falmouth.

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

**Mr. Jones motion approval based on economic development. Granting variance from the flow neutral bylaw of 13,500 gallons per day with provision the project needs to be completed 3 years from July 1, 2018 with an option of granting a variance. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

**8:20 p.m. BUSINESS**

1. Presentation – The Seven Year Itch at the Falmouth Dog Park – Barb Schneider

Ms. Schneider told the BOS the park is celebrating 7 years of success and presented a PowerPoint presentation. Reviewed the early years from opening May 2011 and described the park, including changes since opening. The organization was described, including dog park stewards. This year goats will come in and get rid of the poison ivy around the park. Education is a goal. An all cape round table was held with communities looking at, building, or running a dog park and plan to meet yearly. Animal control officers think the park is worth the additional work. Funded in various ways, some towns have the budget within the town budget.

Ms. Schneider recently visited Falmouth, England and presented the crest of Falmouth, England to Mr. Suso.

2. Discussion with Eversource Representative, Robert Smith  
Not held.
3. Update on Town-Wide Crosswalk Uniformity – Peter McConarty, Department of Public Works

Mr. McConarty referred to information provided in the BOS packet. The DPW has been viewing crosswalks over Town, several different configurations which can be confusing. Looking to make a uniform crosswalk throughout Town. It will look like a ladder, constant width and color throughout town; it will be white with black pavement and yellow tactile stripes at the curb. School department has no problem with this plan.

4. Request for Sign Variance – ConvenientMD, 40 Davis Straits

Attorney Laura Moynihan represents ConvenientMD and CEO is present. The signage for this use is critical given the use of the facility. Building template changed and the project has gone through extensive review at Planning and Zoning Board levels. They can treat 70-80% of the cases the ER can treat. Currently have 11 facilities, variety of letters of support were provided to the BOS. Need to identify the facility. Attorney Moynihan provided photographs to the BOS and described the area that is not seen easily. Looking for a slight increase in the required size of the signs, the variance would be in the public interest to give this increase of the sign for the size of the Davis Straights wall sign. Ms. Moynihan showed a picture of the sign on the building. They would like to put that in to the Davis Straights elevation instead of the freestanding on Dillingham side. Both are over 40 square feet, internal illumination is critical and necessary, it will be open 8am-8pm 7 days a week. The signs will be illuminated when the facility is closed.

Sign committee reviewed the signs and accepted the need for prominent signage. These signs as proposed are the smallest that the company has proposed, they want to be a good community partner.

**Mr. Jones motion approval with the condition that urgent care lettering is lit and after 10 pm the lighting is turned down. He would like to have the opportunity to have the applicant back once the sign is up. Second Mr. Patterson. Vote: Yes-3. No-1. (Mr. Brown). Absent-1.**

5. Request for Sign Variance – St. Barnabas Church, 91 Main Street – Lobster on the Lawn  
**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**
6. Discuss Vacancy on Charter Review Committee  
Individual previously appointed cannot meet the commitment for this committee. Mr. Suso wanted to place an advertisement in Friday's Enterprise giving a 1 week window so it can be brought back to the BOS by 7/9/18 and those who applied and were not appointed would also be considered. Those who previously applied will be contacted.

**Mr. Jones motion to reopen the application to anyone new and all that applied previously. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1. The deadline for applications will be 4:30 Friday 6/29/18 and interviews will be held on 7/9/18.**

7. Interview, Vote and Appoint Members to the Shellfish Advisory Committee  
One applicant is not present tonight and will be interviewed 7/23/18. The BOS can appoint up to 8 people.

Ronald Zweig has been working in aquaculture for 44 years, reviewed his experience in work and Town committees. He would like to enhance the resource and develop in such a way to benefit employment, income, and water quality improvement. Discussed rotational aquaculture concept. Member of the Water Quality Management Committee.

John Silvia, Sr. can be an asset to the Board, he commercially fished, worked with Town and State programs transferring quahogs. He now shellfishes recreationally.

Brian Ridgeway amateur shell fisherman, on the Board of Assessors and volunteer shellfish group. He would like to learn and help out.

Scott Lindell is a marine scientist at WHOI, ran a program in scientific aquaculture at MBL and WHOI. Researched various methods of propagation. Chaired the Truro Shellfish Advisory Committee where he has another home. He is an avid recreational shell fisherman.

Daniel Ward, aqua culturist with a lease in North Falmouth, he is a researcher at various institutes. Commercial grower, collaborates with Cape Towns. He is well versed in aquaculture, the Town has great assets and impaired nature of our estuaries would benefit from expanding aquaculture and needs to work well for all stakeholders.

David Baily works at WHOI and brings science background and commercial background b/c worked with commercial diggers in RI and NH. He works more with the shellfish community as liaison between science and industry members. His job to teach industry members new techniques and products. Biggest obstacle in Falmouth is permitting pathway, if we can stream line the process, aquaculture will succeed in Falmouth.

Peter Chase to be interviewed on 7/23/18.

Eric Matson has 10 years aquaculture experience in Town shellfish industry. Owner of Woods Hole Oyster Co. and Falmouth Shellfish Cooperative and runs an oyster farm in Town. Familiar with the permitting process and sales of oysters.

David Heffernan, commercial fisherman in Town for about 20 years, feel commercial fisherman have not had a voice over the years and wants to have input, not happy with some of the current practices. Need knowledge of the ponds over the years. He would be a good asset.

Richard Baker commercial shell fisherman for over 42 years, he knows where to put shellfish and good asset to the advisory committee.

Robert Sargent commercial shell fisherman in Town for 10 years, took a webinar course at Roger Williams University. When you see what is going on and what is being taken away from commercial fisherman, they need a voice.

The BOS discussed the number of committee, preference was expressed for an odd number committee. With one being filled by the Water Quality Management Committee, that would leave up to 8 for the BOS to fill. The BOS discussed the balance of membership and representation of various aspects. The BOS held the vote to a future meeting.

8. Interview, Vote and Appoint Incumbents on Regulatory Boards:

a. Board of Assessors

Michael Sullivan term ending 6/30/21, he is interested in reappointment and told the BOS this is along his professional interests as an appraiser.

**Mr. Patterson motion to appoint Michael Sullivan to a term ending 6/30/21. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

b. Conservation Commission

Maureen Harlow Hawkes has been on the board for several years, concerned with environment in town.

**Mr. Patterson motion to appoint Ms. Harlow Hakes to a term ending 6/30/21. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

9. Interview, Vote and Appoint Incumbents with Applicants for the Positions

a. Constable

Kevin Casey is serving as constable now and would like to continue, he serves no trespassing, eviction notice, and summonses. Mr. Casey resides in Falmouth.

The BOS discussed the issue of how many constables the Town appoints and the requirement that constables be Falmouth residents. Constables are compensated by the person asking for their service.

Bill Dalton is a Mashpee resident but actively getting going with constable last 2-3 months, serving as deputy sheriff in Falmouth and the only one servicing the Town completely. He was appointed last year, there was no residency requirement at that time. Mr. Jones noted in 2010 adopted that all constables needed to be residents of the Town.

Jim Crossen, unable to attend tonight and is interested in being reappointed.

Acting Chair English Braga disclosed that David Braga is her uncle and can sit unless someone objects.

David Braga, was a Falmouth Police Officer for 31 years, working with landlords, evictions, civil process. Mr. Braga told the BOS that compensation was 4195B which is all constables shall pay appointing authority 25% of their income on annual basis. If not done, it is a violation of state statute. At end of year a financial statement is to be filed with the Town.

Harry Martin, Jr. had his application in for 2 years. He is a law enforcement professional, member of MSP, worked on a variety of cases. Last 12 years he has been a deputy sheriff at the Barnstable County Civil Process Office, he will do it professionally, legally, and correctly. He is a Falmouth resident.

Harold March will be interviewed 7/9/18.

BOS discussed appointing tonight and the oversight regarding Mr. Dalton's residency status last year when he was appointed and Mr. Suso stated Town Counsel said the BOS can make an exception. Given Mr. Dalton's level of experience, the BOS found it appropriate to make an exception.

**Mr. Patterson motion to appoint Mr. Casey, Mr. Dalton, and Mr. Crossen as constables with terms ending 6/30/18. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to appoint Mr. Braga to a term ending 6/30/18. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

Acting Chair English Braga requested a list of constables and their appointment termination dates.

- b. Solid Waste Advisory Committee  
Bill peck available for an interview on 7/9/18.

Ruth Brazier has been a member since inception of the committee. Served as chair and vice chair, write talking trash articles, public education is important, worked on surveys, interviewed people at the waste management facility to find out why getting 3,000 ton trash there instead of curbside. She attends as many state workshops as possible. A lot of stress on recycling programs due to China being more selective on what they accept and they were our biggest customer. The committee is an advisory committee, she attended the county meetings where members of various towns discussed how to deal with the end of the contract with SEMASS. When Bourne offered Falmouth a good tipping fee and less transport costs, that was an offer that was hard to refuse. The committee supported that decision.

- c. Waterways Committee  
none.

10. Interview, Vote and Appoint Applicants for Vacancies on Committees:

- a. Retirement Board

Jerry Potamis has reviewed the annual reports and audit reports, seems to be doing well. \$132 million in the retirement, currently unfunded in the Town and need to minimize the gap.

Paul Slivinski addressed the BOS. Falmouth is also on a funding schedule, about 62% funding. He has been doing this for 34 years, would like to serve in some capacity and use his experience. He would like to look at the asset allocation, managers, to get the best return. He has experience doing this and knows some of the staff at the retirement board and he would love to serve.

**Mr. Patterson motion to appoint Mr. Slivinski to a term ending 6/30/18. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

11. Annual Committee Reappointments

**Mr. Jones motion approval to appoint Kim Douglas to the Commission on Disabilities to a term ending 6/30/21; Megan Amsler to the Energy Committee to a term ending 6/30/21; J. Michael Kinney to the Waterways Committee to a term ending 6/30/18. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- 12. Discuss/Consider Non-Binding Resolution on Medical Aid in Dying  
Held for further date.

13. Minutes of Meetings:

Public Session – June 4, 2018

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

Executive Session-June 4, 2018

Session 1

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

Session 2

**Mr. Jones motion approval and not release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Session 3**

**Mr. Jones motion approval and not release. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

14. Individual Selectmen's Reports

Mr. Brown:

Attended Water Quality Management Committee meeting and new dredge having a problem, but was able to complete the dredging.

Mr. Patterson:

Attended VIPs Feast of Falmouth.

Attended the Day of Portugal celebration.

Attended the School Committee meeting with school improvement plans presented by Elementary School Principals.

Attended former School Superintendent Nancy Taylor's retirement party

Mr. Jones:

Congratulated Falmouth High Boys Lacrosse team on a great season

Went to Costa Rica and worked on a Community Service Project rebuilding a soccer field.

Acting Chair English Braga:

Participated in reception of the Portugal president at the state house, Mullen Hall chorus performed.

15. Review of Town Manager's Report

Mr. Suso attended the Charter Review Committee meeting with members, Town Clerk, and Town Counsel. Represented the Town at the welcome to the visit by the President of Portugal in New Bedford.

Bourne requested Falmouth send a letter of support for an application being made for wastewater expansion in Buzzards Bay village that may provide expanded employment opportunities. Mr. Suso would like to place this on the next agenda for retroactive approval by the BOS. It was due on Friday. The BOS agreed that it should proceed and be put on a future agenda.

16. Review and/or Discuss Correspondence Received-none.

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

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

## REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: September 7, 2018



- The Board will meet in executive session at 6PM on Monday for a review/discussion with an insurance representative and Town Counsel regarding litigation recently filed in a public safety matter.
- Selectmen are asked to consider a waiver of building permit fees for a single-home affordable housing project from the Falmouth Housing Trust. Our internal staff review has been completed and this proposal meets all the necessary requirements for favorable consideration.
- Selectmen are also asked to authorize Town Counsel and the Town Manager to respond to the third open meeting complaint received from Mr. Heylin.
- The Board will be continuing your wetlands/dock hearing from August 6 for the proposed Eel Pond (East Falmouth) Ramp and Float expansion. As we have had at least one legal question arise on this, I have asked Town Counsel Duffy to join us for this hearing.
- Finance Director Jennifer Petit will join us for a discussion of the proposed FY2020 Budget Policy that we are bringing forward for your consideration.
- Selectmen will be considering the voting of articles and execution of the warrant for the November 2018 Town Meeting.
- You will be receiving a formal Report from John Ramsey of Applied Coastal on the Menauhant Beach and related areas analysis. This was recently presented to the Coastal Resiliency Action Committee. Town Engineer Jim McLoughlin will be joining us for this presentation.
- Harbormaster/MES Director Gregg Fraser will join us for the presentation/review of the proposed 2018-2019 Shellfish Regulations.
- Tree Warden Jeremiah Pearson and DPW Deputy Director Peter McConarty will join us for a status report on Dutch Elm Disease, which has unfortunately infected multiple downtown trees.
- You will be considering a minor change to the November 2018 Town Meeting Schedule, this to adjust meeting dates to allow for the normal presentation to the Board of the petition articles, which have been filed.