

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, SEPTEMBER 24, 2018 – 7:00 P.M.
SELECTMEN'S MEETING ROOM
TOWN HALL

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations:
 - a. Eagle Scout Proclamation – Timothy P. Leonard Jr., Boy Scout Troop 42
 - b. Eagle Scout Proclamation – Edward J. Geishecker, Boy Scout Troop 42
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for One-Day Wine and Malt Liquor License – British Beer Company – Beer Garden in the parking lot of the Seaside Inn/British Beer Company – Sunday, October 7, 2018
 - b. Application for Sunday Entertainment – British Beer Company – Lennonfest – Falmouth Heights Ball Field – Sunday, October 7, 2018
2. Administrative Orders
 - a. Vote to Approve Funding in the Amount of \$65,000 from the Falmouth Affordable Housing Fund to fund the Falmouth Housing Trust for Construction of Affordable House at 72 Deer Pond Road
 - b. Vote to Approve Expenditure from the Falmouth Affordable Housing Fund of up to 2.5% (\$4,430) of the Purchase price of the Affordable Property at 338 Sam Turner Road for Brokerage Fees Associated with Finding an Income Eligible Buyer
 - c. Vote to Accept a Donation from the Falmouth Rod and Gun Club in the Amount of \$3,000 to the Falmouth Police Department toward the Purchase of a Firearms Training Simulator (FATS)
 - d. Vote to Approve Application to the Massachusetts Office of Disability for ADA Transition Plan Grant Funds in the Amount of \$82,000
 - e. Authorize a Letter of Support for Keeping the NOAA Fisheries in Woods Hole
3. Special Events
 - Recurring:**
 - a. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, October 7, 2018
 - b. Rosary Rally – Rev. Deacon John E. Simonis – Peg Noonan Park – Saturday, October 13, 2018
 - New:**
 - a. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod Harley-Davidson Dealer – Saturday, October 20, 2018

PUBLIC HEARINGS

7:30 p.m.

1. Flow Neutral Bylaw – Evaluation of Request for Variance – 291-295 Main Street, Falmouth (Parcel ID 47A 14 011 007)

7:35 p.m.

2. Flow Neutral Bylaw – Evaluation of Request for Variance – 587 Main Street, Falmouth (Parcel ID 47B 04 015 000)

7:40 p.m.

3. Flow Neutral Bylaw – Evaluation of Request for Variance - 661 Main Street, Falmouth (Parcel ID 47B 05 012 000A)

7:45 p.m.

4. Flow Neutral Bylaw – Evaluation of Request for Variance – 31 Teaticket Highway, Falmouth (Parcel ID 39 15 022 011U)

7:50 p.m. **BUSINESS**

1. Presentation on Woods Hole Historic District Planning Study Completed by Cape Cod Commission – Sarah Korjeff
2. Comments on Historical Commission Prioritized Actions Resulting from the Woods Hole Planning Study – Ed Haddad
3. Presentation of Petition Articles for November 2018 Town Meeting – 5 Minutes Each

NOTE: There will be no public discussion of articles; the proper place for such public discussion is Town Meeting floor.

- a. Present Petition Article #22 – Amend Town Meeting Rules – Electronic Voting – J. Malcolm Donald
 - b. Present Petition Article #23 – Phase Out Polystyrene and Expanded Polystyrene Foam – J. Malcolm Donald
 - c. Present Petition Article #24 – Establish Ranked-Choice Voting – J. Malcolm Donald
 - d. Present Petition Article #26 – Create Solid Waste Division within Department of Public Works – Linda Davis
 - e. Present Petition Article #27 – Additional Water Meter – Marc Finneran
 - f. Present Petition Article #28 – Fund ALICE Training – Michael Heylin
 - g. Present Petition Article #29 – Create Three New Police Officer positions – Michael Heylin
4. Presentation and Request for Letter of Support for a Bill to Establish the Nantucket Sound National Historic Landmark Act – Sandy Taylor, Alliance to Protect Nantucket Sound
 5. Presentation on Planned Projects– Nate Mayo, Vineyard Wind
 6. Minutes of Meetings:
Public Session – June 18, 2018; September 10, 2018
Executive Session – August 20, 2018; September 10, 2018
Vote to Release/Not to Release Minutes of Executive Sessions
 7. Individual Selectmen’s Reports
 8. Review of Town Manager’s Report
 9. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen



PROCLAMATION

WHEREAS: Timothy P. Leonard Jr. of Boy Scout Troop 42 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Timothy P. Leonard Jr. met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Timothy P. Leonard Jr. is now an Eagle Scout with all its rank and privilege;

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

SATURDAY, OCTOBER 27, 2018 AS TIMOTHY P. LEONARD JR. DAY

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

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

BOARD OF SELECTMEN

Doug Jones

Diane Davidson

From: gremedies@gmail.com
Sent: Thursday, September 06, 2018 9:59 AM
To: Diane Davidson
Cc: Samuel Patterson; smoran@falmouthmass.us
Subject: Re: Eagle Scout Proclamations

Diane,

Thank you so much the 24th works for both families.

Timmy Leonard 10/27, 6pm John Wesley Church

Edwards location is TBD. I will forward as soon as it's locked down. They have there second choice reserved but waiting to hear in the first. Date will not change.

-Greg

Sent from my iPhone

On Sep 5, 2018, at 3:12 PM, Diane Davidson <ddavidson@falmouthmass.us> wrote:

Dear Greg,

I have received your email announcing the Eagle Scout Court of Honor for Timothy P. Leonard Jr. on Saturday, October 27, 2018 and for Edward J. Geishecker on Sunday, November 18, 2018 (please provide us with the location and times).

Proclamations will be prepared and will be read and signed by the Board of Selectmen at its meeting on Monday, September 24, 2018 at 7:00 p.m.

Please extend an invitation to Timothy, Edward and their family/friends, and confirm back to me that this date and time work for both.

Thank you,

Diane

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

From: Greg Remedis [<mailto:gremedies@gmail.com>]
Sent: Wednesday, September 05, 2018 2:07 PM
To: Samuel Patterson <sh.patterson@verizon.net>; Diane Davidson <ddavidson@falmouthmass.us>;



PROCLAMATION

WHEREAS: Edward J. Geishecker of Boy Scout Troop 42 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Edward J. Geishecker met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Edward J. Geishecker is now an Eagle Scout with all its rank and privilege;

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

SUNDAY, NOVEMBER 18, 2018 AS EDWARD J. GEISHECKER DAY

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

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

BOARD OF SELECTMEN

Doug Jones

Diane Davidson

From: Greg Remedis <gremedies@gmail.com>
Sent: Thursday, September 06, 2018 6:23 PM
To: Diane Davidson
Cc: Samuel Patterson; smoran@falmouthmass.us
Subject: Re: Eagle Scout Proclamations

Edward Geishecker Eagle Court of Honor 11/18, 4:30pm, Saint Barnabas.

Thanks so much.

On Wed, Sep 5, 2018 at 4:18 PM Diane Davidson <ddavidson@falmouthmass.us> wrote:

Dear Greg,

I have received your email announcing the Eagle Scout Court of Honor for Timothy P. Leonard Jr. on Saturday, October 27, 2018 and for Edward J. Geishecker on Sunday, November 18, 2018 (please provide us with the location and times).

Proclamations will be prepared and will be read and signed by the Board of Selectmen at its meeting on Monday, September 24, 2018 at 7:00 p.m.

Please extend an invitation to Timothy, Edward and their family/friends, and confirm back to me that this date and time work for both.

Thank you,

Diane

Diane S. Davidson

Office Manager/Licensing

Office of the Town Manager and Selectmen

Town of Falmouth

59 Town Hall Square

The Sunday Entertainment application is part of the Lennonfest event.

The Special Wine & Malt One-Day liquor license is part of the Lennonfest event, but will be contained in the parking lot behind the BBC and Seaside Inn. No alcohol will be on the Falmouth Heights Field.

2018

License Alcoholic Beverages

18-44-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To British Beer Company
Rob Loewen, General Manager

263 Grand Avenue
Falmouth, MA 02540

On the following described premises:

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

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

This license is valid from the 7th day of October 2018 until the 7th day of October 2018, unless earlier suspended, cancelled or revoked.

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

Sunday, October 7, 2018. 12:00 noon to 6:00 p.m. (Rain date: Sunday, October 14, 2018.)

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 24th day of September 2018

Licensing Board

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

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

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

NAME OF APPLICANT: British Beer Company / Rob Loewen
ADDRESS OF APPLICANT: 263 Grand Ave.
NAME OF ORGANIZATION: British Beer Company
MAILING ADDRESS: 263 Grand Ave. Falmouth MA 02540
TELEPHONE #: 508-540-9600
EMAIL: falmouthpub@britishbeer.com
LOCATION TO BE LICENSED: 263 Grand Ave
TYPE OF EVENT: outdoor music festival on property
DATE(S) OF EVENT: Sun. 10/7/18 rain date 10/14/18
HOURS OF EVENT: 12pm - 6pm
APPROXIMATE # OF PEOPLE: 200
TYPE OF LICENSE: ALL ALCOHOLIC _____ WINE & MALT
NON PROFIT _____ FOR PROFIT

REQUIREMENTS:

1. Certificate of non-profit status (if your organization is non-profit)
2. Certificate of liquor liability insurance
3. Certificate of TIPS or other alcohol safety training
4. 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

DATE 8/28/18

Rob Loewen
(PRINT NAME)
[Signature]
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN

Lennonfest 2018

This year, the BBC hopes to expand upon it's Lennonfest celebration by including a Beer Garden in the parking lot of the Seaside Inn/ BBC, similar to how the Beer and Oysterfest was held in June. We will be hosting a Beer Truck provided by LKnife distributing. TIPS certified personnel will be serving beer for sale to patrons only on the Seaside Inn/ British Beer property (alcohol will not be permitted to leave the parking lot) from 12-6pm. Professional security will be in place to monitor activity as well as to check ID's to assure no one under the age of 21 is served alcohol.

Tuesday, August 28, 2018

I spoke with Linda from the Health department, who told me that she had spoken with Scott McGann (Health Agent) who said that we do not need to fill out the one day food permit due to the event's proximity to the pub and the fact that the event has been held without incident for 13 years.

Melissa Oliveira, BBC manager

Lennonfest 2018 Hand Washing Procedures

Our 14th annual Lennonfest event will take place on Sunday, October 7th (rain date 10/14). Once again, we will be serving hotdogs and hamburgers on Falmouth Heights Ballfield using a, industrial charcoal grill. Food will be prepared by our kitchen staff, including kitchen managers Michael Granata and Onel Headley. Meat products will be stored in the industrial freezers at the BBC until the time they will be prepared on the outdoor grill. Coolers with ice and thermometers to monitor temperature will be used on site if meat is to be kept in coolers while waiting to be prepared. Gloves, tongs and other appropriate food handling utensils will be utilized throughout the cooking and serving process.

There will be an on site handwash station in addition to the kitchen across the street from the ballfield. The handwash station will be set up at the food service location, behind the grilling station on Falmouth Heights Ballfield. There will be a food grade cooler with a spigot (large beverage dispensing cooler) filled with warm potable tap water. The cooler will be filled from a kitchen faucet inside the pub, and water will be changed as needed throughout the day. There will be liquid hand soap, disposable paper towels, and hand sanitizer available at the hand wash station. A catch basin for dirty water will be located beneath the warm water cooler and all gray water will be disposed of in the kitchen sink at the pub.

Number:
18-2-ENT-1day

Fee
\$10.00

The Commonwealth of Massachusetts
Town of Falmouth

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

Sunday Entertainment License

Date: Sunday, October 7, 2018. Hours: 12:00 noon to 6:00
p.m. Licensed Area: Falmouth Heights Ball Field.
Lennonfest.

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

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

Date: Sunday, October 7, 2018. Hours: 12:00 noon to 6:00
p.m. (Rain date: Sunday, October 14, 2018.) - Lennonfest.

Valid from: October 7, 2018

Valid until: October 7, 2018

By order of The Falmouth Board of Selectmen

September 24, 2018

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



THE COMMONWEALTH OF MASSACHUSETTS

Town of Falmouth

LICENSE

State Fee. \$ 5.00
Municipal Fee. \$ 10.00

For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is British Beer Company
263 Grand Ave. Falmouth MA 02540

The Licensee or Authorized representative, Robert Leven, General Manager
in or on the property at No. _____ (address)

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
10/7/18	12-6pm	Live music amplified on Falmouth Heights Bullfield

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

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

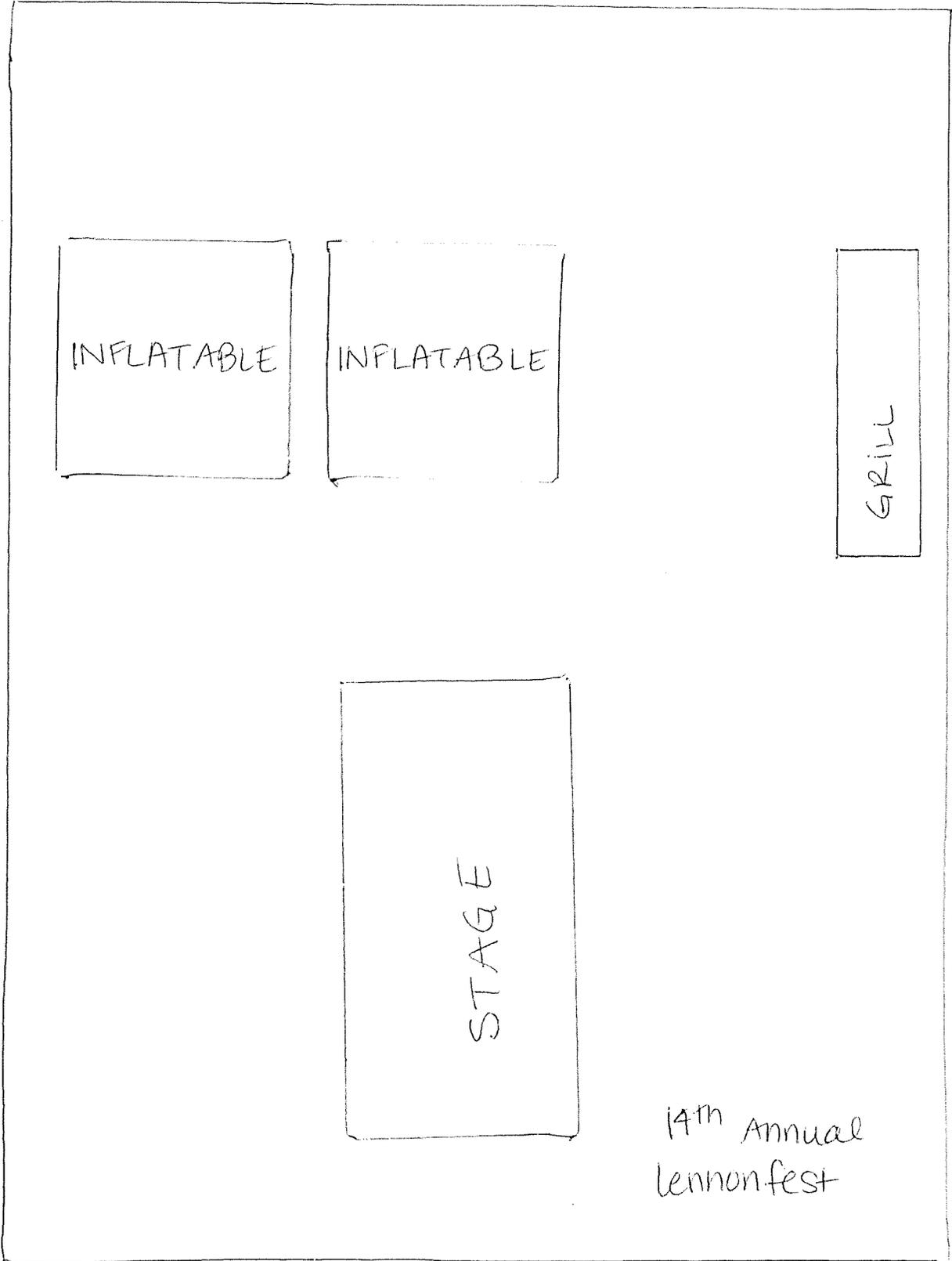
This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times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

Do not write in this box

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

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

CRESCENT AVE



CENTRAL PARK AVE.

BRITISH BEER COMPANY

GRAND AVE.

14th Annual
Lennonfest

CASINO

MAIN ENTRANCE

FALMOUTH AFFORDABLE HOUSING FUND

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

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

MEMORANDUM

TO: Julian Suso
Town Manager
Cc: FAHF Working Group Members
FROM: Carla L. Feroni, Housing Coordinator
DATE: September 18, 2018

RE: FAHF Request for BOS Approvals

The FAHF Working Group is requesting the Board of Selectmen approve the following agenda items at their September 24, 2018, meeting.

72 Deer Pond

The FAHF Working Group is requesting the Board of Selectmen approve funding in the amount of \$65,000 from the Falmouth Affordable Housing Fund to fund the Falmouth Housing Trust for the construction of 1 single family affordable house at 72 Deer Pond.

The FAHF reviewed an application from the Falmouth Housing Trust (FHT) in the amount of \$90,000 to fund 1 single family ownership unit at 72 Deer Pond Road. The house will be built on a 31,000 square foot parcel in Zone AGA and Zone 2 with an application not required. The house will be a Cape style of approximately 1,400 square feet with 3 bedrooms and 2 bathrooms. The home will be sold to a purchaser with an income up to 80% of the area median. The selling price will be \$195,000. The members of the FAHF Working Group unanimously support funding this project and recommend funding of \$65,000 per unit based on the Board of Trustees 2018 Funding Allocation Guidelines. The Community Preservation Committee recommended this expenditure at their September 13, 2018 meeting.

338 Sam Turner – MLS Listing

The FAHF Working Group is requesting Board of Selectmen approve the expenditure from the Falmouth Affordable Housing Fund of up to 2.5% of the purchase price of the affordable property at 338 Sam Turner Road by paying brokerage fees associated with finding an income eligible buyer through the MLS. The sale price is set at \$177,000. A 2.5% fee would be \$4,430. The Community Preservation Committee recommended this expenditure at their September 13, 2018 meeting.

FALMOUTH AFFORDABLE HOUSING FUND

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

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

September 24, 2018

Recommended Motion

Board of Selectmen Business Agenda Item # :

I move that the Board of Selectmen, acting as Trustees of the Falmouth Affordable Housing Fund, authorize the Town Manager to expend up to \$4,430 from the Falmouth Affordable Housing Fund to pay for brokerage fees associated with the Multiple Listing Service (MLS) listing for 338 Sam Turner Road to expand the marketing base in order to identify eligible purchasers for this deed restricted affordable unit.

Recommended Motion

Board of Selectmen Business Agenda Item # :

I move that the Board of Selectmen, acting as Trustees of the Falmouth Affordable Housing Fund, hereby award \$65,000 from the Falmouth Affordable Housing Fund to the Falmouth Housing Trust to develop 1 single family affordable home located at 72 Deer Pond Road as described in an application submitted, July 11, 2018, and subject to the terms of a commitment letter to be issued by the Town Manager in consultation with Town Counsel.

Diane Davidson

From: Julian Suso <jsuso@falmouthmass.us>
Sent: Tuesday, September 18, 2018 12:02 PM
To: Diane Davidson
Cc: Frank Duffy
Subject: FW: Donation to Falmouth Police Dept.

Diane,
Please place on Monday's BOS meeting under "Summary of Actions." Thanks.
Julian

From: Frank Duffy <fduffy@falmouthmass.us>
Sent: Tuesday, September 18, 2018 11:49 AM
To: Julian Suso <jsuso@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Jennifer Petit <jpetit@falmouthmass.us>
Subject: FW: Donation to Falmouth Police Dept.

Julian: The Board of Selectmen may accept a gift, including a gift of funds, for a specific purpose and may expend the funds for the purpose of the gift without further appropriation. The treasurer holds the donated funds in a separate account. The Board of Selectmen authorizes expenditures.

MOTION: I move to accept the gift of \$3,000 from the Falmouth Rod & Gun Club for the benefit of the Falmouth Police Department and for the purpose of purchasing a firearms training simulator. The donated funds shall be held by the town treasurer in a separate account in accordance with G.L. c. 44, s. 53A and further interest earned shall remain with and become part of the donation account.

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

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. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. 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: Jennifer Petit [<mailto:jpetit@falmouthmass.us>]
Sent: Tuesday, September 18, 2018 8:43 AM
To: 'Julian Suso'; 'Frank Duffy'
Subject: RE: Donation to Falmouth Police Dept.

Hi Julian,

They can donate money, if the BOS accepts, for a specific purpose.

Jennifer Petit
Director of Finance
Town of Falmouth
(508) 495-7364

From: Julian Suso [<mailto:jsuso@falmouthmass.us>]
Sent: Tuesday, September 18, 2018 8:05 AM
To: Frank Duffy <fduffy@falmouthmass.us>
Cc: Jennifer Petit <jpetit@falmouthmass.us>
Subject: FW: Donation to Falmouth Police Dept.

Hello Frank,

FYI. I wanted to check with you prior to proceeding. Can this proposed donation be simply made to BOS as suggested, and placed in a special "donation" account for the intended purpose? I am copying Jennifer as well for any suggestion or issue that comes to her attention on this. Thanks for taking a look. This could occur at Monday's upcoming BOS meeting on September 24 if, with your concurrence, this is all relatively straightforward.

Julian

From: GARY ANDERSON <hunterga1@comcast.net>
Sent: Monday, September 17, 2018 3:57 PM
To: jsuso@falmouthmass.us
Cc: Tim Lynch <tinylynch@comcast.net>; narbonnek@yahoo.com
Subject: Donation to Falmouth Police Dept.

Hi Julian,

I stopped by your office this afternoon, but Diane said you had just stepped out for lunch. Sorry I missed you.

Several members of the Falmouth Police Dept. are also members or prospective members of the Falmouth Rod & Gun Club. After the two officers were wounded in the shooting on Seacoast Shores, members of the Rod & Gun Club wanted to do something special for all the members of the Police Department. A week ago last Saturday, Sept. 8th, the Club held a Hawaiian Luau as a fundraiser for the Falmouth PD. That event raised \$1,800. The Club bartenders have been accumulating their tips since the shooting and have donated \$400 to this cause. At our last Business Meeting, the Club membership voted unanimously to contribute an additional \$700, and the parents of one of the Town's Police Officers donated \$100 to make the total donation to the Falmouth PD \$3,000.

Our Club President, Tim Lynch and the Manager of the Club's Bar, Kevin Narbonne, would like to present the \$3,000 check to the Board of Selectmen to be used for a specific purpose. The Club would like this donation to go towards the purchase of the Firearms Training Simulator (FATS) that

Chief Dunne has talked about. Would you let me know when we could get on the BOS agenda to make this donation?

Thank you Julian!

Gary Anderson



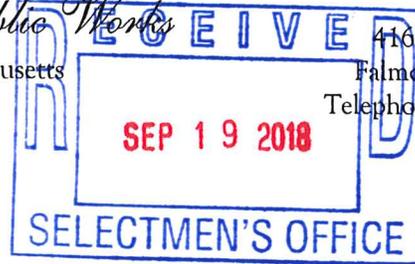
Town of Falmouth



Raymond A. Jack
Director

Department of Public Works
Cape Cod, Massachusetts

416 Gifford Street
Falmouth, MA 02540
Telephone: (508) 457-2543



DATE: SEPTEMBER 19, 2018

TO: JULIAN SUSO – TOWN MANAGER

FROM: RAYMOND A. JACK – DIRECTOR, PUBLIC WORKS

RE: ADA TRANSITION PLAN GRANT

We are looking to apply for a grant from the Massachusetts Office of Disability as part of our ADA Transition Plan effort. This memo is to provide you with a grant synopsis for approval by the BOS.

The Town is required to complete what is known as an ADA Self Evaluation and Transition Plan. This effort will evaluate our municipal pedestrian transportation facilities within Right-of-Ways (roads, sidewalks, curb ramps, paths, traffic signals, etc.) for the purpose of creating an inventory and prioritizing potential improvements. The Self-Evaluation is basically an inventory and the Transition Plan identifies structural modifications to correct deficiencies.

We are requesting \$82K in grant funds to complete the Self-Evaluation component and we will provide a match of \$57K to complete the Transition Plan component. A municipal match is not required, but it strengthens the application. We were already prepared to embark on this total effort anyway for the full contract amount of \$139K when this grant opportunity presented itself.

The application deadline is 10/1/18 and notification of any potential award will be in December. Since we will already be proceeding with this Plan, there is no downside to applying for the grant. There are no other commitments required by the Town.

I have always strongly believed in ADA accessibility improvements and this opportunity is a benefit to the Town as a whole. I hope the Board will authorize the grant application.

Cc: Denise Coleman – Personnel Director.

September X, 2018

RDML Tim Gallaudet, Ph.D., USN Ret.
Assistant Secretary of Commerce for Oceans and Atmosphere and
Acting Under Secretary of Commerce for Oceans and Atmosphere
United States Department of Commerce
Herbert C. Hoover Building Room 6811
14th & Constitution Ave, NW
Washington, DC 20230

Secretary Gallaudet,

As elected officials of Cape and Islands communities, local scientific institution leaders, and business leaders we are writing to urge you to keep the Northeast Fisheries Science Center in Woods Hole. This prime geographic location is home to preeminent ocean research institutions which have made Woods Hole world renowned for marine science discovery and innovation. Within this community, the Northeast Fisheries Science Center has a long history of successful research collaboration with other top institutions. Maintaining the Northeast Fisheries Science Center in Woods Hole will continue to foster scientific collaboration, insulate NOAA science from corporate and political influence, and ensure that hundreds of families are not uprooted from their homes and forced to move.

Within two blocks of Woods Hole village, you can visit the world's top ocean science institutions. These organizations often collaborate on projects and share best practices to improve themselves, each other, and the scientific community as a whole. Like Harvard and MIT in Cambridge, the Woods Hole Oceanographic Institution, the Marine Biological Laboratory of Woods Hole, the Woods Hole Research Center and NOAA Fisheries benefit from scientific collaboration that is a direct result of being close neighbors. The synergy between marine science institutions makes Woods Hole the ideal location to for research and innovation.

Not only is NOAA a scientific asset to the Cape, it is also a robust economic driver for our 23 towns on the Cape and Islands. NOAA in Woods Hole employs about 275 people and the vast majority of them have families and homes on Cape Cod and the Islands. Across the Cape and Islands, there are under 100 employers with over 200 employees so our economy is heavily dependent on NOAA's good paying, year round jobs. Uprooting these families and moving these jobs off the Cape will devastate our local communities and have a significant negative impact on our economy.

The recent Business Case Analysis report on the Woods Hole Area Northeast Marine Fisheries Science Center makes it clear that the facility should remain in Woods Hole. It states that the Woods Hole Laboratory(WHL) is “an indispensable facility” for meeting the organization’s needs. Of the five alternatives that the report proposes as solutions to the WHL’s operational needs, all five entail maintaining or expanding facilities on land in Woods Hole. The optimal solution involves the acquisition of land close to the existing facilities. The United States Geological Survey is headquartered in Woods Hole which provides an opportunity to partner with them on a facility. This would allow NOAA Fisheries to more efficiently use federal dollars by cost sharing services with USGS on operations like security, transportation, and maintenance while keeping the facility in the world hub for ocean science in Woods Hole.

For decades, the Woods Hole community has embraced and supported the vital work of NOAA Fisheries, and, in turn, NOAA has enriched the scientific and economic ecosystem of Cape Cod. We urge NOAA fisheries to continue this mutually-beneficial relationship by remaining in Woods Hole.

Sincerely,

Dylan Fernandes
State Representative
Barnstable, Dukes & Nantucket

Sarah Peake
State Representative
4th Barnstable

Will Crocker
State Representative
2nd Barnstable

Timothy Whelan
State Representative
1st Barnstable

Randy Hunt
State Representative
5th Barnstable

David Vieira
State Representative
3rd Barnstable

Julian Cyr
State Senator
Cape & Islands

Vinny deMacedo
State Senator
Plymouth & Barnstable

WHOI Director

MBL Director

WHRC Director

Cape and Islands Selectboard

Cape Chamber

Nantucket Chamber

MV Chamber



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Lennonfest

NAME The British Beer Company, Rob Loewen

MAILING ADDRESS 263 Grand Avenue, Falmouth, MA 02540

EVENT DAY & DATE Sunday, October 7, 2018

RAIN DATE Sunday, October 14, 2018

EVENT LOCATION Falmouth Heights Ball Field

EVENT TYPE Fundraiser to benefit the Falmouth Service Center – Family-friendly event. Food and beverages. Moonwalk and games. Entertainment and music of the Beatles.

SET-UP/BREAK-DOWN 8:00 am/6:00 pm **EVENT HOURS** 10:00 a.m. – 6:00 p.m.

NUMBER OF ATTENDEES 200 **# OF VEHICLES** _____

CONDITIONS:

1. Contact the Police Department Detail Sergeants as soon as possible to make arrangements for proper safety and security measures.
2. No vehicles to be parked on Falmouth Heights Field or around field.
3. Parking is limited, alternative parking areas need to be publicized for event.
4. Provide additional porta-potties.
5. Delivery of porta-potties must be after 3:00 p.m. on Friday, 10/5/18 or on Saturday, 10/6/18.
6. No alcohol to be consumed on Falmouth Heights Ball Field.
7. Trash to be removed after event.
8. Submission of General Liability Insurance to Selectmen's Office.
9. Compliance with Field & Facility Permit Policy of Recreation Dept.

PERMIT FEE \$200.00 **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:

Diane Davidson

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Wednesday, September 19, 2018 4:29 PM
To: 'falmouthpub@britishbeer.com'
Subject: Special Event Application - Lennonfest

Dear Melissa
and Rob,

On Monday, September 24, 2018, the Falmouth Board of Selectmen will discuss your application for special event, one-day wine & malt liquor license and Sunday entertainment license for the Lennonfest Event on Sunday, October 7, 2018.

You or a representative of your organization are requested to attend to talk about the event and answer any questions the Board may have. The meeting begins at 7:00 p.m. and is held in the Selectmen's Meeting Room, Falmouth Town Hall.

Thank you,

Diane

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

Diane Davidson

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, September 07, 2018 3:04 PM
To: Boyd Demello (bdemello@falmouthfire.us); Brian Reid (breid@falmouthpolice.us); Bruce Mogardo (bruce.mogardo@Falmouthmass.us); Diane Davidson (ddavidson@falmouthmass.us); Gregg Fraser (gregg.fraser@falmouthmass.us); James F. Grady Jr. (jgrady@falmouthmass.us); Jeremiah Pearson (jeremiah.pearson@falmouthmass.us); Joe Olenick (jolenick@falmouthmass.us); Julian M. Suso (jsuso@falmouthmass.us); Mel Trott (mtrott@falmouthfire.us); Olive Fitzpatrick (ofitzpatrick@falmouthmass.us); Peter Johnson-Staub (peter.jstaub@falmouthmass.us); Peter McConarty (pmcconarty@falmouthmass.us); Rod Palmer (rod.palmer@falmouthmass.us); Scott McGann (scott.mcgann@falmouthmass.us); Sean Doyle (sdoyle@falmouthpolice.us); Tim Smith (tsmith@falmouthfire.us)
Cc: Edward Dunne (edunne@falmouthpolice.us); Frank Duffy (fduffy@falmouthmass.us)
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride
Attachments: SE-2018-Lennonfest.pdf; SE-2018-Motorcycle Ride.pdf

To: Special Events Working Group

We have received two applications for special events to be held in the month of October:

1. **Lennonfest – British Beer Company** – Falmouth Heights Ball Field – Sunday, October 7, 2018
 - a. Entertainment on Sunday Application for music.
 - b. One-Day Liquor License Application for a beer garden in the parking lot of the Seaside Inn/BBC area only.
2. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod Harley-Davidson Dealer – Saturday, October 20, 2018

Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

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

*Rec'd.
Bldg.
Fire
Beach
Rec.
Police*



Town of Falmouth

Application for Special Events



CONTACT INFORMATION

Applicant's Name: British Beer Company / Rob Loewen, GM
 Mailing Address: 263 Grand Ave. Falmouth 02540
 Phone: 508-540-9600 Cell Phone: _____
 E-Mail: falmouthpub@britishbeer.com Fax #: _____

EVENT DETAILS

Name of Event: Lennonfest
 Type of Event: outdoor music festival
 Event Day & Date: Sunday October 7th
 Rain Date: 10/14/18
 Event Hours: From: 10 am To: 6 pm
 Set-up/Break-down Date(s): 10/7/18 Time(s): 10/7/18

Location Requested:

1st Choice: Falmouth Heights Ballfield (confirmed by rec department)
 2nd Choice: _____

Number of Attendees: 200 Number of Vehicles: _____

Parking Plan: public parking @ beaches

- Will event include chairs, barriers, tents? Yes or No (tent permit application, if necessary)
- Will event include signs? Yes or No (sign permit application, if necessary)
- Will event be a road race? Yes or No (a. include route map, b. see reverse side for road race rules, and sign)
- Will event include use of Shining Sea Bike Path? Yes or No (see reverse side for bike path rules, and sign)
- Will event include food or beverages? Yes or No (temporary food permit application)
- Will event include alcoholic beverages? Yes or No (one-day liquor license application)
- Will event include entertainment? Yes or No What type? live music

ADDITIONAL INFORMATION

Provide additional detail of your event including requests for use of restroom facilities, electricity, etc.
electricity for stage / band requested @ ballfield

Applicant's Signature: [Signature] Date: 8-21-18

- References:
1. _____
 2. _____
 3. _____

BOARD OF SELECTMEN

Lennonfest 2018

This year, the BBC hopes to expand upon its Lennonfest celebration by including a Beer Garden in the parking lot of the Seaside Inn/ BBC, similar to how the Beer and Oysterfest was held in June. We will be hosting a Beer Truck provided by LKnife distributing. TIPS certified personnel will be serving beer for sale to patrons only on the Seaside Inn/ British Beer property (alcohol will not be permitted to leave the parking lot) from 12-6pm. Professional security will be in place to monitor activity as well as to check ID's to assure no one under the age of 21 is served alcohol.

Tuesday, August 28, 2018

I spoke with Linda from the Health department, who told me that she had spoken with Scott McGann (Health Agent) who said that we do not need to fill out the one day food permit due to the event's proximity to the pub and the fact that the event has been held without incident for 13 years.

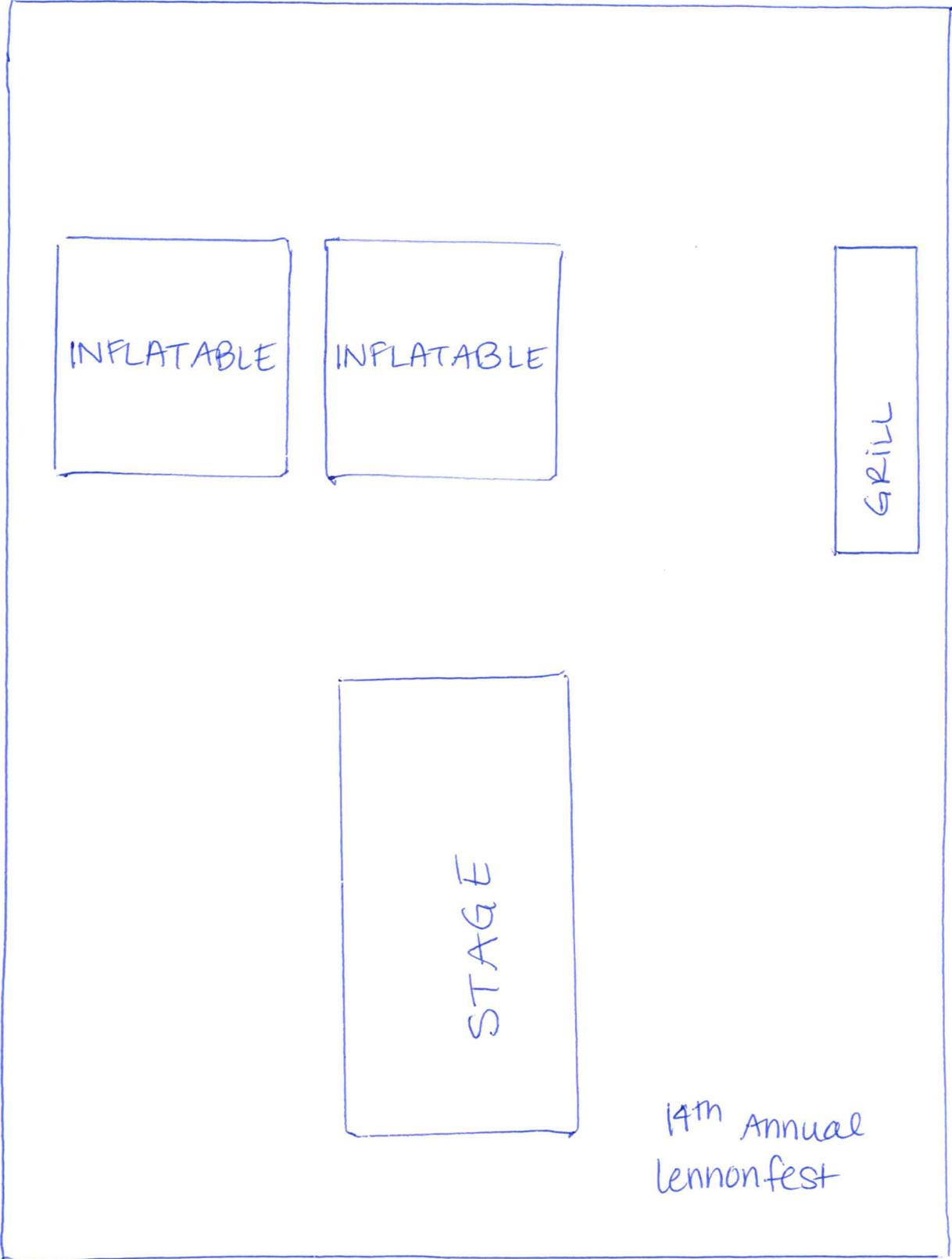
Melissa Oliveira, BBC manager

Lennonfest 2018 Hand Washing Procedures

Our 14th annual Lennonfest event will take place on Sunday, October 7th (rain date 10/14). Once again, we will be serving hotdogs and hamburgers on Falmouth Heights Ballfield using a industrial charcoal grill. Food will be prepared by our kitchen staff, including kitchen managers Michael Granata and Onel Headley. Meat products will be stored in the industrial freezers at the BBC until the time they will be prepared on the outdoor grill. Coolers with ice and thermometers to monitor temperature will be used on site if meat is to be kept in coolers while waiting to be prepared. Gloves, tongs and other appropriate food handling utensils will be utilized throughout the cooking and serving process.

There will be an on site handwash station in addition to the kitchen across the street from the ballfield. The handwash station will be set up at the food service location, behind the grilling station on Falmouth Heights Ballfield. There will be a food grade cooler with a spigot (large beverage dispensing cooler) filled with warm potable tap water. The cooler will be filled from a kitchen faucet inside the pub, and water will be changed as needed throughout the day. There will be liquid hand soap, disposable paper towels, and hand sanitizer available at the hand wash station. A catch basin for dirty water will be located beneath the warm water cooler and all gray water will be disposed of in the kitchen sink at the pub.

CRESCENT AVE



CENTRAL PARK AVE.

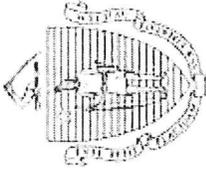
BRITISH BEER COMPANY

14th Annual
Lennonfest

GRAND AVE.

CASINO

FALMOUTH HEIGHTS BEACH



THE COMMONWEALTH OF MASSACHUSETTS
Town OF Falmouth

State Fee. \$ 5.00
Municipal Fee. \$ 10.00

LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is British Beer Company in or on the property at No. _____
263 Grand Ave, Falmouth MA 02510 (address)

The Licensee or Authorized representative, Robert Leven, General Manager in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>10/7/18</u>	<u>12-6pm</u>	<u>Live music amplified on Falmouth Heights Bullfield</u>

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

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

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

Do not write in this box

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

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



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 British Beer Company
 ADDRESS 263 Grand Ave. Falmouth Ma 02540
 TELEPHONE # 508-540-9600 (Bus) (Home)
 NAME OF OWNER/MANAGER Rob Loewen
 HOME ADDRESS [REDACTED]
 DESCRIBE LOCATION FOR ENTERTAINMENT Falmouth Heights Ball Field.

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

SUNDAY ENTERTAINMENT: YES (complete separate State application) NO ___

HOURS OF ENTERTAINMENT: 12-6 pm on 10/7 only (Rain date 10/14)

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 5 Amplification System
 Type of Instruments guitar, drums, vocals

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 8/28/18

[Signature]
 OWNER, MANAGER OR AUTHORIZED AGENT

FEE: \$100.00
 FILING FEE: \$10.00

BOARD OF SELECTMEN

Diane Davidson

From: Brian Reid <breid@falmouthpolice.us>
Sent: Wednesday, September 19, 2018 3:37 PM
To: 'Diane Davidson'
Cc: Sean Doyle; 'Edward Dunne'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Hello Diane,

We have reviewed the events in the below email.

1. Lennonfest – We have no objection to this event as long as all laws and bylaws are adhered to.
2. Live Free(er) Ride – This Department does not recommend approval of this event. We feel that this is essentially a pleasure ride that will be very disruptive to traffic and residents in the community. We do not feel that we can adequately provide for the needs of this ride with on-shift resources.

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

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From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

We have received two applications for special events to be held in the month of October:

1. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, October 7, 2018

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 - b. One-Day Liquor License Application for a beer garden in the parking lot of the Seaside Inn/BBC area only.
2. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod Harley-Davidson Dealer – Saturday, October 20, 2018

Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

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

Diane Davidson

From: Boyd Demello <bdemello@falmouthfire.us>
Sent: Monday, September 10, 2018 4:02 PM
To: 'Diane Davidson'
Cc: Timothy Smith; Mel Trott
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Diane,
No issues for the Fire Rescue Department on either event.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
bdemello@falmouthfire.us
[508-495-2534](tel:508-495-2534) - Office
[774-836-2436](tel:774-836-2436) - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
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Diane Davidson

From: Ollie Fitzpatrick <ofitzpatrick@falmouthmass.us>
Sent: Tuesday, September 11, 2018 8:18 AM
To: 'Diane Davidson'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

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

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: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello; Brian Reid; Bruce Mogardo; Diane Davidson; Gregg Fraser; James F. Grady Jr.; Jeremiah Pearson; Joe Olenick; Julian M. Suso; Mel Trott; Olive Fitzpatrick; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle; Tim Smith
Cc: Edward Dunne; Frank Duffy
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

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2. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod Harley-Davidson Dealer – Saturday, October 20, 2018

Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Diane Davidson

From: Bruce Mogardo <bruce.mogardo@falmouthmass.us>
Sent: Monday, September 17, 2018 10:49 AM
To: 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mel Trott'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'; 'Tim Smith'
Cc: 'Edward Dunne'; 'Frank Duffy'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

The Beach Department has reviewed these requests and approves them.

Bruce

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen*

Diane Davidson

From: Joe Olenick <jolenick@falmouthmass.us>
Sent: Friday, September 07, 2018 3:39 PM
To: 'Diane Davidson'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Hi Diane, The only request from the Rec Dept. is for the Lennon Fest. Just to be sure they know not to let any cars park on the field. We remind them every year. Other than that I am ok with both events. Thanks Joe

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, September 07, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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2. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod Harley-Davidson Dealer – Saturday, October 20, 2018

Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

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



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Live Free(er) Ride: Beach & Backroads

NAME Cape Cod Harley-Davidson Dealer – Calah Hanson, Marketing Director

MAILING ADDRESS 750 MacArthur Blvd., Pocasset, MA 02559

EVENT DAY & DATE Saturday, October 20, 2018

RAIN DATE None.

EVENT LOCATION Cape Cod Harley-Davidson – Bourne – Falmouth – and Back

EVENT TYPE Motorcycle Ride

SET-UP ARRIVAL TIME 11:00 a.m. **EVENT HOURS** 11:00 a.m. – 2:00 p.m.

NUMBER OF ATTENDEES 125 **# OF VEHICLES** 50 - 100

ADDITIONAL DETAILS Route map attached. Parking of 50-100 vehicles at dealer in Bourne.

CONDITIONS:

1. Organizers to check the ride route to ensure that no litter or debris is left behind.

PERMIT FEE \$200.00 **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:

Diane Davidson

From: Calah Hanson <chanson@capecodharley.com>
Sent: Wednesday, September 19, 2018 4:46 PM
To: ddavidson@falmouthmass.us
Cc: Chuck Torlone
Subject: Re: Motorcycle Ride Event

Hello Diane,

Chuck Torlone will be there as our representative. Thank you so much!

Best,

Calah Hanson
Marketing Director



Cape Cod Harley-Davidson
750 MacArthur Blvd
Pocasset, MA 02559
www.capecodharley.com
(T) 508-563-7387

On Wed, Sep 19, 2018 at 4:26 PM Diane Davidson <ddavidson@falmouthmass.us> wrote:

Dear Calah,

On Monday, September 24, 2018, the Falmouth Board of Selectmen will discuss your application for special event for the Motorcycle Ride Event requested for October 20, 2018.

You or a representative of your organization are requested to attend to talk about the event and answer any questions the Board may have. The meeting begins at 7:00 p.m. and is held in the Selectmen's Meeting Room, Falmouth Town Hall.

Thank you,

Diane



Town of Falmouth Application for Special Events



CONTACT INFORMATION

Applicant's Name: Cape Cod Harley - Davidson Dealer
 Mailing Address: 750 MacArthur Blvd Pocasset Ma
 Phone: 508-563-7387 Cell Phone: [REDACTED]
 E-Mail: rl@harc4530@yahoo.com Fax #: 508-563-6527
releblanc

EVENT DETAILS

Name of Event: Live Free(er) Ride: Beach & Backroads
 Type of Event: motorcycle Ride
 Event Day & Date: Oct 20, 2018
 Rain Date: no rain date
 Event Hours: From: 11:00 AM To: 2:00 PM
 Set-up/Break-down Date(s): Oct 20, 2018 Time(s): 11:00 - 2:00 pm
 Location Requested:
 1st Choice: Cape Cod Harley Dealer
 2nd Choice: _____

Number of Attendees: 125 Number of Vehicles: 50-100
 Parking Plan: At Dealer Bourne Mass

- Will event include chairs, barriers, tents? Yes or No (tent permit application, if necessary)
 Will event include signs? Yes or No (sign permit application, if necessary)
 Will event be a road race? Yes or No (a. include route map, b. see reverse side for road race rules, and sign)
 Will event include use of Shining Sea Bike Path? Yes or No (see reverse side for bike path rules, and sign)
 Will event include food or beverages? Yes or No (temporary food permit application)
 Will event include alcoholic beverages? Yes or No (one-day liquor license application)
 Will event include entertainment? Yes or No What type? _____

ADDITIONAL INFORMATION

Provide additional detail of your event including requests for use of restroom facilities, electricity, etc.

Ride going on Falmouth Roads

Applicant's Signature: Richard L. LeBlanc Date: 8-30-18

- References: 1. John Peter Noonan
 2. Chris Noonan
 3. _____

BOARD OF SELECTMEN



GZ Riders, Inc.

d/b/a Cape Cod Harley-Davidson®

750 MacArthur Blvd

Pocasset, MA 02559

Phone: 508-563-7387

Fax: 508-563-6527

LIVE FREE[ER] RIDE: BEACH & BACKROADS

Hosted by Cape Cod Harley-Davidson

Date: October 20, 2018

Time: Kickstands up at 11 A.M. (Registration from 10 A.M. to 10:45 A.M.)

Estimated attendance: 50-100 motorcycles

Ride Route: Ride begins and ends at Cape Cod Harley-Davidson. Route goes through Bourne and Falmouth.

Estimated time in Bourne: ~20 minutes there and ~20 minutes back.

~45 minutes total time in Bourne (including there and back).

Estimated time in Falmouth: ~45 minutes there and ~45 minutes back.

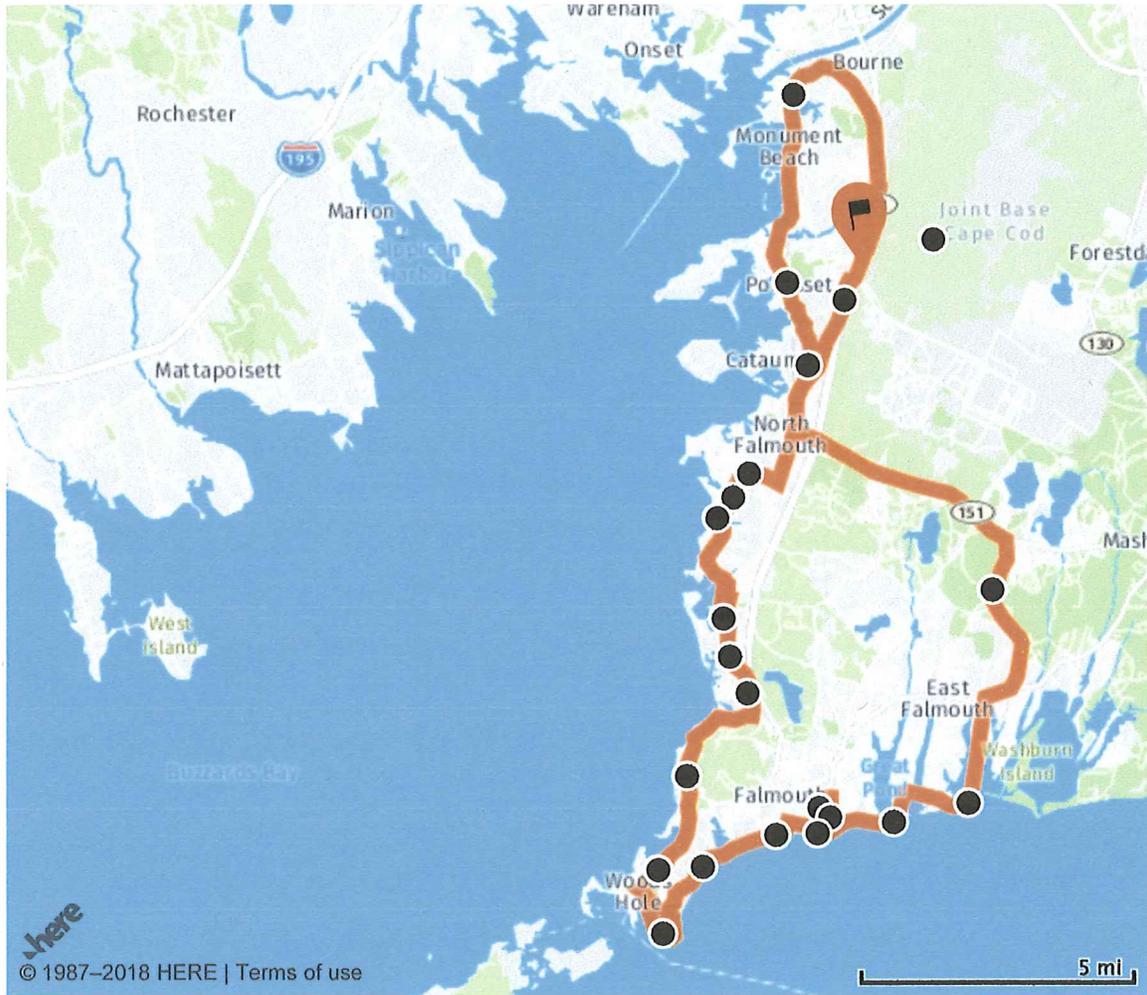
~1.5 hours total time in Falmouth (including there and back).

Cost: Next year, we would like to do this same ride and attach an fee for tickets that will be donated to charity. This year, the ride cost is free to riders (no charity involved).

Events: When riders get back to Cape Cod Harley-Davidson, there will be free lunch provided by Foodzilla catering (a food truck).

Cape Cod Harley Ride 10/20/2018

50 mi / 2h 6m



Start at 750 MacArthur Blvd



791 Gen MacArthur Blvd, Pocasset MA, 02559

0.3 mi /
1m

Head toward Dockser Ave on Gen MacArthur Blvd (RT-28)



Take the 1st exit from roundabout onto RT-28A

0.1 mi /
1m

B

LEFT out of Cate Cod HARLEY
to ROTARY 1st EXIT LEFT at LIGHTS Block

↶ Turn left toward RT-28A 0 mi / 1m

b

↑ Continue on Route 28A (RT-28A) 0.4 mi / 1m

F

↑ Continue on RT-28A 1.6 mi / 2m

RT 28A + 151 Block at LIGHTS

↑ Continue on N Falmouth Hwy (RT-28A) 2 mi / 3m

↷ Turn right onto Curley Blvd 0.7 mi / 2m

↑ Continue on Quaker Rd 2.1 mi / 8m

↑ Continue on Nashawena St 0.6 mi / 2m

↶ Turn left onto Old Dock Rd 0.1 mi / 1m

↷ Turn right onto W Falmouth Hwy (RT-28A) Block 1.5 mi / 3m

↷ Turn right onto Palmer Ave 0.8 mi / 2m

- ↪ **Turn right onto Sippewissett Rd** 2.6 mi / 7m

- ↪ **Turn right onto Sippewissett Rd** 0.4 mi / 1m

- ↑ **Continue on Quissett Ave** 1.5 mi / 5m

- ↶ **Turn left onto Harbor Hill Rd** 0.4 mi / 1m

- ↪ **Turn right onto Woods Hole Rd** *Block* 0.1 mi / 1m

- ↶ **Turn left onto Church St** *Block* 0.7 mi / 2m

- ↶ **Turn slightly left onto Nobska Rd** 0.7 mi / 2m

- ↑ **Continue on Oyster Pond Rd** 1.3 mi / 3m

- ↑ **Continue on Surf Dr** 1.3 mi / 3m

- ↑ **Continue on Shore St** 0.2 mi / 1m

- ↪ **Turn right onto Clinton Ave** 0.4 mi / 1m

- ↶ **Turn slightly left onto Scranton Ave** 0.6 mi / 2m

- ↪ **Turn right onto Robbins Rd** 0.1 mi / 1m

- ↪ **Turn right onto Falmouth Heights Rd** 0.4 mi / 1m

- ↑ **Continue on Grand Ave** 0.3 mi / 1m

- ↶ **Turn left onto Grand Ave** 0.8 mi / 2m

- ↪ **Turn right onto Menauhant Rd** 2.5 mi / 7m

- ↶ **Turn left onto Central Ave** 1.9 mi / 4m

- ↪ **Turn right onto E Falmouth Hwy (RT-28)** *Block* 0.5 mi / 1m

- ↶ **Turn left toward Fresh Pond Rd** *Block* 0 mi / 1m

↪ **Turn right onto Fresh Pond Rd** 0.8 mi / 1m

↑ **Continue on Carriage Shop Rd** 0.3 mi / 1m

↪ **Keep right onto Hayway Rd** 0.6 mi / 1m

↑ **Continue on Currier Rd** 1.2 mi / 2m

↶ **Turn left onto Nathan Ellis Hwy (RT-151)** *Block* 4.3 mi / 6m

↪ **Turn right onto N Falmouth Hwy (RT-28A)** *Block* 1 mi / 1m

↶ **Turn left onto County Rd** *Block* 1.1 mi / 2m

B ↶ **Turn left onto Shore Rd** *Block* 3.4 mi / 10m

B ↶ **Turn left onto Shore Rd** 2 mi / 4m

B ↑ **Continue on Trowbridge Rd** 0.1 mi / 1m

B → **Turn right toward Waterhouse Rd** 0 mi / 1m

B ← **Turn left onto Waterhouse Rd** 1.2 mi / 2m

B ↑ **Continue on Gen MacArthur Blvd (RT-28)** *Block right lane* 2.3 mi / 3m

~~*B* ↺ **Make a U-Turn onto Gen MacArthur Blvd (RT-28)** 3.5 mi / 2m~~

~~*B* ↺ **Make a U-Turn onto Gen MacArthur Blvd (RT-28)** 1.5 mi / 2m~~

Arrive at 750 MacArthur Blvd 0 mi / 1m
750 MacArthur Blvd, Pocasset MA, 02559



Diane Davidson

From: Brian Reid <breid@falmouthpolice.us>
Sent: Wednesday, September 19, 2018 3:37 PM
To: 'Diane Davidson'
Cc: Sean Doyle; 'Edward Dunne'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Hello Diane,

We have reviewed the events in the below email.

1. Lennonfest – We have no objection to this event as long as all laws and bylaws are adhered to.
2. Live Free(er) Ride – This Department does not recommend approval of this event. We feel that this is essentially a pleasure ride that will be very disruptive to traffic and residents in the community. We do not feel that we can adequately provide for the needs of this ride with on-shift resources.

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

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From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

We have received two applications for special events to be held in the month of October:

1. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, October 7, 2018

Diane Davidson

From: Ollie Fitzpatrick <ofitzpatrick@falmouthmass.us>
Sent: Tuesday, September 11, 2018 8:18 AM
To: 'Diane Davidson'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

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

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From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello; Brian Reid; Bruce Mogardo; Diane Davidson; Gregg Fraser; James F. Grady Jr.; Jeremiah Pearson; Joe Olenick; Julian M. Suso; Mel Trott; Olive Fitzpatrick; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle; Tim Smith
Cc: Edward Dunne; Frank Duffy
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

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1. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, October 7, 2018
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 - b. One-Day Liquor License Application for a beer garden in the parking lot of the Seaside Inn/BBC area only.
2. Live Free(er) Ride: Beach & Backroads Motorcycle Ride – Cape Cod/Harley-Davidson Dealer – Saturday, October 20, 2018

Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Diane Davidson

From: Boyd Demello <bdemello@falmouthfire.us>
Sent: Monday, September 10, 2018 4:02 PM
To: 'Diane Davidson'
Cc: Timothy Smith; Mel Trott
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Diane,
No issues for the Fire Rescue Department on either event.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
bdemello@falmouthfire.us
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

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Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

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

Diane Davidson

From: Bruce Mogardo <bruce.mogardo@falmouthmass.us>
Sent: Monday, September 17, 2018 10:49 AM
To: 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mel Trott'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'; 'Tim Smith'
Cc: 'Edward Dunne'; 'Frank Duffy'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

The Beach Department has reviewed these requests and approves them.

Bruce

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, September 7, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

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Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen*

Diane Davidson

From: Joe Olenick <jolenick@falmouthmass.us>
Sent: Friday, September 07, 2018 3:39 PM
To: 'Diane Davidson'
Subject: RE: Special Events - 1) Lennonfest, 2) Motorcycle Ride

Hi Diane, The only request from the Rec Dept. is for the Lennon Fest. Just to be sure they know not to let any cars park on the field. We remind them every year. Other than that I am ok with both events. Thanks Joe

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, September 07, 2018 3:04 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Cc: Edward Dunne <edunne@falmouthpolice.us>; Frank Duffy <fduffy@falmouthmass.us>
Subject: Special Events - 1) Lennonfest, 2) Motorcycle Ride

To: Special Events Working Group

We have received two applications for special events to be held in the month of October:

1. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, October 7, 2018
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Please provide your recommendations to the Board of Selectmen and forward to my attention by Wednesday, September 19, 2018. These requests will be discussed at the Monday, September 24, 2018 Board of Selectmen's meeting.

Thank you,

Diane

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



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Rosary Rally

NAME Deacon John E. Simonis

MAILING ADDRESS 108 Harriette Rd., E. Falmouth, MA 02536

EVENT DAY & DATE Saturday, October 13, 2018

RAIN DATE None.

EVENT LOCATION Peg Noonan Park

EVENT TYPE 101st Anniversary Fatima Rosary Crusade

SET-UP ARRIVAL TIME 11:30 a.m. **EVENT HOURS** 11:30 a.m. – 1:30 p.m.

NUMBER OF ATTENDEES 20 – 30 **# OF VEHICLES** 0

ADDITIONAL DETAILS Rosary Prayer Event

CONDITIONS: *Organizers to police area following the event for cleanliness; please dispose of trash and recyclables appropriately.*

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

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

BOARD OF SELECTMEN:



Town of Falmouth Application for Special Events



CONTACT INFORMATION

Applicant's Name: DEACON JOHN SIMONIS
 Mailing Address: [REDACTED]
 Phone: 508 548 1846 Cell Phone: N/A
 E-Mail: deaconjohn@betsyemsu.com Fax #: N/A

EVENT DETAILS

Name of Event: 2018 FATIMA ROSARY RALLY 102nd ANNIVERSARY
 Type of Event: RECIGIOS ROSARY RECITATION
 Event Day & Date: SATURDAY OCTOBER 13 2018 RAIN OR SHINE
 Rain Date: NONE
 Event Hours: From: 11:30 AM To: 1:30 PM
 Set-up/Break-down Date(s): ~~10/13~~ OCT 13, 2018 Time(s): 11:30 SETUP / 1:15 BREAKDOWN
 Location Requested:
 1st Choice: PEG NOONAN PARK
 2nd Choice: NONE
 Number of Attendees: 20-30 Number of Vehicles: 0

Parking Plan: UTILIZE TOWN LOT
 Will event include chairs, barriers, tents? YES or NO (tent permit application, if necessary)
 Will event include signs? YES or NO (sign permit application, if necessary)
 Will event be a road race? YES or NO (a. include route map, b. see reverse side for road race rules, and sign)
 Will event include use of Shining Sea Bike Path? YES or NO (see reverse side for bike path rules, and sign)
 Will event include food or beverages? YES or NO (temporary food permit application)
 Will event include alcoholic beverages? YES or NO (one-day liquor license application)
 Will event include entertainment? YES or NO What type? _____

ADDITIONAL INFORMATION

Provide additional detail of your event including requests for use of restroom facilities, electricity, etc.
WE WILL UTILIZE UMBRELLAS IF RAINING, WE WILL UTILIZE ~~ADDITIONAL~~ FOLDING CHAIRS (IF NEEDED) 1- HAND HELD BANNER

Applicant's Signature: John E. Simonis Date: 9/14/18

- References:
- FR. TIM GOLDBERG, ST PATRICK CHURCH 508 548 1065
 - Ms. Peg FEDELUK, ST PATRICKS church, 508 548 1065
 - DEACON PATEK MAHONEY, 74344 BIRNINGSIDE E. FALMOUTH 508 495 9115

BOARD OF SELECTMEN

Diane Davidson

From: Brian Reid <breid@falmouthpolice.us>
Sent: Wednesday, September 19, 2018 3:39 PM
To: 'Diane Davidson'
Cc: Sean Doyle; 'Edward Dunne'
Subject: RE: Rosary Rally - Peg Noonan Park

Hello Diane,

This Department has no objection tot his event as long as all laws and bylaws are adhered to.

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

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From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Tuesday, September 18, 2018 10:55 AM
To: Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>
Subject: Rosary Rally - Peg Noonan Park

To all,

Attached please find an application for special event to hold the annual Rosary Rally at Peg Noonan Park on Saturday, October 13, 2018 from 11:30 a.m. to 1:30 p.m. Please review and provide your recommendation for the Board of Selectmen by Friday, 9/21/18.

This item is scheduled for review/approval by the Board of Selectmen on Monday, 9/24/18.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square*

FLOW NEUTRAL BYLAW
ADJUSTED GUIDELINES TO BOS FOR WAIVER/VARIANCE CONSIDERATION

Presented to BOS for Discussion Purposes 6-4-18

Suggested Process:

1. BOS receives confirmation from Board of Health that proposed development *can* be accommodated with an on-site Title 5 system as well as confirmation from wastewater superintendent that sufficient capacity exists in the treatment facility.
2. BOS holds Public Hearing on proposed development.
3. Priority areas for waiver/variance consideration:
 - Economic Development. Wastewater connections that will provide significant year-round economic benefit to the Falmouth community. This should be documented with supporting data on employment, revenue generated, taxes paid, etc.
 - Affordable Housing. Wastewater connections that address affordable housing goals as described in the Local Comprehensive Plan and Housing Production Plan. In the case of a project subject to the MGL Ch. 40B comprehensive permit process, the Zoning Board of Appeals assumes the power of the Board of Selectmen and grants or denies the waiver/variance request.
 - Mixed Use Development in Business Redevelopment Zone. Wastewater connections which include mixed commercial use on the lower level with residential units above. This is consistent with the zoning bylaw and the Local Comprehensive Plan envisioned by the Planning Board for the eastern portion of the Main Street corridor.
 - Municipal Use.

Note: Process above adopted by Falmouth Board of Selectmen on 6-4-18

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, September 24, 2018 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Attorney Laura M. Moynihan for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for Bangkok Thai, a 49-seat restaurant, and a new 90-seat restaurant at 291 - 295 Main Street in said Falmouth (parcel 47A 14 011 007).

Per Order of Board of Selectmen

*Publication date: Friday, August 14, 2018, Falmouth Enterprise
Account #: 2056*



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: September 12, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: Jim Fox, ZBA Office, Planning Office

Re: Request for Variance Under the Flow Neutral Bylaw
291 – 295 Main St – Bangkok Thai and Proposed New 90 Seat Restaurant
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for redevelopment of the property at 291 – 295 Main Street.

The single building on this lot is divided into two units with different addresses. Until 2016, 291 and 295 Main Street were both in use for retail. In 2016, 291 Main Street was redeveloped as a 49 seat restaurant, Bangkok Thai. The current proposal is to redevelop 295 Main Street as a restaurant as well, with 90 seats.

The Title 5 flows for the prior retail use and for the proposed restaurant uses are as follows:

Address	Prior Use		Proposed Use	
	type	Title 5 flow, gpd	type	Title 5 flow, gpd
291 Main St	retail, 1336 sq ft	100	restaurant, 49 seat	1,715
295 Main St	retail, 2500 sq ft	188	restaurant, 90 seat	3,150
Lot Total:		288		4,865

The property is within the Town's original Main Street sewer service area and has long been connected to the sewer system.

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

Taking into account wastewater flow from existing sewer areas, projected flow from the new Little Pond Sewer Service Area (after all service area properties are connected), and flow from the other currently proposed projects in sewer service areas, sufficient sewer system capacity exists to accommodate this redevelopment.

Diane Davidson

From: Julian Suso <jsuso@falmouthmass.us>
Sent: Friday, September 14, 2018 2:24 PM
To: Diane Davidson
Subject: FW: Flow neutral bylaw - 291/295 Main and 117 Main

Diane,
More for the upcoming BOS Public Hearing. (Estia already completed their public hearing).
Julian

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Friday, September 14, 2018 12:23 PM
To: Julian Suso <jsuso@falmouthmass.us>
Subject: FW: Flow neutral bylaw - 291/295 Main and 117 Main

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

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Wednesday, July 18, 2018 10:47 AM
To: Julian Suso (jsuso@falmouthmass.us) <jsuso@falmouthmass.us>; Peter Johnson Staub (peter.jstaub@falmouthmass.us) <peter.jstaub@falmouthmass.us>; Amy Lowell (alowell@falmouthmass.us) <alowell@falmouthmass.us>; Frank Duffy (fduffy@falmouthmass.us) <fduffy@falmouthmass.us>; Thomas Bott (thomas.bott@falmouthmass.us) <thomas.bott@falmouthmass.us>; Ray Jack (rjack@falmouthmass.us) <rjack@falmouthmass.us>
Subject: Flow neutral bylaw - 291/295 Main and 117 Main

There were some projects that had a negative (not enough room) referral. Rather than vote no they chose infinite continuance. The bylaw stated that after 45 days of not voting the project is considered a yes.

291 and 295 Main St (Bangkok Thai and the restaurant proposed by Kaz K.) It the same lot and there is no room for much at that location.

117 Main St. – Estia restaurant under construction.

Thanks, Scott

Scott McGann, R.S.
Health Agent/ Director
Falmouth Health Department
59 Town Hall Square
Falmouth, MA 02540

508-495-7485

<http://www.falmouthmass.us/273/Health-Department>

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, September 24, 2018 at 7:35 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Attorney Kevin Klauer of Ament Klauer LLC for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for 3, two-bedroom apartments, 22 seat restaurant and retail space at 587 Main Street in said Falmouth (parcel 47B 04 015 000).

Per Order of Board of Selectmen

*Publication date: Friday, August 14, 2018, Falmouth Enterprise
Account #: 2056*



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: September 12, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: Jim Fox, ZBA Office, Planning Office

Re: Request for Variance Under the Flow Neutral Bylaw
587 Main St – 3 Two Bedroom apartments, 22 seat restaurant and retail space
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for redevelopment of the property at 587 Main Street.

The property has been vacant for many years, with a Title 5 wastewater flow of 0 gpm. A new building has recently been constructed on the site, which includes a 22 seat restaurant, 3 two bedroom apartments and 1,656 square feet of retail space, for a total Title 5 wastewater flow of 1,554 gallons per day.

The property is within the Town's original Main Street sewer service area. A sewer connection permit was issued for the property on 12/7/17 and the new building on the site was connected to the sewer system on 7/13/18.

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

Taking into account wastewater flow from existing sewer areas, projected flow from the new Little Pond Sewer Service Area (after all service area properties are connected), and flow from the other currently proposed projects in sewer service areas, sufficient sewer system capacity exists to accommodate this redevelopment.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, September 24, 2018 at 7:40 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Attorney Kevin Klauer of Ament Klauer LLC for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a brewery, residential and retail space at 661 Main Street in said Falmouth (parcel 47B 05 012 000A).

Per Order of Board of Selectmen

*Publication date: Friday, August 14, 2018, Falmouth Enterprise
Account #: 2056*



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: September 12, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: Jim Fox, ZBA Office, Planning Office

Re: Request for Variance Under the Flow Neutral Bylaw
661 Main St – Brewery, Residential and Retail Space
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for redevelopment of the property at 661 Main Street.

The property has previously been in use as office space, with an estimated Title 5 wastewater flow of 607 gallons per day (based on a building floor space of 8094 square feet). The property is being redeveloped to include a brewery, residential apartments (4 one bedrooms and 3 two bedrooms) and 4,475 sq ft retail space, for a total Title 5 wastewater flow of 2,756 gallons per day.

The property is within the Town's original Main Street sewer service area. This property has long been connected to the sewer system, and it appears that no sewer connection modification is required for this change in use.

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

Taking into account wastewater flow from existing sewer areas, projected flow from the new Little Pond Sewer Service Area (after all service area properties are connected), and flow from the other currently proposed projects in sewer service areas, sufficient sewer system capacity exists to accommodate this redevelopment.

Diane Davidson

From: Julian Suso <jsuso@falmouthmass.us>
Sent: Friday, September 14, 2018 2:21 PM
To: Diane Davidson
Subject: FW: flow neutral bylaw 661 - Main st

Diane,
For September 24 BOS meeting (public hearing). Thanks. (More coming)
Julian

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Friday, September 14, 2018 12:23 PM
To: Julian Suso <jsuso@falmouthmass.us>
Subject: FW: flow neutral bylaw 661 - Main st

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

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Wednesday, July 18, 2018 9:16 AM
To: Julian Suso (jsuso@falmouthmass.us) <jsuso@falmouthmass.us>; Peter Johnson Staub (peter.jstaub@falmouthmass.us) <peter.jstaub@falmouthmass.us>; Amy Lowell (alowell@falmouthmass.us) <alowell@falmouthmass.us>; Ray Jack (rjack@falmouthmass.us) <rjack@falmouthmass.us>; Frank Duffy (fduffy@falmouthmass.us) <fduffy@falmouthmass.us>; Thomas Bott (thomas.bott@falmouthmass.us) <thomas.bott@falmouthmass.us>
Subject: flow neutral bylaw 661 - Main st

Revised – I had the word corner when its actually 661 Main

Per the Flow Neutral Bylaw,

On July 9, 2018 the Board of Health determined that the proposed Brewery at 661 Main St. could site a compliant Title 5 system on the property.

The proposed brewery including the current uses at the property (office and church) would have a total capacity of approximately 1,200 gallons per day. There appears to be approximately 4,350 gallons per day of available space on the lot for a Title 5 system to be sited.

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

Regards, Scott

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, September 24, 2018 at 7:45 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Attorney Kevin Klauer of Ament Klauer LLC for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a restaurant at 31 Teaticket Highway in said Falmouth (parcel 39 15 022 011U).

Per Order of Board of Selectmen

*Publication date: Friday, August 14, 2018, Falmouth Enterprise
Account #: 2056*



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: September 12, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: Jim Fox, ZBA Office, Planning Office

Re: Request for Variance Under the Flow Neutral Bylaw
31 Teaticket Highway – Peel Pizza
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for redevelopment of the property at 31 Teaticket Highway.

The property was formerly in use as retail/office, with an estimated Title 5 wastewater flow of 107 gallons per day (based on a building area of 1428 square feet). Redevelopment of the property as a pizza take-out / fast food restaurant has been proposed, with an estimated Title 5 wastewater flow of 1000 gallons per day (based on the minimum Title 5 flow for a fast food restaurant).

The property is in the Little Pond Sewer Service Area and was connected to the sewer system on November 1, 2017.

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

Taking into account wastewater flow from existing sewer service areas, projected flow from the new Little Pond Sewer Service Area (after all service area properties are connected), and flow from the other currently proposed projects in sewer service areas, sufficient sewer system capacity exists to accommodate this redevelopment.

Diane Davidson

From: Julian Suso <jsuso@falmouthmass.us>
Sent: Friday, September 14, 2018 2:24 PM
To: Diane Davidson
Subject: FW: Flow neutral bylaw - 31 Teaticket Highway

Diane,
This for 31 Teaticket Hwy from BOH.
Julian

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Friday, September 14, 2018 12:23 PM
To: Julian Suso <jsuso@falmouthmass.us>
Subject: FW: Flow neutral bylaw - 31 Teaticket Highway

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

From: Scott McGann <scott.mcgann@falmouthmass.us>
Sent: Wednesday, July 18, 2018 10:53 AM
To: Julian Suso (jsuso@falmouthmass.us) <jsuso@falmouthmass.us>; Peter Johnson Staub (peter.jstaub@falmouthmass.us) <peter.jstaub@falmouthmass.us>; Amy Lowell (alowell@falmouthmass.us) <alowell@falmouthmass.us>; Ray Jack (rjack@falmouthmass.us) <rjack@falmouthmass.us>; Thomas Bott (thomas.bott@falmouthmass.us) <thomas.bott@falmouthmass.us>; Frank Duffy (fduffy@falmouthmass.us) <fduffy@falmouthmass.us>
Subject: Flow neutral bylaw - 31 Teaticket Highway

Per the Flow Neutral Bylaw,

On July 9, 2018 the Board of Health accepted a plan showing available lot space for the proposed food establishment proposed at 31 Teaticket Highway. The Board agreed that it is possible the applicant could site a compliant Title 5 system on the property.

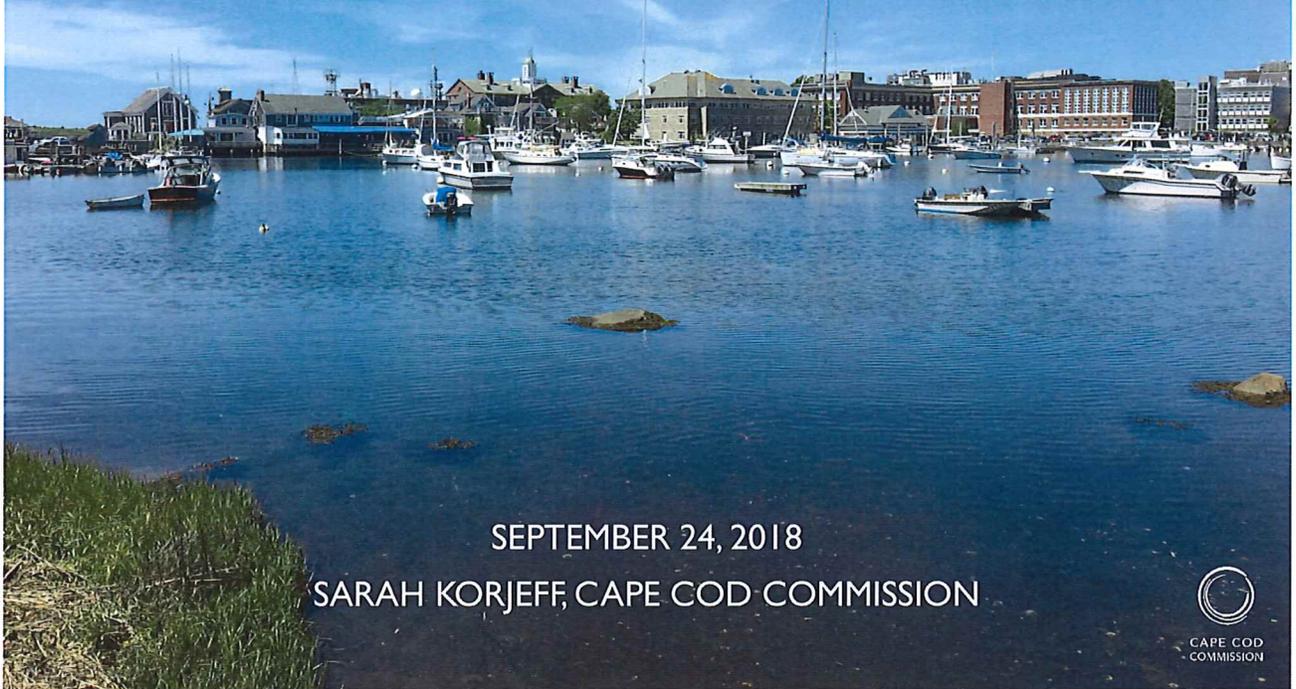
There appears to be approximately 8,990 gallons per day of available space on the lot for a Title 5 system to be sited. That space could accommodate the exiting uses on the property and the pizza shop food establishment being proposed.

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

Regards, Scott

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

WOODS HOLE HISTORIC DISTRICT PLANNING STUDY



SEPTEMBER 24, 2018

SARAH KORJEFF, CAPE COD COMMISSION



CAPE COD
COMMISSION



STUDY AREA

- Study Area Boundary
- - - Historic District Boundary



CAPE COD
COMMISSION

STUDY AREAS OF FOCUS



ZONING AND
COMMUNITY
CHARACTER



HISTORIC
PRESERVATION



PEDESTRIAN AND
BICYCLIST
ACCOMMODATIONS



PUBLIC PROCESS

- OCT 2017 | HISTORICAL COMMISSION PRESENTATION
- NOV 2017 | PUBLIC WORKSHOP
- FEB-MAR 2018 | STAKEHOLDER MEETINGS:
WHOI, MBL, WOODS HOLE HISTORICAL COLLECTION
- MAY 2018 | DRAFT REPORT PRESENTED TO PLANNING BOARD





OWNERSHIP

- WHOI
- MBL
- Steamship Authority
- Town of Falmouth
- US Government



HISTORIC PROPERTIES





MACRIS INVENTORY

WITHIN HISTORIC DISTRICT

- Building noted in MACRIS Area forms
- Inventoried Building



MACRIS INVENTORY

WITHIN HISTORIC DISTRICT

- Building noted in MACRIS Area forms
- Inventoried Building

OUTSIDE HISTORIC DISTRICT

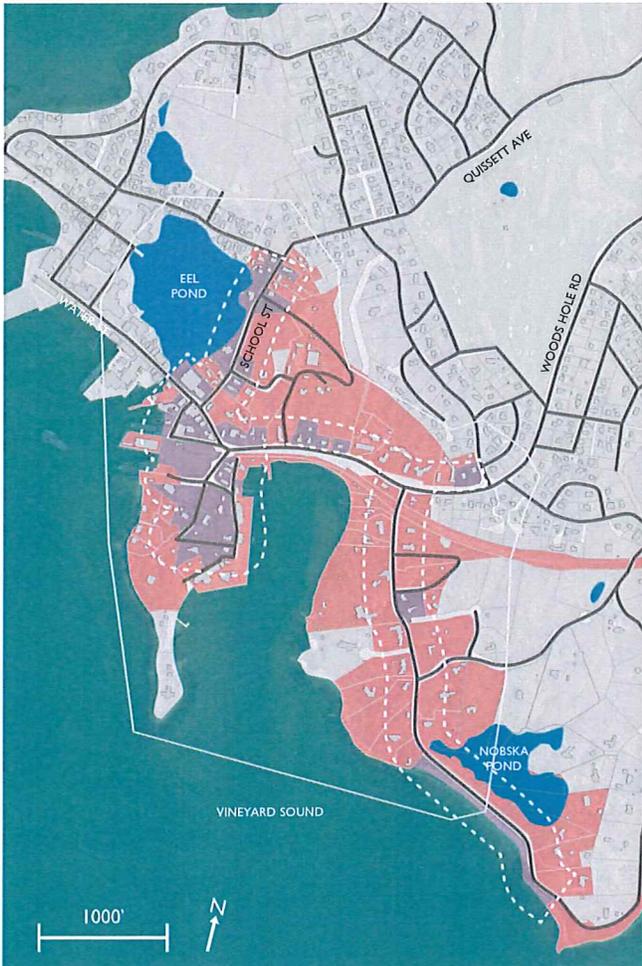
- Building noted in MACRIS Area forms
- Inventoried Building





BUILDING AGE (MACRIS)

- Not inventoried
- 1750 or earlier
- 1751-1800
- 1801-1850
- 1851-1900
- 1901-1925
- 1926-1950
- 1951-1975
- 1976 to present



HISTORIC DISTRICT

- Lots Split By District
- Lots Contained By District





STREET IMPACT + ARCHITECTURAL SIGNIFICANCE

STREET IMPACT

-  High
-  Medium High
-  Medium
-  Medium Low
-  Low
-  N/A

ARCHITECTURAL SIGNIFICANCE

-  High
-  Medium High
-  Medium
-  Medium Low
-  Low
-  N/A



RECOMMENDATIONS

HISTORIC PROPERTIES

- | **Expand Local Historic District (LHD) boundaries**
 - Water Street, Woods Hole Road, views from water
 - review of exterior building changes, new construction
 - requires MHC concurrence, Town Meeting approval, MGL 40C
- | **Protect Key Individual Properties**
 - Create single property LHDs for key properties
 - Consider National Register designations (requires CCC review of demolition or substantial alteration)
 - Pursue Preservation Restrictions (runs with deed; protects exterior features; requires owner and MHC consent; MGL 184 sec 31-33)
- | **Extend Demolition Delay Bylaw to 12 months**
 - requires TM approval
- | **Address Historic Neighborhoods outside District**
 - add historic criteria to planning reviews; dimensional regs.





EXPAND LOCAL HISTORIC DISTRICT

HISTORIC DISTRICT

- Current historic district
- Possible historic district expansion



PROTECT KEY HISTORIC BUILDINGS

- Historic building
- Key historic building outside the district





HISTORIC AREAS OF CONCERN

OUTSIDE HISTORIC DISTRICT

- Buildings within the district
- Key buildings outside the district
- Area of concern



CAPE COD
COMMISSION



ZONING + BUILDING DESIGN

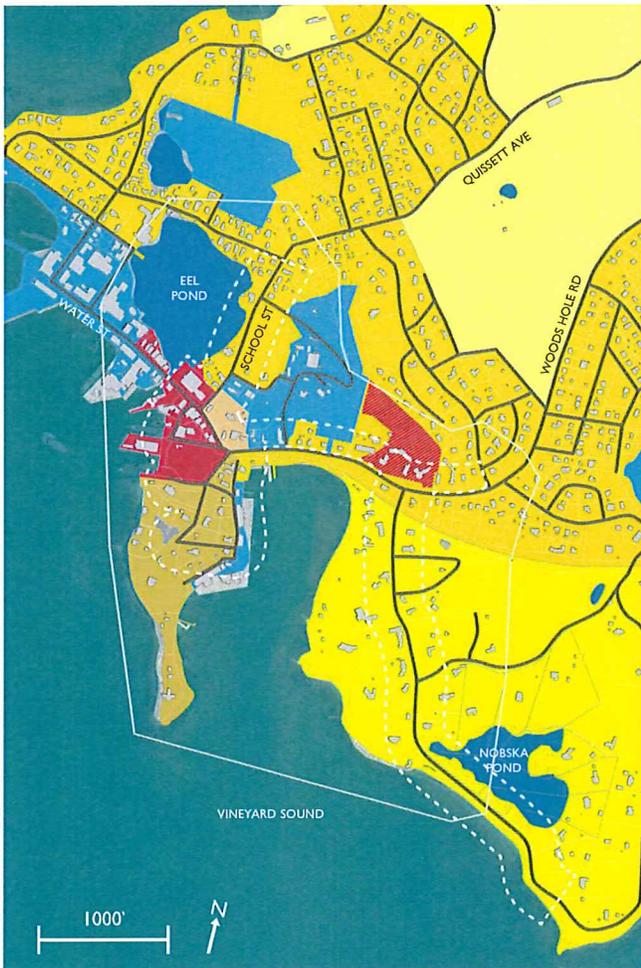


CAPE COD
COMMISSION



EXISTING LAND USE

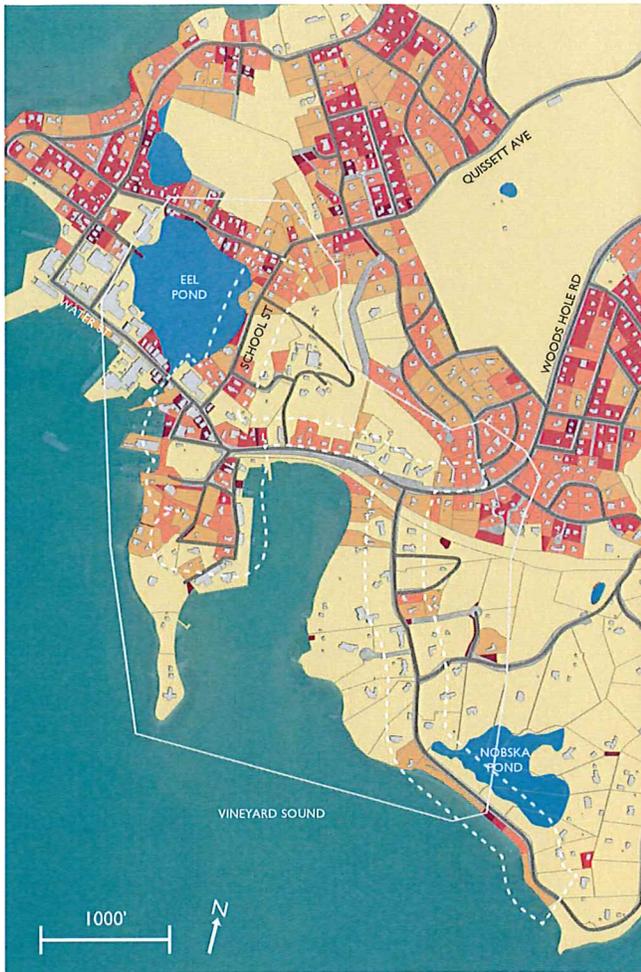
- Commercial
 - Residential
 - Multiple uses
 - Government/exempt
 - Educational
 - Recreational
-
- OPEN SPACE LEVEL OF PROTECTION
- In Perpetuity
 - Limited
 - None
 - Unknown



ZONING

- Business I
- Business Redevelopment
- Public Use
- General Residence
- Single Residence A
- Single Residence AA
- Single Residence C
- Single Residence RB





LOT SIZE

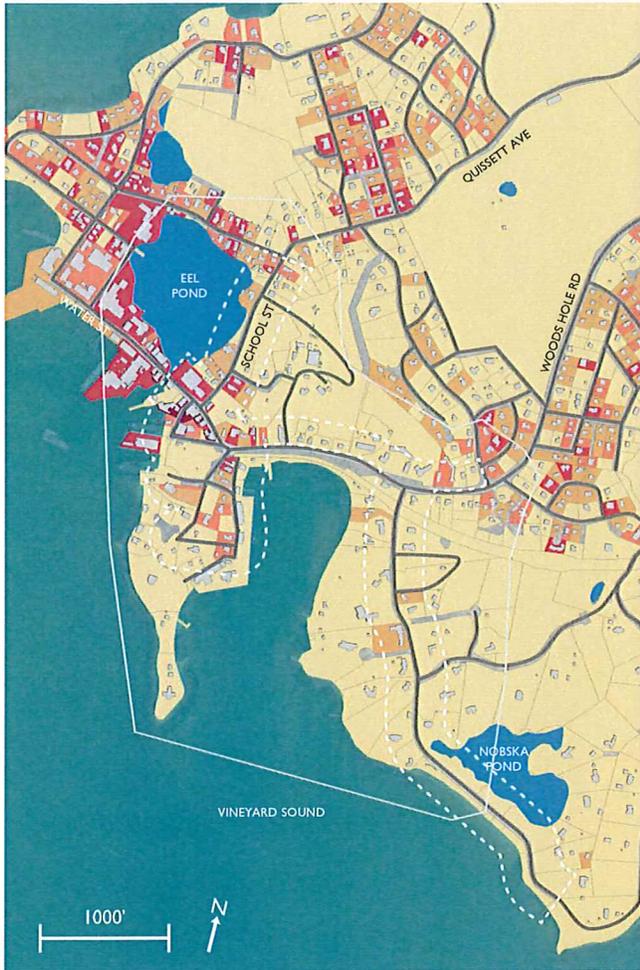
- Up to 5,000 sf
- 5,000 – 10,000 sf
- 10,000 – 20,000 sf
- 20,000 – 40,000 sf
- More than 40,000 sf



BUILDING SETBACKS

- Within 10' of ROW
- Within 15' of ROW
- Within 20' of ROW
- Within 25' of ROW
- Within 10' of side/rear lot line
- Not within any of the above setbacks





BUILDING COVERAGE

- 0 to 10%
- 11% to 15%
- 16% to 20%
- 21% to 50%
- More than 50%



DRAFT RECOMMENDATIONS

ZONING + BUILDING DESIGN

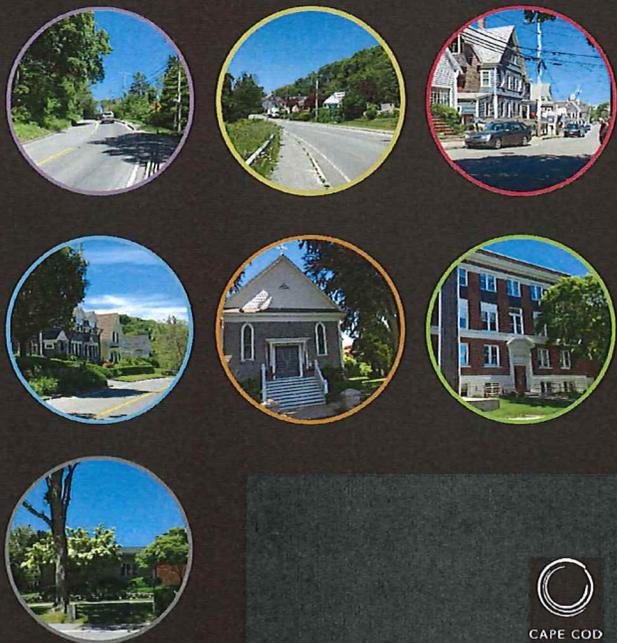
- | **Adjust Dimensional Regulations to Maintain Character**
 - Reduce Building Coverage allowance to match existing patterns
 - Add Maximum Building Setback to retain neighborhood character
 - Requires PB support, Town Meeting approval
- | **Adopt Zoning Incentives to Protect Historic Structures**
 - allow dimensional flexibility if historic structures are preserved
 - Off-Cape models; requires PB support, Town Meeting approval
- | **Create Design Guidelines for Institutional Areas**
 - address large and small building massings and open spaces
- | **Formula Business Zoning**
 - regulate aesthetic/visual impacts through special permit process or prohibit in Woods Hole commercial districts



VISUAL CHARACTER



CHARACTER AREAS

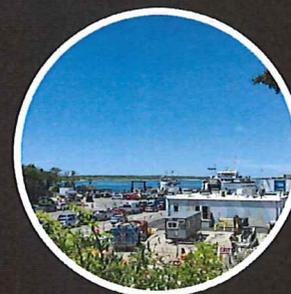




VISTAS

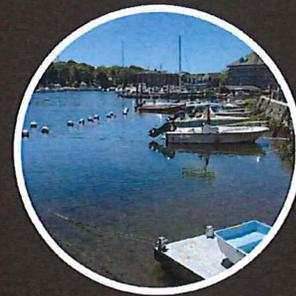
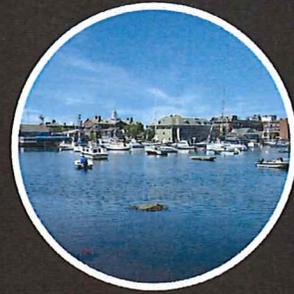


VISTAS





VISTAS



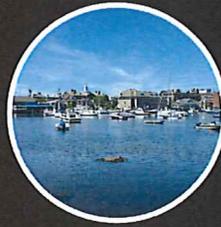
DRAFT RECOMMENDATIONS VISUAL CHARACTER

- | Manage Vista above Little Harbor
-- requires Mass Highway permit
- | Pocket Parks at Eel Pond and Crane Street bridge
-- requires design and implementation
- | Comment on Steamship Authority Building Design
-- address building height; traditional materials; retain views to water
- | Coordinate with Institutions on Project Designs
-- maintain dialogue regarding building projects



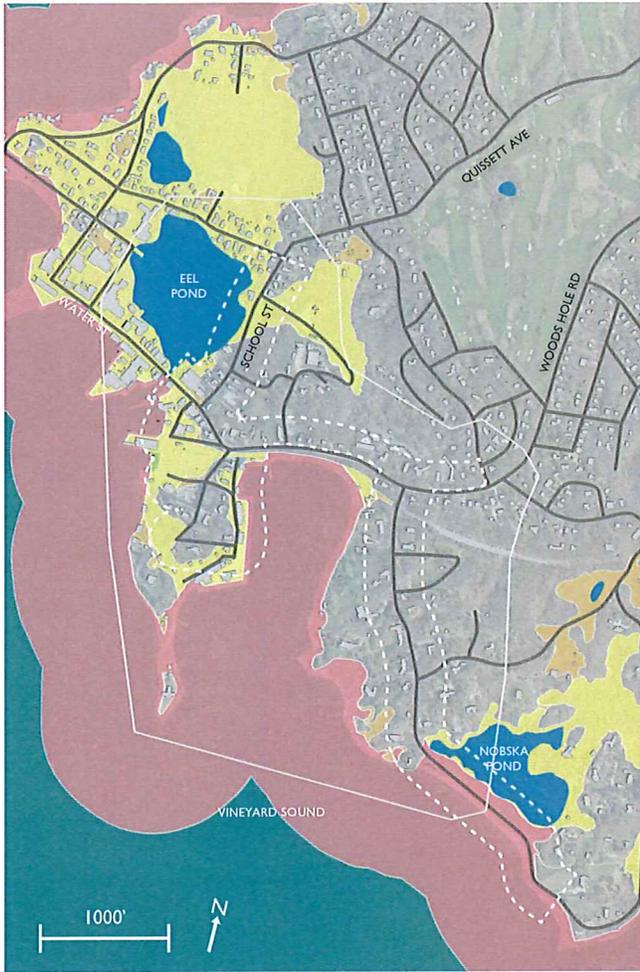


POSSIBLE POCKET PARKS/ LANDSCAPING PROJECTS



FLOOD THREAT





FEMA FLOOD ZONES

- VE Zone
- AE Zone
- 0.2% Annual Chance Flood Hazard



DRAFT RECOMMENDATIONS FLOOD THREAT

- | Adopt design guidelines for flood hazard areas
 - neighborhood elevation goals; design of new access points
 - address height regulations for elevating buildings
 - requires Planning Board/Historical Commission action

- | Work with Coastal Resilience Action Committee
 - explore mitigation strategies that keep buildings in place
 - highlight and document historic resources at greatest risk
 - identify potential locations to relocate historic buildings in future





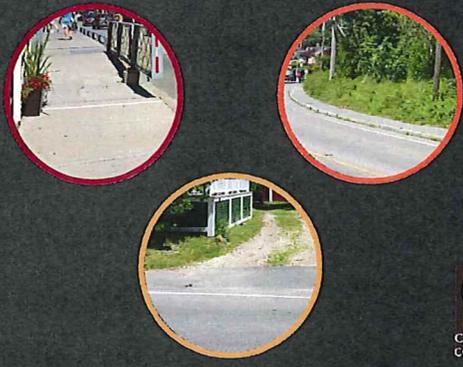
PEDESTRIAN + BICYCLIST FACILITIES



PEDESTRIAN FACILITIES

- ADA Compliant Sidewalk
- Sidewalk in Fair Condition
- Sidewalk in Poor Condition

Crosswalks





BICYCLIST FACILITIES

-  Bike Path
-  Bike Path Access
-  Informal Bike Path Access
-  Designated Bike Route (on street)



DRAFT RECOMMENDATIONS PEDESTRIAN + BICYCLIST FACILITIES

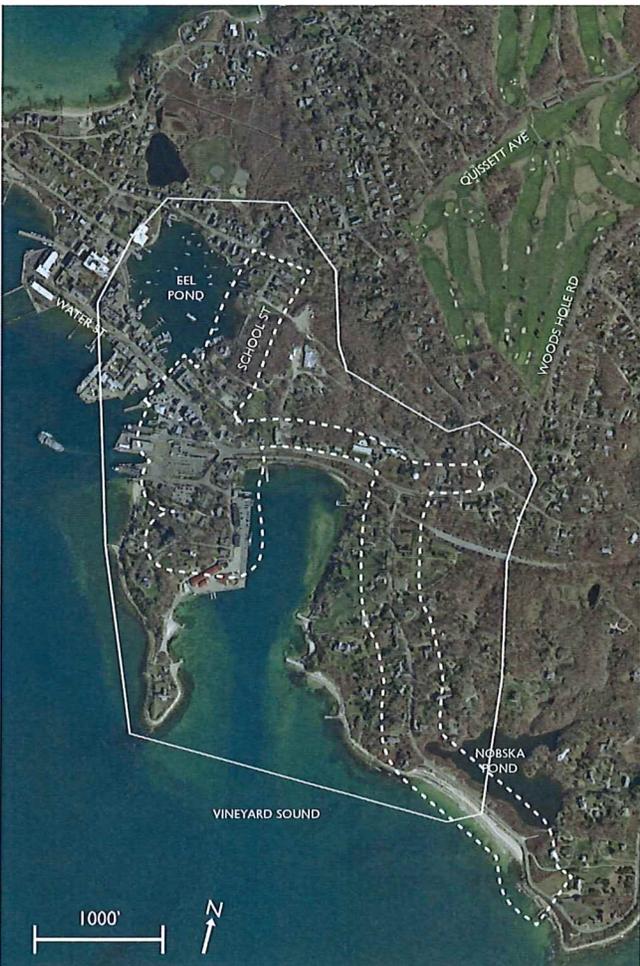
- | Sidewalk Improvements at Village Edges
 - improve areas of poor sidewalk condition
 - extend on Woods Hole Road and Church Street
- | Woods Hole Road Crossings
 - add crosswalks; narrow crossing distance to reduce traffic speed and increase pedestrian comfort; electronic speed warning signs
- | Bike Path Access from Church Street with Bike Rail
- | Improve Bike Route and Trail signage





PEDESTRIAN + BICYCLIST RECOMMENDATIONS

- Additional Sidewalks
- Existing Sidewalks
- Additional Crosswalks
- Bike Path Access
- Designated Bike Route (on street)



ACTION PLAN PRIORITIES

- Expand Local Historic District**
-- extend boundary west from drawbridge to MBL Street
- Woods Hole Road Crossings**
-- add pedestrian crosswalks, bump-outs and refuge islands to slow traffic speed and improve pedestrian safety
- Improve Church Street Access to Bike Path**
-- install stairway with bike rail
- Manage Vista above Little Harbor**
-- obtain MassDOT permit to manage vegetation and open vista to water



THANK YOU!

The information depicted on the maps in this presentation is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel level analysis. It should not substitute for actual on-site survey or supersede deed research. Data: parcel and zoning data from Cape Cod Commission data set and town assessor's data; land use data from Mass GIS; ponds and open space data from MassGIS; FEMA Flood Zone data from FEMA; MACRIS data from Massachusetts Historical Commission; structures data from Cape Cod Commission planimetrics data set; pedestrian and bicyclist accommodations data from Cape Cod Commission data set and staff observations; aerial photos from Cape Cod Commission; road data from MassDOT. All photos by Cape Cod Commission staff.



Eliza Z. Cox
Direct Line: (508) 790-5431
Fax: (508) 771-8079
E-mail: ecox@nutter.com

September 21, 2018
118312-1

By Electronic and Overnight Mail

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

Dear Chair Moran and Members of the Board of Selectmen,

We are writing on behalf of the Woods Hole Oceanographic Institution (“WHOI”) and the Marine Biological Laboratory (the “MBL”) regarding the Falmouth Historical Commission’s (“Historical Commission’s”) recommendation to extend the Woods Hole Historic District (the “District”) which we understand will be discussed at the Board’s September 24th meeting. Based on communications with Town Staff, we understand that the Historical Commission is recommending that the District be extended along both sides of Water Street to MBL Street. The majority of land within this proposed expansion is owned by the two institutions. As discussed herein, WHOI and the MBL oppose this proposal and respectfully request that the Board of Selectmen not recommend the expansion.

At the outset, it is worth noting that this is not the first proposal to expand the District to include additional WHOI and MBL properties. Rather, we learned that during the mid-1980s, the Historical Commission sought to expand the District, but after due consideration, the proposal was rejected by the Town due to the negative impacts such an expansion would have on these significant research and educational institutions. As set forth in detail below, those same negative impacts are present with the Historical Commission’s current proposal, which should similarly be rejected. It is also worth noting that both WHOI and MBL have been responsible corporate citizens and stewards of the Woods Hole community. There have been no significant or inappropriate changes of their respective facilities that would, in any way, warrant or justify the need to enlarge the District.

It goes without saying that both WHOI and the MBL are culturally and economically significant to the Town of Falmouth and Cape Cod. They are, in fact, integral to the history of Woods Hole and that history is alive due to their ability to adapt to the ever changing nature of science and academics. Both institutions would face a wide range of negative impacts if the District is expanded to include additional facilities. For example, the proposed expansion would hinder their ability to adapt their buildings to the changing nature of science and technology which, in turn, threatens their ability to remain competitive and relevant. It would also interfere with their ability to obtain needed government funding for research and capital improvement

projects in a highly competitive market where requirements to obtain discretionary permits can negatively affect the chances of obtaining funding. It would involve an additional discretionary permit that takes time and costs money. And, the proposed expansion would severely impact WHOI's and MBL's coastal resiliency efforts and limit their ability to combat flood plain issues, as this proposed expansion area is within the flood zone. This will, in turn, limit their future flexibility and competitiveness, as well as affect their ability to insure their buildings. Moreover, improvements that may be needed for coastal resiliency are frequently in conflict with historic preservation principles, and there are no exemptions contained in the Historical Commission's regulations or guidelines that deal with critical improvements within the flood plain.

Furthermore, the proposed expansion would subject WHOI and the MBL to the Falmouth Historic District Design Review Guidelines (the "Guidelines") every time either institution sought to alter the exterior of a building within the District. This is problematic on several levels. First, the Guidelines are largely tailored toward single family residences or small scale commercial village centers, and are not intended for large institutional facilities. For example, additions to the main façade of historic buildings are "generally prohibited," and other additions must be located on secondary elevations and should be stepped down or otherwise separated from the façade of the main block. For a functional educational research facility where the design is critical to the internal functions, these types of limitations can be problematic.

Similarly, the pictorial summary of architectural styles contained in Appendix A of the Guidelines does not, in any way, depict or represent the larger institutional buildings. As a result, while one of the purposes of the Guidelines is to "ensure consistency and predictability" there is nothing in the Guidelines that clearly relates to the types of institutional buildings that exist or may need to be constructed on the institutional properties. And, any attempt to apply the Guidelines' restrictions would severely hinder the ability of WHOI and the MBL to continue to maintain, as well as to upgrade, their buildings with new technology. It is important to note that the WHOI and MBL facilities are not museums, but rather active, educational research facilities, and their significance within the community is not the exterior of the buildings, but rather the education, science and research that occurs within the buildings, all of which could be jeopardized if the organizations do not have the flexibility to adapt and change, or if their ability to obtain grant funding is threatened by additional permitting demands.

Another provision in the Guidelines that would severely hinder these institutions is the Demolition Guideline, which outright prohibits demolition of a historic building unless "retention of such building constitutes a hazard to the public safety, as determined by the Building Commissioner, and that hazard cannot be eliminated, including sale of the building on its present site to any purchaser willing to purchase it." Guidelines, Section 11 (emphasis supplied). Quite simply and for obvious reasons, this is highly problematic to the institutions in that it purports to require a sale of the building/property in lieu of demolition. Further, the Guidelines even indicate that demolition or partial demolition of non-historic buildings within a

district “is subject to review on a case-by-case basis.” Importantly, the Guidelines indicate that compliance is mandatory, thereby subjecting WHOI and the MBL to restrictions that do not accommodate the unique needs of educational research facilities.

Compared with the significant risks and potential harm these institutions face if additional properties were included in the District, the potential risks to the Town of Falmouth if these properties remain outside the District (i.e., the organization proposes what the Historical Commission may deem an inappropriate design) are minimal. And, in any event, the Town has a safeguard in that it could always discretionarily refer a proposal that would inappropriately alter the character of the area to the Cape Cod Commission. Accordingly, in balancing the burden on the institutions with the remote risk to the Town, there is simply no compelling need to expand the District.

Lastly, it is important to point out that WHOI and the MBL are the primary stakeholders in this proposal to expand the District, as they are the property owners that would be most impacted. Yet, to date, communications between the two institutions and the Historical Commission regarding this proposal have been limited to a single meeting, which was before any priorities or recommendations were made regarding changes to the District. At that meeting, the parties contemplated additional dialogue and evaluation, but this current recommendation was made to extend the District along Water Street before the parties were able to engage in further discussions. Candidly, WHOI and the MBL expected a greater level of engagement with the Historical Commission than what was afforded, particularly since due consideration is provided to property owners in similar contexts. For example, the National Register Federal Program Regulations require that a property owner receive notice of any submission of private property to the National Register of Historic Places, and also prohibit private property from being listed on the National Register if there is an objection from the property owner. Similarly, the Massachusetts Historical Commission’s (the “MHC”) “Establishing Local Historical Districts” guidebook recognizes that “the establishment of a local historic district has considerable implications for property owners, so it should not be taken casually.” The MHC guidebook also provides that “it is highly recommended that the study committee seek the input of [impacted] property owners early in the process.” Here, the Historical Commission has yet to have any germane discussions with the organizations in an effort to understand their concerns and objections.

As a result of the importance of these two institutions in Woods Hole village and the considerable adverse impacts and burdens of expanding the District to include their properties, WHOI and MBL respectfully ask the Board of Selectmen not to recommend this proposed expansion of the District.

Board of Selectmen
September 21, 2018
Page 4

Thank you very much for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eliza Z. Cox". The signature is written in a cursive style with a large, stylized "E" and "C".

Eliza Z. Cox

cc: Marine Biological Laboratory
Woods Hole Oceanographic Institution

4037911.5

Petition Article Presentations:

- a. Present Petition Article #22 – Amend Town Meeting Rules – Electronic Voting – J. Malcolm Donald
- b. Present Petition Article #23 – Phase Out Polystyrene and Expanded Polystyrene Foam – J. Malcolm Donald
- c. Present Petition Article #24 – Establish Ranked-Choice Voting – J. Malcolm Donald
- d. Present Petition Article #26 – Create Solid Waste Division within Department of Public Works – Linda Davis
- e. Present Petition Article #27 – Additional Water Meter – Marc Finneran
- f. Present Petition Article #28 – Fund ALICE Training – Michael Heylin
- g. Present Petition Article #29 – Create Three New Police Officer positions – Michael Heylin

Please Note:

Petition Article #12 – Amend Net Metering Program – Charles Grant Walker: Mr. Walker responded that there will not be a presentation to the Board of Selectmen.

November 2018 Annual Town Meeting Index

Article

- 1 Reports from Committees and Town Officers
- 2 Appropriate Funds for Unpaid Bills
- 3 Fund Design and Construction of Water Mains
- 4 Fund Capital Improvements
- 5 Fund Non-Capital Improvements
- 6 Amend Zoning Bylaw Article XXI - Coastal Pond Overlay District
- 7 Amend Zoning Bylaw Article XXXIX - Site Plan Review
- 8 Amend Zoning Bylaw Article XLIII - Large-Scale Ground-Mounted Solar Overlay District
- z 9 Petition: Amend Code of Falmouth, Chapter 240 - Ground-Mounted Solar Photovoltaic Array
- z 10 Petition: Amend Zoning Bylaws Articles - Ground-Mounted Solar Photovoltaic Array
- 11 Amend Zoning Bylaw Section 240 - Add Moratorium on Solar Energy System
- ~~12~~ Petition: Amend Net Metering Program - *Charles Grant Walker - No presentation*
- 13 Amend Zoning Bylaw Article XIV - Dimensional Regulations - Shed
- 14 Amend Zoning Bylaw Article V - Accessory Apartments
- z 15 Petition: Amend Article VI - General Residence Districts - Accessory Apartments
- 16 Amend Town's Seasonal Position Classification Plan
- 17 Amend Town's Information Technology Classification Plan
- 18 Accept Provisions of Chapter 139 - Surviving Spouse Benefit
- 19 Accept Road Takings: Winthrop Drive and Captain Davis Lane
- 20 Accept M.G.L. Chapter 43 - Part-Time Inspector
- 21 Amend Town Code Chapter 107 - Demolition
- ~~22~~ Petition: Amend Town Meeting Rules - Electronic Voting - *J. Malcolm Donald*
- ~~23~~ Petition: Phase Out Polystyrene and Expanded Polystyrene Foam - *J. Malcolm Donald*
- ~~24~~ Petition: Establish Ranked-Choice Voting - *J. Malcolm Donald*
- z 25 Petition: Amend Zoning Map - Business 3
- ~~26~~ Petition: Create Solid Waste Division within Dept of Public Works - *Linda Davis*
- ~~27~~ Petition: Additional Water Meter - *Marc Finneran*
- ~~28~~ Petition: Fund ALICE Training - *Michael Heylin*
- ~~29~~ Petition: Create Three New Police Officer Positions - *Michael Heylin*
- 30 CPC - Pedestrian Bridge, Coonamesset River
- 31 CPC - Transfer to Falmouth Affordable Housing Fund
- 32 CPC - Transfer to Open Space Reserve

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 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 10: 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 11: 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 front 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 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 notwithstanding, 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:

Grade	Title	Min	Max
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:

Grade	Title	Min	Max
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

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

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

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

ARTICLE 18: To see if the Town will vote to approve the vote of the Falmouth Contributory Retirement Board to accept the provisions of G. L. c. 32, s. 101, 3rd paragraph to increase from \$6,000 to \$12,000 the annual benefit payable to surviving spouses of disabled public employees. Or do or take any other action on this matter.

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:

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>
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 now 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 now 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, Page 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

Diane Davidson

From: Phyllis Downey <phyllis.downey@falmouthmass.us>
Sent: Friday, September 21, 2018 10:20 AM
To: 'Diane Davidson'
Subject: 9.24.18 Agenda -Nantucket Sound presentation

Hi,

Audra Parker will be presenting on behalf of Nantucket Sound Preservation at the BOS meeting.

Thanks,
Phyllis

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

A Bill

To establish the Nantucket Sound National Historic Landmark, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1: SHORT TITLE.

This Act may be cited as the “Nantucket Sound National Historic Landmark Act.”

SECTION. 2: FINDINGS, PURPOSES AND POLICY.

(a) FINDINGS

The Congress finds and declares that:

- (1) Nantucket Sound, Cape Cod and the Islands of Martha’s Vineyard and Nantucket form an integral part of the maritime history of this country. Archeological resources and shipwrecks within the Sound are of historic and educational value in interpreting the maritime history of America, and the Sound supports a fishing industry that is of historic significance and continuing economic importance.
- (2) The adjacent land areas are home to numerous historic properties, including the National Historic Landmarks of Nantucket Island and the Kennedy Compound.
- (3) Nantucket Sound has sacred value to the Indian Tribes and Native American people of the region surrounding the Sound, including for providing an unobstructed view of the Sound to carry out their spiritual sun greeting and as the burial ground of ancestors on the seafloor that was once exposed land.
- (4) In recognition of its role as a traditional cultural property for the Native American exploration and settlement of Cape Cod and the Islands of Martha’s Vineyard and Nantucket, Nantucket Sound has been determined to be eligible for listing on the National Register of Historic Places.
- (5) Nantucket Sound and its historic and cultural resources are of great importance to the regional economy, supporting tourism, fishing, recreational, marine transportation, aviation, marine trades, and other businesses and industries that are vital to the Cape and Islands.

(b) PURPOSES

The purposes of this Act are to:

- (1) Preserve the cultural and tribal heritage of Nantucket Sound;
- (2) Preserve the unique historic features of Nantucket Sound’s maritime history, including the role of the fishing industry; and

- (3) Promote tourism and the regional economy associated with the historic and cultural attributes of Nantucket Sound.

(c) **POLICY**

It is further declared to be the policy of Congress that protection should be provided to the historic, cultural and tribal resources of Nantucket Sound while allowing for continued fishing activities and other ecologically and economically sustainable uses of the marine environment for future generations.

SECTION. 3: DEFINITIONS.

In this Act:

Nantucket Sound -- The term "Nantucket Sound" means the water body located below the mean low-water line that lies between the southern shore of Cape Cod (between Monomoy and Mashpee) and the Islands of Martha's Vineyard and Nantucket. The underlying seabed is not within the scope of this definition.

SECTION. 4: PROHIBITIONS.

- (a) No federal agency shall issue a lease, permit or otherwise authorize, fund or carry out any action for an energy generation project or facility located within Nantucket Sound.
- (b) The prohibition of subsection (a) shall not apply to the installation and operation of any subsea cable that transmits electricity to or from an upland area or an offshore renewable energy project located more than 10 miles from any inhabited area.

SECTION. 5: NANTUCKET NATIONAL HISTORIC LANDMARK.

Pursuant to 16 U.S.C. § 470a(a)(B), Nantucket Sound shall be designated as a National Historic Landmark.

SECTION. 6: FISHING, CABLE INFRASTRUCTURE NOT AFFECTED

Nothing in this Act shall be construed as modifying or affecting, or conferring additional authority for, the management and regulation of fishing activities or cable infrastructure as defined in section 4 (b) of this legislation under any state or federal law, within Nantucket Sound.

Alliance to Protect Nantucket Sound
American Bird Conservancy
Barnstable Clean Water Coalition
Barnstable Municipal Airport Commission
Cape Cod Chamber of Commerce
Cape Cod Marine Trades Association
Cape Cod Maritime Museum
Cape Wildlife Center
Cetacean Society International
Crosby Yacht Yard
Earth Island Institute/ International Marine Mammal Project
Gloucester Fishermen's Wives Association
Greater Hyannis Chamber of Commerce
Hy-Line Cruises
Hyannis Marina
Mashpee Wampanoag Tribe
Massachusetts Commercial Fishermen
Massachusetts Competitive Partnership
Massachusetts Fishermen's Partnership
Massachusetts Lobstermen's Association
Martha's Vineyard Chamber of Commerce
Nantucket Anglers' Club
Nantucket Chamber of Commerce
Orenda Wildlife Land Trust
Osterville Anglers' Club
Osterville Historical Museum
Pegasus Foundation
Save Popponesset Bay
South Shore Lobster Fishermen's Association
Town of Barnstable
Town of Edgartown
Town of Mashpee
Town of Oak Bluffs
Town of Tisbury
Town of Yarmouth
Trustees
Vineyard Conservation Society
Wampanoag Tribe of Gay Head (Aquinnah)

July 24, 2018

Dear Senator Markey, Senator Warren and Congressman Keating:

We the undersigned write to you to urge you to introduce and support federal legislation to secure permanent protection for Nantucket Sound. Nantucket Sound and its historic, environmental, wildlife and cultural resources are of great importance to the regional economy - supporting commercial and recreational fishing, tourism, marine transportation, aviation, marine trades, and other businesses and industries that are vital to the Cape and Islands.

Permanent protection would preserve Nantucket Sound's rich cultural and tribal heritage and the historic features of its maritime history, including the role of our fishing industry. It would maintain the Sound's unique environment with respect to fish, marine mammals and birds. The area is a recognized habitat for many state and federally protected species, including roseate terns, piping plovers, sea turtles, right whales and grey seals. Protection would also promote tourism and benefit the regional economy of the Cape and Islands. As historic preservation advocates, environmentalists, commercial fishermen, tribes, businesses, chambers of commerce, municipalities, environmentalists, elected officials and others, we fully embrace this important preservation goal.

Nantucket Sound, Cape Cod and the Islands of Martha's Vineyard and Nantucket form an integral part of the maritime history of this country. The adjacent land areas are home to numerous historic properties, including the National Historic Landmarks of Nantucket Island and the Kennedy Compound in Hyannis Port. This unique ecosystem is home to many different species of wildlife, including federally protected birds, and several types of seals, porpoises, turtles and whales. The Sound supports a fishing industry that is of historic significance and continuing economic importance, and it attracts millions of visitors each year to drive our local tourist economy. Nantucket Sound also has sacred value to the Native American people of the region and, as such, has been designated a traditional cultural property eligible for listing on the National Register of Historic Places.

We fully support protection for the historic, environmental, cultural and tribal resources of Nantucket Sound while allowing for continued commercial and recreational fishing activities and other ecologically and economically sustainable uses of the marine environment, including the siting of electrical transmission infrastructure from responsibly-sited clean energy projects. We urge you to designate the Sound as a National Historic Landmark to recognize this unique cultural, tribal, environmental and maritime history. We also urge you to prohibit the issuance of any leases or permits authorizing energy generation projects in the Sound while ensuring that no regulatory or management authority of commercial or recreational fishing activities is added through this legislation. Furthermore, we urge that this legislation not in any way prohibit or otherwise impact the installation of transmission infrastructure that is used exclusively to connect to the mainland grid offshore wind generation facilities whose turbine arrays are located more than 10 miles from an inhabited area or that are located in upland locations.

Such a bill would be precedent-setting legislation that achieves protection of the many public interest values of an entire marine ecosystem and does so without imposing additional cost or management responsibilities on government or new regulatory requirements on businesses or the public. We appreciate your prompt attention to enactment of federal legislation to preserve this national treasure in perpetuity. Thank you.

Audra Parker
President and Chief Executive Officer
Alliance to Protect Nantucket Sound

Steve Holmer
Vice President of Policy
American Bird Conservancy

Zenas Crocker
Executive Director
Barnstable Clean Water Coalition

John T. Griffin, Jr.
Chairman
Barnstable Municipal Airport Commission

Wendy Northcross
Executive Director
Cape Cod Chamber of Commerce

Scott Zeien
President
Cape Cod Marine Trades Association

David McCaskey
Executive Director
Cape Cod Maritime Museum

Zak Mertz
Executive Director
Cape Wildlife Center

David Kaplan
President
Cetacean Society International

Gregory R. Egan
Vice President
Crosby Yacht Yard

Dave Phillips
Executive Director
Earth Island Institute/ International Marine Mammal Project

Angela Sanfilippo
Executive Director
Gloucester Fishermen's Wives Association

Todd Deluca
Executive Director
Greater Hyannis Chamber of Commerce

R. Murray Scudder, Jr.
Vice President/Operation
Hy-Line Cruises

Wayne Kurker
President
Hyannis Marina

Nancy Gardella
Executive Director
Martha's Vineyard Chamber of Commerce

Chuckie Greene
Director Natural Resources
Mashpee Wampanoag Tribe

Ron Borjeson
Vice President
Massachusetts Commercial Fishermen

Dan O'Connell
President and Chief Executive Officer
Massachusetts Competitive Partnership

Angela Sanfilippo
Executive Director
Massachusetts Fishermen's Partnership

Arthur "Sooky" Sawyer
President
Massachusetts Lobstermen's Association

Kris Wiggin
President
Nantucket Anglers' Club

David W. Martin
President/CEO
Nantucket Island Chamber of Commerce

Theresa M. Barbo
Executive Director
Orenda Wildlife Land Trust

Bruce Cunningham
President
Osterville Anglers' Club

Jennifer Morgan Williams
Executive Director
Osterville Historical Museum

Barbara Birdsey
Founder
Pegasus Foundation

Mike Oleksak
President
Save Popponesset Bay

John Haviland
President
South Shore Lobster Fishermen's Association

Mark Ells
Town Manager
Town of Barnstable

Board of Selectmen
Town of Edgartown

Board of Selectmen
Town of Mashpee

Board of Selectmen
Town of Oak Bluffs

Board of Selectmen
Town of Tisbury

Dan Knapik
Town Administrator
Town of Yarmouth

Barbara J. Erickson
President & CEO
Trustees

Brendan O'Neill
Executive Director
Vineyard Conservation Society

Cheryl Andrews-Maltais
Chairwoman
Wampanoag Tribe of Gay Head (Aquinnah)





Diane Davidson

From: Phyllis Downey <phyllis.downey@falmouthmass.us>
Sent: Monday, August 13, 2018 11:45 AM
To: 'Nate Mayo'
Cc: 'Peter Johnson-Staub'; 'Diane Davidson'; estephens@vinyardwind.com; dmiller@vinyardwind.com
Subject: Confirmation: Town of Falmouth presentation

Hello Nate,

We can confirm the presentations will take place, Monday, September 24th at approximately 7:45 pm, depending upon the pace of the meeting.

Thank you very much for your help in this matter. Please let me know if you have any questions or I can be of any help.

Best,
Phyllis

Phyllis Downey

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

From: Nate Mayo [mailto:nmayo@vineyardwind.com]
Sent: Tuesday, August 07, 2018 12:54 PM
To: Phyllis Downey <phyllis.downey@falmouthmass.us>
Cc: Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>
Subject: Re: Town of Falmouth RE: Visual Voicemail from 5084957325 - FALMOUTH,TOWN O

Ok Phyllis – I've blocked those out. Pls reach out as we get closer to a confirmed date.

From: Phyllis Downey <phyllis.downey@falmouthmass.us>
Date: Monday, August 6, 2018 at 2:29 PM
To: Nate Mayo <nmayo@vineyardwind.com>
Cc: Peter Johnson-Staub <peter.jstaub@falmouthmass.us>, Diane Davidson <ddavidson@falmouthmass.us>
Subject: RE: Town of Falmouth RE: Visual Voicemail from 5084957325 - FALMOUTH,TOWN O

Hello Nate,

Thanks very much for getting back to me. The expected date for presentation is Monday, September 10th, however, we cannot confirm the date yet. The alternate date is September 24th. I will follow up with you to confirm as soon as possible.

Presentations are likely to appear after 7:15 pm on the agenda. Participants are asked to make presentations that are no longer than 10 minutes as the agenda will be full.

Thank you for putting together this information for the Board of Selectmen. We look forward to seeing you soon.

Best regards,
Phyllis

Phyllis Downey

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

From: Nate Mayo [<mailto:nmayo@vineyardwind.com>]

Sent: Monday, August 06, 2018 11:14 AM

To: Phyllis Downey <phyllis.downey@falmouthmass.us>

Cc: dmiller@vineyardwind.com; estephens@vineyardwind.com

Subject: Re: Town of Falmouth RE: Visual Voicemail from 5084957325 - FALMOUTH,TOWN O

Phyllis, happy to be a part of a September meeting – will give your board background and status of our project and our sense of the Alliance legislation. Thanks for reaching out and I'll wait to hear about firm dates.

-nate

Nathaniel Mayo
Manager, Development and Policy



700 Pleasant St, 5th floor
New Bedford MA 02740
cell: 617.840.4045

From: Phyllis Downey <phyllis.downey@falmouthmass.us>

Date: Wednesday, August 1, 2018 at 3:21 PM

To: Nate Mayo <nmayo@vineyardwind.com>

Cc: "dmiller@vineyardwind.com" <dmiller@vineyardwind.com>, "estephens@vineyardwind.com" <estephens@vineyardwind.com>

Subject: Town of Falmouth RE: Visual Voicemail from 5084957325 - FALMOUTH,TOWN O

Hello Nate,

As August begins, I wanted to reach out to you once again to inquire about Vineyard Winds' availability to speak with, or present to, the Falmouth Board of Selectmen in September. The Board seeks Vineyard Wind's perspective on the proposal by the Alliance to Protect Nantucket Sound to establish the Sound as a National Historic Landmark. It is important that the Board has as much pertinent information to consider while reviewing this matter as possible. Please let me know your availability.

Thank you very much,
Phyllis Downey

Phyllis Downey

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

The minutes of June 18, 2018 are being re-submitted to include the requested corrections as follows:

Page 1: Item 2. Change “Moran” to “English Braga”

Page 8: Correct the appointment term dates of Casey, Dalton and Crossen to: “6/30/21”.

Correct the appointment term date of Braga to: “6/30/19”.

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 English Braga 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. 41st 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 6/30/21. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

Mr. Jones motion to appoint Mr. Braga to a term ending 6/30/19. 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

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, SEPTEMBER 10, 2018
SELECTMEN'S MEETING ROOM
TOWN HALL

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

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Gregg Fraser, Marine and Environmental Services Director; Edward Dunne, Police Chief; Bill MacKinnon, Massachusetts Interlocal Insurance Association (MIIA).

1. Chair Moran called the open session to order at 6:00 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Review/Discussion of Elijah Smith Legal Claim because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Patterson, aye; Ms. English Braga, aye; Chair Moran, aye; Mr. Jones, aye. Absent: Mr. Brown.
2. Chair Moran reconvened the open meeting at 7 pm.
3. Pledge of Allegiance
4. Recognition

Ms. English Braga recognized Walter Crotty who passed away last month, he served the community youth, sports, and making sure the Town upheld its commitment to young folks. The BOS sends condolences to his wife and family, he made a lasting impact on the Town.

5. Announcements
Mr. Jones and the FPD reminded the community about IRS scams and scams of people saying they are family and need money sent via wire.

Ms. English Braga reminded all that the senior center open house will be held 9/17/18 from 3-6 pm at the current Senior Center on Dillingham Avenue.

Mr. Johnson Staub announced that they are in the process of upgrading audio/video systems, no live broadcast today and audio will be from 1 microphone on the camera. The new system will be installed by the next meeting.

6. Public Comment
None.

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

Applicant not present. This was previously on the agenda and continued for another month for another opportunity to appear before the board.

Ms. English Braga motion to table this item to later this evening. Second Mr. Patterson.
Vote: Yes-4. No-0. Absent-1.

The applicant addressed the BOS, they will partner with others such as Bad Martha Brewery, Cisco, and other breweries and wineries, for an open house, sampling, 3 oz. and less, they do not want issues regarding over serving and are trying to encourage customers to come into the store. re: over serving, trying to encourage customers to come in between 5-7 pm, about 25-30 people come through to do a free sampling.

The BOS noted BOS permission is not needed.

Ms. English Braga motion approval for the dates requested. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

- b. Application for New Entertainment License – Josh’s at Davisville, 339 East Falmouth Highway

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

- 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

Mr. Patterson motion approval as conditioned. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

2. Administrative Orders

- a. Approve Request for Waiver of Building Permit Fees – 72 Deer Pond Road

Mr. Suso received a request from applicant for waiver of fee, they are a private nonprofit corporation to build affordable home. Internal review was completed and this applicant conforms to all requirements and Mr. Suso recommends the BOS favorable consideration. Does not include inspectional fees.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

- 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

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

- 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

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

3. Special Events

New - Recommended:

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

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

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

Chair Moran told Attorney Wall there is an absent BOS member and asked if he still wanted to proceed. Attorney Wall said he would like to proceed.

Chair Moran read the hearing notice.

Attorney Ryan Wall, represents the applicants Steven Balas and Michael Kachadoorian also present was Michael Borselli. Full hearing was held on 8/6/18, he noted it is his understanding that it was continued because Kevin Murphy spoke and referenced a requirement that if you are an abutter and someone is proposing a dock within 50 feet of your property, then written approval is required. The BOS asked for

Town Counsel opinion, Attorney Wall saw an email that there is no such Town bylaw or rule and suggests that it is actually a DEP requirement. The BOS heard testimony about the channel being crowded and if this was approved it will overload the channel, they further investigated the legality of the floats in the channel. He showed the diagram and provided an exhibit to the BOS. He hired a title examiner to research each canal property regarding what was there lawfully. He described the findings to the BOS; one property has no permit, another has chapter 91 but no others, another has no permits, and chapter 91 for 2 floats half the size of what is in the water and no other permits. Attorney Wall finds it ironic the abutters are opposed to the project asking the BOS to regulate the aquatic resources to protect their use, there are no lawful zoning permits in the channel. Attorney Wall asks the BOS grant his clients the permit because they are following the process, all of the other property owners need to ask the BOS for special permit for their floats. If that were done, there would be enough room for all.

Ms. English Braga noted that after the last hearing, the BOS received a correction from Attorney Wall that the width of the channel was actually closer to 68 feet, not the 78 feet stated by Mr. Borselli in the previous hearing.

Public Comment:

Shirley Matta stated she has been there for 33 years and there were never a boating accident until last Saturday. She showed the BOS her property on the plan and said that her docks were registered.

According to Attorney Wall, the Title examiner found for the Matta property had an interim Chapter 91 license for 2 floats and one for the seawall.

Leslie Matta said last weekend she saw a single engine Boston Whaler boat come into the canal, tried to do a three point turn, went to the end, took a sharp left, and tried to back up just missed a boat and on the other side they whacked their neighbor's dock.

Attorney Drew Hoyt, representing the Dundulis' and told the BOS that the Dundulis' floats are permitted and licensed for two floats along with a negative determination from the Conservation Commission for his floats. Attorney Wall's findings are inaccurate.

Mr. Jones noted no order of conditions granted for those, Attorney Hoyt said when a negative determination of applicability it is saying none is needed. He has documents for the BOS.

Ms. English Braga noted what may be approved is not actually in existence, on Attorney Wall's plan, the gold is what is approved, and the red is what is in existence. Attorney Hoyt confirmed that.

Attorney Wall noted a negative determination means whatever the applicant wrote did not warrant an order of conditions. That would not have been found in the title search.

Attorney Duffy said a negative determination of applicability is determined on what they applied for and would not be recorded in the Registry of Deeds. Special permit from the BOS would have been issued, it must be recorded to take effect.

Attorney Hoyt noted that with respect to the other red boxes on the plan, the other consideration noted is that under the zoning act, a structure in place for 10 years is grandfathered in any case. The owners may be able to speak to how long they have been in the water.

Mr. Jones noted the area is crowded and some boats are not owned by the property owners and may be being rented out or being gifted the space. Attorney Hoyt said the Dundulis' son has a boat that sometimes is there and sometimes a neighbor, in both cases it is free.

Attorney Duffy said that if a property owner has a licensed dock and makes a separate agreement for a third party to use it, they may have a commercial enterprise in a residential district and he would like to look into this type of situation. Typically if a dock with a private residence, it is presumed the owner would use it.

Steve Balas, owned the property for 8 years, began using it as his primary residence 3-4 years. Where there is no licensed feature in three docks on the plan; that is where a 40' boat is that is there all year and questioned whether it was a free situation. Another has a boat and whaler on a dock and two moorings; Mr. Balas believes the boat owner has lent a hand to the maintenance or reconfiguration of the docks,

which would be consideration. Another has been there for years and Mr. Balas has observed him working on the dock, reconfiguring things, and that is an exchange of consideration. Another has a boat and whaler on a dock and 2 moorings, Mr. Balas believes he has lent a hand to maintenance or reconfiguration of the docks, which is consideration. Ms. Mata has a tenant on the dock that uses the boat on one of their docks, Mr. Balas would like to see someone under oath say they are not getting paid. Another person told Mr. Balas that Mr. Matta rented out his 100 feet of dock.

Ms. English Braga expressed concern that there are a number of floats not fully registered or dealt with appropriately in any way. If a process was gone through, they still have admission that the floats do not conform to initial filing.

Anthony Pentikis said his two docks are on the plan and went through the Conservation Commission 6 years ago and got the sign off and asked if they could put docks in and they proceeded to do so. He hired Cape and Island engineering to get him in compliance, also trying to do what the state wants him to do. He provided Chapter 91 documents to the BOS. His father had Chapter 91 license and got a 99 year permit, if they were told to take the next steps they would have. Sometimes there is a whaler there, it is a friend, and there is no fee or consideration. He is joint owner of the boat that goes there.

In favor of the Application:

Michael Kachadoorian, Dundulis claims his docks were grandfathered because they have been in for over 10 years but contradicted that statement by saying the floats have been in for 6 years.

Attorney Wall addressed the 10 year rule, this may not apply in this case because the people who would claim that do not own the land, the Commonwealth of MA owns the land or the developer because it was land that was dredged out to create the canal. No one on the canal owns beyond the bulkhead. And even if it did apply, you still need a Chapter 91 license. If one looks at the canal and what is there legally, there is plenty of room for this pier and for those that would come forward.

According to Mr. Borselli, if the boats on the diagram were all the size of those on the dock, there would be about 6-10 feet available for maneuvering.

Ms. English Braga said it is a tight space and there is a need to balance fairness of those who lived there a long time but concerned about it being a less user friendly area with someone trying to create a better usability of property they own to try to create something that is easier for them to use and there are a lot of folks who are not in compliance, which makes this whole area difficult to use.

Mr. Patterson feels people should respect their neighbors and accommodate each other in reasonable docking configurations.

Mr. Jones noted most of these licenses the BOS has voted in the past, the structure cannot be left for compensation. If no boats by those who are not property owners, this is a smaller problem. He does not like the configuration of this dock in this area. He would rather have 2 docks along the bulkhead and ask the owners of the other docks to configure to what was allowed.

Frank Dandulis, has been a resident for 14 years, read a letter to the BOS noting the dangerous navigation, all neighbors park adjacent to the bulkhead along their property. This could impact value of their home because 60 feet of dockage will be too dangerous to park their boats. Mr. Dandulis read a letter from Cape and Islands engineering letter regarding the canal being created around 1971; the intent with the property owners floats parallel to the bulkhead. He appreciated Mr. Jones taking the time to walk on the dock and look at the situation.

Kevin Murphy, Precinct 5, noted that the applicant had a float for many years in front of the property. This was built as a bulkhead dock, people stopped using ladders to enter their boats, and they now use floats. He asked the BOS ask the applicant to go back to come up with a solution for all.

Attorney Hoyt said that his client would like to find a better configuration and he sent an email to Attorney Wall about looking at another configuration. The measurements of the frontage of other properties to the applicant's was reviewed. He asked the BOS reject this application and tell them to come back with another configuration discussed with neighbors and one that works. The Dundelis' are working to address nonconformity and will put in and use what is compliant.

Steve Balas clarified that opponents of his plan are trying to make it look like they are pushing through a permit. The neighbors who occupy the docks who do not live there cut off any possible angle for the other applicant to use any part of his bulkhead. Mr. Balas objects to what the neighbors say he is pushing through a permit phase, he is following the proper process.

Mark Greeney. Falmouth resident, he does not see why they cannot put a 3 foot float in front of their property, they are using space that could be used by someone else.

Michael Borselli clarified a lot of thought went into this plan and other agencies' compliance, need 3 feet of water for floating dock, that's why they picked this style. Even if alongside the bulkhead, depth is not sufficient to meet the Conservation Commission requirement.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

The BOS made the following findings:

1. It is a manmade canal, not naturally occurring water body, and the Conservation Commission might look at things differently.
2. There are a large number of docks in this canal, some have licenses, some have found no evidence of licenses, and some are of different size of what is licensed.
3. There are more boats being stored here than there are property owners.
4. There are a number of boats at the docks.
5. The pier is not welcome by the neighborhood and no agreeable solution.

Ms. English Braga motion to approve the findings. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Attorney Duffy noted the conclusion has to be on review and impact on the boats along the aquatic resource and the BOS is guided by what is desirable to preserve other aquatic resources in Town, this includes navigation.

Ms. English Braga motion to approve a finding regarding shellfish and navigation. This particular float does not pose any specific impact to shellfish, there has been no testimony to that fact. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion that regardless of the configuration and number of boats, navigation is challenging in this canal. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1. Mr. Johnson Staub suggested describing the existing conditions and difficulty of navigation and have as baseline to address what the proposal does to the existing conditions. Mr. Jones expressed concern about the existing conditions are challenging in a way that should not be because there is a boat too large for this canal and adding to the challenge, it is not owned by property owner.

Mr. Patterson motion to recommend granting the permit. Second Mr. Jones. Vote: Yes-3. No-1 (Mr. Jones) Absent-1. Motion failed.

BUSINESS

1. Discussion of FY2020 Budget Policy

Jennifer Petit noted the policy in the BOS packet. Highlighted changes in the revenue policy, looking at public safety positions and see what can fit in 2.5%. State revenues are being monitored. Achieved AAA bond rating from Standard and Poor's last spring. Going to borrow in November 2018 for the senior center and athletic fields projects.

Mr. Patterson commented that this is focused on getting the bond rating and suggests the fiscal policies ensure strong fiscal health and maintain and enhance the Town's quality of life.

Ms. English Braga noted a fair addition, bond rating is enormous achievement, but also balance with maintaining the level of services.

Mr. Jones would like to include a goal of maintaining and enhancing services. Ms. Petit noted it does reference the BOS strategic plan and vision for the community.

Mr. Suso will work with the suggestions made.

Ms. English Braga motion to approve. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

2. **Vote Articles and Execute Warrant for November 2018 Town Meeting**

Mr. Jones motion to approve Articles 1 through 7. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

Article 8

Mr. Patterson commented that this article references site plan review authority and he has no idea who that is and it would need to be the Planning Department.

Attorney Duffy explained that the zoning bylaw has a provision, the site review authority is the BOS and another identifies the authority. If you read the whole bylaw, it will all fall into place. This goes to the Planning Board and they would hold a hearing. At the last Town meeting a petitioner for a solar array proposed an article, the Planning Board approved, but during Town Meeting debate it failed to pass. Lawrence Lynch wants to build the array and have a petitioner's article, the Planning Board asked the Town Planner to come up with an article for the BOS. Article 8 is the Planning Board's article to create an overlay district where solar would be permitted by special permit with the terms and conditions of approval. The Planning Board has gone through Town where there is disturbance regarding previous sand pit with open space and they would impose this overlay district over these large parcels as suitable for solar array. The Planning Board has not formulated their recommendation, but it is their article. In another area proposed moratorium is that if Article 8 does not pass, then the Planning Board would ask for a moratorium for solar articles for at least one year that would allow them to come back with another one. There are 2 articles from Zweig and Lawrence Lynch to allow solar arrays in certain districts. Attorney Duffy received a comment from Lawrence Lynch, they would like to have the BOS put the moratorium last in order. Attorney Duffy noted it is the BOS discussion. Mr. Suso's position is subject to the Planning Board weighing in that is the intent for the Planning Board by positioning it that way.

Paul Dryer, Planning Board, said that is backup condition if the one parcel does not pass than the moratorium. The intent is to go forward with the district they are trying to develop and the Planning Board will discuss this tomorrow night.

Mr. Jones motion Article 8 as 8, 10 as 9, 9 as 10, and 11. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Article 12. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Mr. Jones motion to approve Articles 13 and 14. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Article 15. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Articles 16 and 17. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Article 18. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Mr. Jones motion to approve Articles 19, 20, 21, and 22. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

Mr. Jones motion to approve Article 23. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Article 24. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Mr. Jones motion to approve Article 25. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

Ms. English Braga motion to approve Articles 26 through 32. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

3. Report – Menauhant Beach – John Ramsey, Applied Coastal; Jim McLoughlin, DPW/Engineering James McLaughlin Town Engineer presenting report on Menauhant beach. Hired Applied Coastal to model the erosion that has occurred and look at alternatives to address it. John Ramsey put together a slide show with report findings and intent is to protect the beach, protect the roadway and its approach over Bourne’s Pond inlet proposing to rebuild.

John Ramsey made a PowerPoint presentation. High erosion area, needs to be looked at. Reviewed the history of the area. Over the years the shoreline has eroded, the opposite occurred in some areas indicated on the map. If nothing is done, the shoreline will get to the road in less than 40 years.

Various sources of data were utilized to develop and parameterize the different models applied in this study. US Army Corp of Engineers wave information study 35 year review of winds and waves, tides measured in Bourne’s Pond and Vineyard Sound, topography and bathymetry available through NOAA. The goal is to extend the life of the beach to a serviceable life of the proposed bridge, which is 50-75 years.

Conclusions is that use of new structures can enhance design life of nourishment, about 30,000 cubic yards of material would be needed. The work would cost about \$1 million, the bridge is in the \$5.5 million dollar range.

Charlie McCaffrey, Coastal Resiliency Action Committee
Nothing to add tonight have heard from Mr. Ramsey, members have been reading the report and discussing at meetings. They will get comments to the BOS in the next couple weeks.

The BOS noted this presentation shows this is an ongoing process and there are softer fixes paired with more long term projects. She would like this presentation to be available on the Town website. Ms. English Braga would also like to have an inventory of those vulnerable points in the shoreline developed for future planning.

4. Review, Vote and Approve 2018 – 2019 Shellfish Regulations
Greg Frasier, Marine and Environmental Services Director, said these are the standard regulations brought forward every fall. Package in the packet is very similar to last year.

Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

5. Status Report on Dutch Elm Disease, Downtown – Jeremiah Pearson and Peter McConarty, DPW
Jeremiah reported 3 diseased elm trees on Main St. and handed document to the BOS.

Post Office, Maxwell and Co, and third tree.

Every year we treat our trees, but it is not 100% effective.

Ms. Suso noted that he reached out to Congressman’s office, and Postmaster was contacted and indicated the budget for main post office does not have funds to accommodate removal, so Mr. Suso appealed to the Congressman to appeal for special funds for this removal. Response has been they are reviewing all options and will get back to Mr. Suso. Mr. Suso will contact them for an update this week. This is time sensitive.

Replacement is being considered, the Maxwell and Company along with Chapman, Cole, and Gleason locations could be replaced with another tree, but they would be surrounded by asphalt. They could opt to plant other trees elsewhere. Options are currently being considered.

6. Request for Sign Variance – Off-Premise Promotional Banners – Cape Cod Marathon – Falmouth Track Club

Jack Afarian, Race Director, wants to make changes to make the race better and one thing he wants to do is hang banners along Main Street and showed a sample of the banner. Historic Commission approved and

suggested putting them up for a month before the race. Letter in the packet requests 20 banners on poles that are not already slated for scarecrows. Asking permission to hang the pole banners. The brackets have rubber behind so the metal bracket won't damage the pole. The DPW agreed to put them up.

Mr. Suso questioned the historical commission approval, this is the first time he has heard that suggestion. The BOS should check for proper guidance.

Peter McConarty, Deputy Director of the DPW

These are mounted with bands. Will work out logistics. Has to be 7 feet up from the ground. Poles are 12-14 feet high. DPW bucket trucks would be used to put them up.

Mr. Pearson commented that the holiday wreaths are larger than this sign.

The BOS discussed the potential precedent setting another responsibility for the DPW, noting this is not the only commercial district in Town.

Ms. English Braga noted it is always looking to extend shoulder season for merchants, many of the businesses are likely happy to have them come to Town. Anytime a decision like this, it is new, and may need a policy in the future, but nice to hear feedback from DPW and see this as a trial run.

Mr. Jones supports it because a marathon is troubling time for those who are not participating in it, these signs will put the community on notice of the event.

Ms. English Braga motion approval for up to 20 signs or some amount to be determined to work to be put up 10/17/18 through 10/29/18. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

7. Annual Committee Reappointment

Mr. Jones motion to reappoint Robert Teixeira to a term ending 6/30/19. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

8. Announce Revision to November 2018 Annual Town Meeting Schedule

Ms. English Braga noted a single change for date the BOS to vote article recommendations 10/1/18 rather than 9/24/18. This allows the BOS to hear reports on petitioners' articles.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

9. Minutes of Meetings:

Public Session

June 18, 2018

The minutes were held and corrections will be made with staff.

Executive Session

June 18, 2018

Being prepared.

August 6, 2018

Mr. Patterson motion approval and not release. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.

10. Individual Selectmen's Reports

Mr. Patterson:

Nobska efforts to the keepers house into educational maritime museum, moving rapidly and raised 40% already. Operational issues being looked at with trust to pay for ongoing maintenance. A lot of attendance, tower is open Tuesday and Thursday noon-2 pm through Columbus Day.

Attended briefing of state delegation introducing the PACE program and read Property Assessed Clean Energy program, for commercial buildings to finance energy improvement projects. MA Development program and part of state incentive for conservation.

Ms. English Braga

Recognition that all are back to school.

11. Review of Town Manager's Report

Mr. Suso reminded all the annual 9/11 ceremony hosted by the FFD will be held at FFD Headquarters at 9:45 am.

Mr. Johnson Staub reported that he and Carla Feroni worked with Associate Town Counsel Pat Harris to save an affordable housing unit from foreclosure, but that failed. The judge denied injunction, that mortgage was increased by what was allowed by the deed. The deed does not survive foreclosure.

Mr. Suso noted disappointed MA Housing did not partner with the Town to save this affordable unit.

12. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn at 10:13 pm. Second Ms. English Braga. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

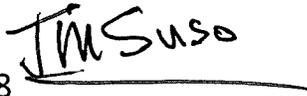
DRAFT

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: September 21, 2018

Handwritten signature of Julian M. Suso in black ink, with a horizontal line underneath the signature.

- The Board will consider a number of housekeeping items under Summary of Actions. Among those are: requests for approving expenditures from the Falmouth Affordable Housing Fund for affordable housing purposes; accepting a donation from the Rod and Gun Club toward the future purchase of a Firearms Training Simulator for the Police Department; authorizing a grant application for an ADA-Transition Plan through Public Works in cooperation with the Disability Commission; and authorizing a letter in support of maintaining the existing NOAA Offices in Woods Hole.
- Selectmen will be convening four public hearings in furtherance of addressing the four major, remaining downtown commercial properties, which must seek a wastewater variance under the Flow Neutral Bylaw.
- The Cape Cod Commission will be presenting *for informational purposes only* the completed Woods Hole Historic District Planning Study which was earlier authorized in support of the Historical Commission. Following this, Historical Commission Chair Ed Haddad will comment upon suggested prioritized actions for the Board to potentially consider at a later time. I want to emphasize that Selectmen are *not* being asked to take any vote on these matters, as this is informational only.
- As per standard procedure, Petitioners are scheduled to make brief presentations to the Board on their respective petition articles in advance of the November Town Meeting. Selectmen will consider taking a position on these articles at your *next* regular meeting.
- The Board will be hearing presentations from representatives of the “Alliance to Protect Nantucket Sound” and also from “Vineyard Wind.”
- I was pleased to attend the Finance Committee’s meeting on Tuesday evening and the Senior Center Building Committee as well.
- As a reminder, the Board will be meeting in your newly renovated Meeting Room on Monday evening.
- Enjoy the “last weekend of summer/first weekend of the fall.”