

TOWN OF FALMOUTH
BOARD OF SELECTMEN
AGENDA – Revised 2/22/2019
MONDAY, FEBRUARY 25, 2019 – 7:00 P.M.
SELECTMEN’S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE
FALMOUTH, MA 02540

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Woods Hole Model Boat Show Weekend
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Marina Park – Saturday, 9/28/19
 - b. Approve Application for One Day All Alcoholic Liquor License for Belonging to Each Other at Trade Center Bowl located at 89 Spring Bars Road, Falmouth – Saturday, 3/16/19
 - c. Approve Application for a Change of Manager of an All Alcoholic Package Store License – Lisa Liquor Inc. d/b/a Family Foods, located at 350 East Falmouth Highway, East Falmouth
 - d. Approve Application for a Second Hand Dealers License – Home Again, located at 93 East Falmouth Highway, East Falmouth
 - e. Approve Applications for One Day Wine and Malt Liquor Licenses – Fresh Pond Holy Ghost Society - Portuguese Festivals located at 408 Carriage Shop Road, East Falmouth – Sunday 6/9/19; Saturday 6/22/19; Sunday 6/23/19; and Saturday, 8/17/19
2. Administrative Orders
 - a. Vote to approve Falmouth Housing Trust’s LIP LAU application to the Department of Housing and Community Development to include the affordable home built at 72 Deer Pond on the Falmouth Subsidized Housing Inventory
 - b. Vote to approve request from the Falmouth Housing Corp. for a waiver of building permit, sewer service application and sidewalk application fees for Little Pond Place affordable housing complex
 - c. Acting as Trustees of Falmouth Affordable Housing Fund, Vote to authorize Town Manager to amend Land Development Agreement with Falmouth Housing Corp for Little Pond Place affordable housing complex as submitted. And further to authorize previously awarded funds in the form of a loan with terms to be determined in consultation with Falmouth Housing Corporation, and to authorize the Town Manager to execute all documents consistent with this vote.
 - d. Authorize Town Manager and Town Counsel to respond to Beaty Open Meeting Law complaints received 2/12/19 and 2/14/19.
 - e. Vote to approve Grant of License to Peter and Diane Wirth for them to enter upon and use a portion of the Town’s property to construct a retaining wall on their own property at 88 Gardiner Road, Woods Hole
 - f. Vote to temporarily relocate voting for the voters of Precinct 2, currently at the Recreation Center, 790 East Main Street, to the Senior Center, 300 Dillingham Avenue
3. Special Events

Recurring - Recommended:

- a. Woods Hole Model Boat Show – Woods Hole Historical Collection & Museum – Parking Meters Not in Use along Water St. and Luscombe Ave. Friday, 4/12 after 3:00 p.m. to Sunday, 4/14/19

PUBLIC HEARINGS

7:30 p.m.

1. Wetland Hearing – Thomas Dmytryck – Remove licensed float and install a new pile supported pier and pile supported boat lift – 53 Madeline Road, East Falmouth

7:45 p.m.

2. Flow Neutral Bylaw – Evaluation of Request for Variance – Holmes and McGrath, Inc. – 24 Spencer Baird Road, Woods Hole (Parcel 49A 06 000D 044)

7:55 p.m.

3. Application for Shellfish Aquaculture License – Matthew Weeks – 7.5 acre area in waters of Nantucket Sound offshore of Washburn Island

8:05 p.m.

4. Flow Neutral Bylaw – Evaluation of Request for Variance – Falmouth Commodores – Ray Paltz Building, Guv Fuller Field, 744 Main Street, Falmouth (Parcel 39 21 001 000)

8:15 p.m. BUSINESS

1. Town Manager Update on Staffing in Recreation and Beaches
2. Discussion and Update on Marks Building, Old Senior Center, Emerald House and Andrews Farmhouse
3. Discussion of Renaming and Modifying Charge, Bikeways Committee to Bikeways/Pedestrian Cmte
4. Discussion/Vote to Approve Falmouth Commodores Memorandum of Understanding (MOU)
5. Protect our Cape Cod Aquifer (POCCA) Presentation/Request on Proposed Ban on Landscaping Chemicals
6. Sign Variance Application – Additional Freestanding Sign – Pier 37 – 88 Scranton Ave, Falmouth
7. Request for Sign Variance – Off-Premise Promotional Signs – Fresh Pond Holy Ghost Society – Portuguese Festivals located at 408 Carriage Shop Road, East Falmouth – Sunday 6/9/19; Saturday 6/22/19; Sunday 6/23/19; and Saturday 8/17/19
8. Vote April 2019 Town Meeting Article Recommendations
9. Individual Selectman Reports
10. Town Manager's Report
11. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen



Woods Hole Historical Collection & Museum

P. O. Box 185
Woods Hole, MA 02543
Telephone (508) 548-7270

January 22, 2019

Selectmen, Town of Falmouth
Town Hall
Main Street
Falmouth, MA 02540

Dear Friends,

The Woods Hole Historical Museum is holding its biennial Woods Hole Model Boat Show on April 13 and 14. In previous years the selectmen have been gracious enough to issue a proclamation declaring the weekend

“WOODS HOLE MODEL BOAT SHOW WEEKEND.”

We are hoping that you would be kind enough to bestow this honor upon us again this year, and have included a draft of such a document. We come with the support of local businesses, as we invite about 100 exhibitors and 500 visitors to the village.

If you would like us to come to the selectmen's meeting to make a presentation, we would be happy to send a representative from the museum. Thank you very much for your support.

Sincerely,

A handwritten signature in black ink that reads "Deborah G. Scanlon". The signature is fluid and cursive.

Deborah G. Scanlon
Executive Director

A handwritten signature in blue ink that reads "Jennifer S. Gaines". The signature is cursive and elegant.

Jennifer S. Gaines
Coordinator, Model Boat Show



PROCLAMATION

WHEREAS: In view of the Woods Hole Historical Museum's role in preserving and teaching the community about the history of the coastal village of Woods Hole and encouraging the education and participation of the public at large with exhibits, walking tours, talks, traditional craft workshops and teaching traditional boatbuilding skills;

WHEREAS: The Museum is hosting the Twelfth Biennial Woods Hole Model Boat Show and encouraging hundreds of visitors and exhibitors to come to our town during the early spring season;

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 PROCLAIM April 13 and April 14, 2019 as

WOODS HOLE MODEL BOAT SHOW WEEKEND

IN WITNESS WHEREOF, we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed this day, Monday, February 25, 2019.

FALMOUTH BOARD OF SELECTMEN

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga, Vice Chairman

Douglas C. Brown

Doug Jones

draft

PROCLAMATION

WHEREAS: In view of the Woods Hole Historical Museum's role in preserving and teaching the community about the history of the coastal village of Woods Hole and encouraging the education and participation of the public at large with exhibits, walking tours, talks, traditional craft workshops and teaching traditional boatbuilding skills;

WHEREAS: The Museum is hosting the Twelfth Biennial Woods Hole Model Boat Show and encouraging hundreds of visitors and exhibitors to come to our town during the early spring season;

THEREFORE: We, the Selectmen of the Town of Falmouth, do hereby PROCLAIM April 13 and April 14, 2019, as

WOODS HOLE MODEL BOAT SHOW WEEKEND

2019

License Alcoholic Beverages

19-4-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To On the Water LLC

Chris Megan, Publisher/Owner

Fishing Festival & Awards Ceremony

Marina Park - Scranton Avenue, Falmouth, MA 02540

On the following described premises:

Marina Park, Scranton Avenue, Falmouth

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

This license is valid from the 28th day of September 2019 until the 28th day of September 2019, unless earlier suspended, cancelled or revoked.

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

Saturday, September 28, 2019. Hours: 12:00 p.m. to 6:30 p.m. Striper Fest.

CONDITIONS: 1. ROPE OFF A SECTION OF THE AREA WHERE ALCOHOLIC BEVERAGES WILL BE SOLD AND CONSUMED. 2. APPLY FOR A TEMPORARY FOOD SERVICE PERMIT WITH HEALTH DEPARTMENT. 3. PROOF OF LIQUOR LIABILITY INSURANCE REQUIRED. 3. COORDINATE LIQUOR TICKET SALES TO PROVIDE TIME FOR REDEMPTION.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 25th day of February 2019

Licensing Board

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

19-4-WM

PAID
\$10+\$25

TOWN OF PALMOUTH
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 548-7700

RECEIVED
OCT 15 2018
SELECTMEN'S OFFICE

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

NAME OF APPLICANT: On The Water, LLC
ADDRESS OF APPLICANT: 707 Teaticket Hwy, E. Falmouth 02536
NAME OF ORGANIZATION: On The Water's Striper Fest
MAILING ADDRESS: Same
TELEPHONE #: (508) 548-4705 ext. 212
EMAIL: val@onthewater.com
LOCATION TO BE LICENSED: Marine Park / Bandshell
TYPE OF EVENT: Festival and awards ceremony
DATE(S) OF EVENT: Sat, 9/28/19
HOURS OF EVENT: 12-6:30 PM
APPROXIMATE # OF PEOPLE: ~ 3000

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

- 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 10/12/18

Valerie Watts
(PRINT NAME)
Valerie Watts
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN

2019

License Alcoholic Beverages

19-5-AA

Fee:

25

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

Special License For The Sale Of All Alcoholic Beverages

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

To Be Drunk On the Premises

To Belonging to Each Other

Trade Center Bowl
89 Spring Bars Road, Falmouth

On the following described premises:

Trade Center Bowl, 89 Spring Bars Road, Falmouth

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

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

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

Saturday, March 16, 2019, 11:00 am to 5:00 pm

Conditions: Liquor liability insurance required. 2. Servers of alcoholic beverages must be TIPS (or equivalent) certified. Provide floor plan of area where alcohol will be served and consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 25th day of February 2019

Licensing Board

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

PAID
10-

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: Norma Railey
ADDRESS OF APPLICANT: 58 Shorewood Dr. E. Fal 02536
NAME OF ORGANIZATION: Belonging to Each Other
MAILING ADDRESS: P.O. Box 343 Falmouth 02541
TELEPHONE #: 508-548-5185
EMAIL: NormaMRailey@yahoo.com
LOCATION TO BE LICENSED: Trade Center Bowl 89 Spring Bars Rd
TYPE OF EVENT: Bowling Tournament
DATE(S) OF EVENT: Saturday, March 16, 2018
HOURS OF EVENT: 11 AM - 5 PM
APPROXIMATE # OF PEOPLE: 100

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

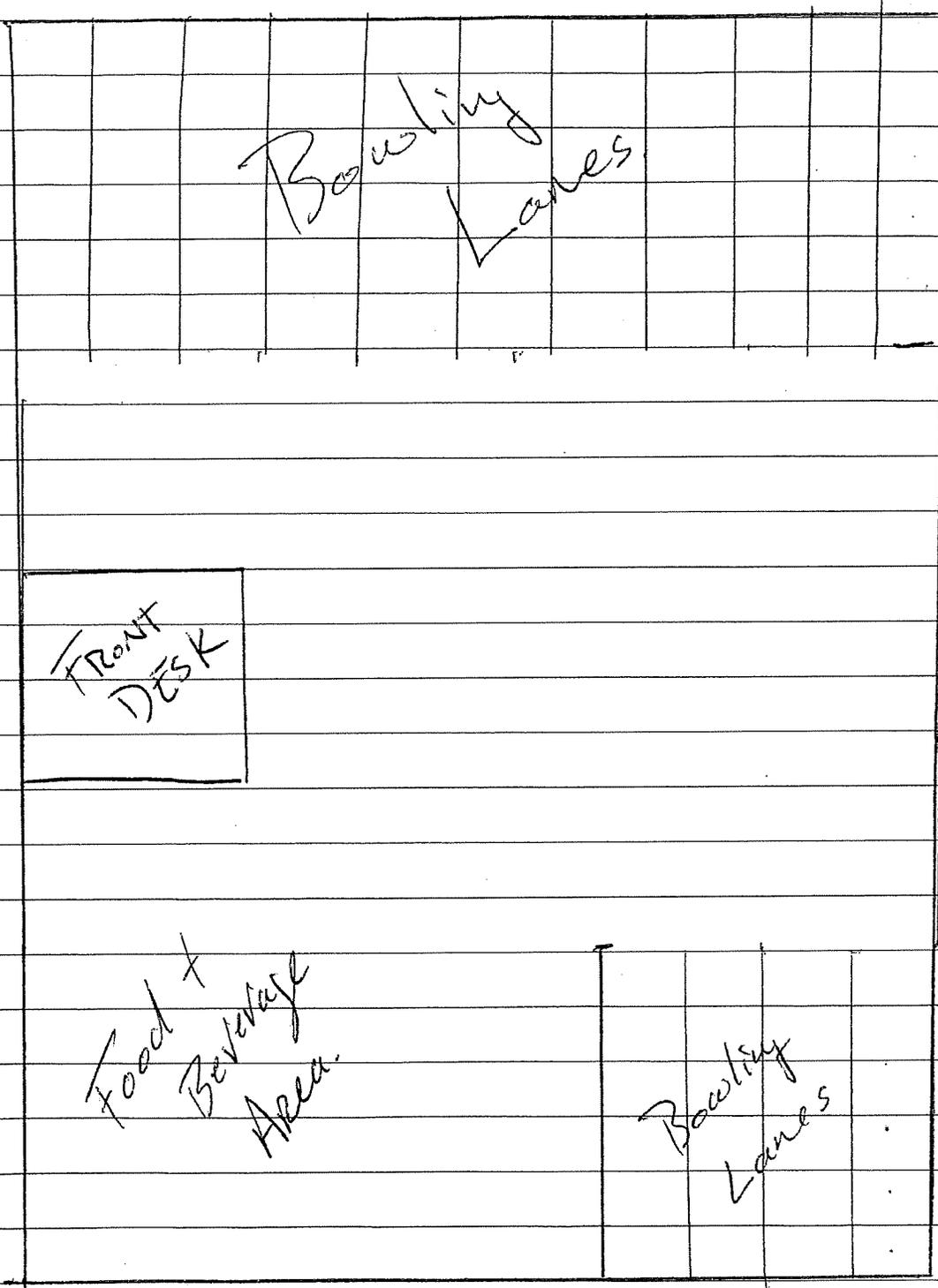
- REQUIREMENTS:
- Certificate of non-profit status (if your organization is non-profit)
 - 2. Certificate of liquor liability insurance
 - 3. Certificate of TIPS or other alcohol safety training
 - 4. Floor plan of area where alcohol will be served and consumed, and security plan
 - 5. Application for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

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT Norma Railey
(PRINT NAME)
DATE 2-1-19 Norma M Railey
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN

TRADE CENTER BOWLING



Bowling Lanes

FRONT
DESK

ENTRANCE

BR

BR

Food +
Beverage
Area.

Bowling
Lanes

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 16 2017

BELONGING TO EACH OTHER INC
PO BOX 343
FALMOUTH, MA 02541

Employer Identification Number:
81-3692267
DLN:
17053032341007
Contact Person: JASON T SAMMONS ID# 31616
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
August 23, 2016
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Saturday, February 9, 2019 5:45 PM
To: Phyllis Downey; Reid Brian
Subject: RE: One Day Liquor License application

Good evening,

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

Sean Doyle,
Lieutenant

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

From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Wednesday, February 06, 2019 1:10 PM
To: Reid Brian <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: One Day Liquor License application

Hello,

Attached please find an application for an All Alcohol One Day Liquor License for the group Belonging to Each Other, a non-profit, on the 16 of March 2019 during the hours of 11:00 am to 5:00 pm.

May we please request any recommendations you may have be shared by February 21st?

Thank you very much
Phyllis

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

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

From: Falmouth Scans
Sent: Wednesday, February 6, 2019 1:00 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Scan from Selectman-Savin-6055 Savin MP6055

This E-mail was sent from "SELECTMEN-SAVIN-6055" (MP 6055).

Scan Date: 02.06.2019 12:56:15 (-0500)
Queries to: scan@falmouthma.gov



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

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Lisa Liquor Inc.	Falmouth	00087-PK-0390

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Matthew Porter	Attorney	mporter@clozers.com	508-238-2510

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Vijay Patel	Date of Birth		SSN	
Residential Address					
Email		Phone			
Please indicate how many hours per week you intend to be on the licensed premises	35	Last-Approved License Manager	Nilesh Patel		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2001	Current	Owner	Kurt's Corner	Self-Employed

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature P. J. DeVik Date 2-5-18

APPLICANT'S STATEMENT

I, Vijay Patel the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of Lisa Liquor Inc.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Vijay Patel

Date:

02/04/2019

Title:

President

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name

duly voted to apply to the Licensing Authority of and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

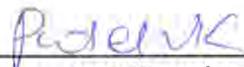
"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

For Corporations ONLY

A true copy attest,


Corporate Officer /LLC Manager Signature


Corporation Clerk's Signature



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.mass.gov/epay-for-online-payments-abcc>

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL

EPAY CONFIRMATION NUMBER

See receipt attached

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00087-PK-0390

ENTITY/ LICENSEE NAME

Lisa Liquor Inc.

ADDRESS

350 East Falmouth Highway

CITY/TOWN

Falmouth

STATE

MA

ZIP CODE

02536

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
 239 CAUSEWAY STREET
 BOSTON, MA 02241-3396

Change of Manager

- Manager Application
- CORI Authorization
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)
- Payment Receipt

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



Transaction Processed Successfully.

INVOICE #: f30166b3-8e2b-4f80-a370-e5ca5563cc7e

Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	Lisa Liquor Inc.	\$200.00
		\$200.00

Total Convenience Fee: \$4.70

Date Paid: 2/4/2019 1:53:45 PM EDT

Total Amount Paid: \$204.70

<p>Payment On Behalf Of</p> <p>License Number or Business Name: Lisa Liquor Inc.</p> <p>Fee Type: FILING FEES-RETAIL</p>
--

<p>Billing Information</p> <p>First Name: Matthew</p> <p>Last Name: Porter</p> <p>Address: 480 Turnpike Street</p> <p>City: South Easton</p> <p>State: MA</p> <p>Zip Code: 02375</p> <p>Email Address: mporter@clozers.com</p>
--

Number:
15-SHD

Fee
\$25.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Home Again
Derolyn Beitman, Owner
93 East Falmouth Highway
East Falmouth MA 02536
is hereby granted this
Second-Hand Dealer's License

To be a dealer in or keeper of a shop for the purchase, sale of barter in:

JUNK, OLD METALS AND SECOND HAND ARTICLES
in said Falmouth in accordance with the laws of the Commonwealth of Massachusetts relating
thereto, the ordinances and by-laws of said Falmouth and such rules and regulations provided for
the supervision thereof.

This license shall continue in force unless sooner revoked and is subject to sections two hundred
and two and two hundred and five, inclusive, of the General Laws, Chapter 140, as amended.

Valid from: February 25, 2019

Valid until: April 30, 2019

By order of The Falmouth Board of Selectmen

February 25, 2019

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

PAID
10.00



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

SECOND-HAND DEALER LICENSE
APPLICATION PROCEDURE

Chapter 136 – Code of Falmouth

1. Complete License Application and submit to the Selectmen's Office along with a \$10.00 filing fee.
2. Submit one recent passport-size photograph with the application and a copy of a valid driver's license or other form of identification showing photograph, date of birth and description.
3. A hearing will be scheduled before the Board of Selectmen, and the applicant will be notified of the date and time to appear.
4. After the hearing, the applicant will be notified of the status of the license and, if approved, the license will be available for pick up in the Selectmen's Office upon submission of the \$25.00 license fee.

Home Again

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Saturday, February 9, 2019 5:43 PM
To: Phyllis Downey
Subject: RE: second hand dealer license APPLICATION

Good afternoon,

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

Sean Doyle,
Lieutenant

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

From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Wednesday, February 06, 2019 3:22 PM
To: Reid Brian <broid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: second hand dealer license APPLICATION

Good afternoon,

Attached please find an application for a Second Hand Dealer License submitted by Derolyn Beitman. The address for the shop will be 93 East Falmouth Highway, East Falmouth, the same address where her shop D's Home Again was located.

May we please request recommendations for you by February 21st?

Thank you for your help,
Phyllis

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

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

From: Falmouth Scans
Sent: Wednesday, February 6, 2019 2:06 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Scan from Selectman-Savin-6055 Savin MP6055

This E-mail was sent from "SELECTMEN-SAVIN-6055" (MP 6055).

Scan Date: 02.06.2019 14:01:45 (-0500)
Queries to: scan@falmouthma.gov

Phyllis Downey

From: Douglas Decosta <ddecosta@falmouthpolice.us>
Sent: Tuesday, February 12, 2019 1:36 PM
To: 'Diane Davidson'; 'Phyllis Downey'
Subject: Background Check- Derolyn Beitman of Home Again Consignments Inc

Background Check- Derolyn Beitman of Home Again Consignments Inc Dealer of Secondhand Articles

February 12, 2019

A background check has been completed by the Falmouth Police Department of the municipal license applicant listed below:

Derolyn Beitman of Home Again Consignments Inc

The department did not locate anything that may disqualify this municipal license applicant.

Sincerely,

Lieutenant Douglas DeCosta
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4527
Fax: 508-457-2566
ddecosta@falmouthpolice.us
www.falmouthpolice.us



-----NOTICE-----

This email is intended for professional and business purposes of the Falmouth Police Department. The contents of this email message and any attachments are confidential and are intended solely for the addressee. If you are not the intended recipient please notify the sender and delete this message.

2019

License Alcoholic Beverages

19-3-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 Fresh Pond Holy Ghost Society
Portuguese Festival

408 Carriage Shop Road
East Falmouth MA 02536

On the following described premises:

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

This license is valid from the 17th day of August 2019 until the 17th day of August 2019, unless earlier suspended, cancelled or revoked.

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

4:00 - 11:00 pm

Organizers are required to speak with the detail sergeants (Loewen and Karl) to make proper arrangements for safety and security measures before each event.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 25th day of February 2019

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

Fax (508) 457-2573

WR VALADAO @ GMAIL.COM

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

NAME OF APPLICANT:

William R Valadao

ADDRESS OF APPLICANT:

395 Sandwell Rd E Falmouth MA

NAME OF ORGANIZATION OR INDIVIDUAL:

Fresh Pond Holy Ghost Society

MAILING ADDRESS (if different)

P.O. Box 2204 Falmouth MA 02536

LOCATION TO BE LICENSED:

405 Carriage Shop Rd E Falmouth MA

TELEPHONE #:

508 564 2536

DATE/S OF EVENT:

Sunday June 9th

TYPE OF EVENT:

Portuguese Festival

APPROXIMATE # OF PEOPLE:

150 - 200

HOURS OF EVENT:

NOON - 6PM

TYPE OF LICENSE:

ALL ALCOHOLIC

WINE & MALT

FOR PROFIT

NON PROFIT

IF NON-PROFIT SUBMIT COPY OF YOUR NON-PROFIT STATUS CERTIFICATE.

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT

William R Valadao
(PRINT NAME)

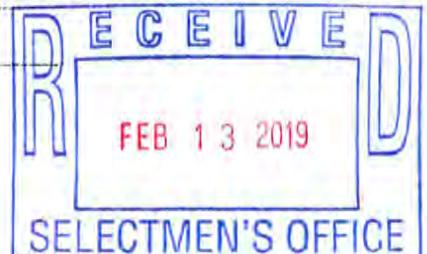
DATE

2-13-19

William R Valadao
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN



2019

License Alcoholic Beverages

19-2-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 Fresh Pond Holy Ghost Society
Portuguese Festival

408 Carriage Shop Road
East Falmouth MA 02536

On the following described premises:

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

This license is valid from the 22nd day of June 2019 until the 23rd day of June 2019, unless earlier suspended, cancelled or revoked.

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

Saturday 4:00 - 11:00pm; Sunday Noon - 6:00 pm

Organizers are required to speak with the detail sergeants (Loewen and Karl) to make proper arrangements for safety and security measures before each event.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 25th day of February 2019

_____	_____
_____	_____
_____	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
Fax (508) 457-2573



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

W.R. Valapuro @ quia.com

NAME OF APPLICANT: William R Valapuro

ADDRESS OF APPLICANT: 395 Sandwich Rd E Falmouth MA

NAME OF ORGANIZATION OR INDIVIDUAL: Fresh Pond Holy Ghost Society

MAILING ADDRESS (if different): P.O. Box 2204 Trantucket MA 02536

LOCATION TO BE LICENSED: 408 Carriage Shop Rd E Falmouth MA

TELEPHONE #: 508 564 2536

DATE/S OF EVENT: SAT June 22 Sun June 23

TYPE OF EVENT: Portuguese Festival

APPROXIMATE # OF PEOPLE: 150-200 150-200

HOURS OF EVENT: SAT- 4PM - 11PM Sun Noon - 6PM

TYPE OF LICENSE: ALL ALCOHOLIC WINE & MALT

FOR PROFIT NON PROFIT

IF NON-PROFIT SUBMIT COPY OF YOUR NON-PROFIT STATUS CERTIFICATE

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT William R Valapuro
(PRINT NAME)

DATE 2-13-19 William R Valapuro
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN



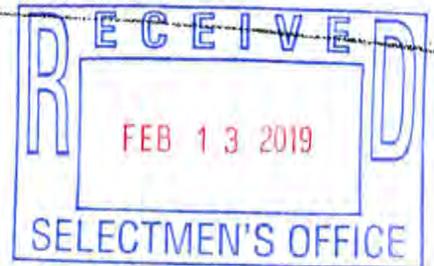
TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573



WR VALADAO

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

NAME OF APPLICANT:

William R Valadaro

ADDRESS OF APPLICANT:

395 Sandwich Rd E Falmouth MA

NAME OF ORGANIZATION OR INDIVIDUAL:

Fresh Pond Holy Ghost Society

MAILING ADDRESS (if different)

P.O. Box 2204

LOCATION TO BE LICENSED:

408 Carnage Loop Rd E Falmouth

TELEPHONE #:

508 564 2536

DATE/S OF EVENT:

Sat. Aug 17th

TYPE OF EVENT:

Portuguese Festival

APPROXIMATE # OF PEOPLE:

150-200

HOURS OF EVENT:

Sat 4PM - 11PM

TYPE OF LICENSE:

ALL ALCOHOLIC _____ WINE & MALT

FOR PROFIT NON PROFIT _____

IF NON-PROFIT SUBMIT COPY OF YOUR NON-PROFIT STATUS CERTIFICATE

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT

William R Valadaro
(PRINT NAME)

DATE

2-13-19

William R Valadaro
APPLICANT SIGNATURE

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

BOARD OF SELECTMEN

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Monday, February 18, 2019 11:20 PM
To: Phyllis Downey; Reid Brian
Subject: RE: Portuguese Festival One Day Wine Malt License applications

Good evening,

This department would ask that the organizers be required to speak with the detail sergeants (Loewen and Karl) to make proper arrangements for safety and security measures. As long as the detail sergeants are satisfied, and as long as all laws and bylaws are adhered to, then this department does not have any issues with the request.

TY,
Sean Doyle,
Lieutenant

From: Phyllis Downey [<mailto:phyllis.downey@falmouthma.gov>]
Sent: Wednesday, February 13, 2019 2:11 PM
To: Reid Brian <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: FW: Portuguese Festival One Day Wine Malt License applications

I beg your pardon, the applications are for One Day Wine & Malt Licenses.

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

From: Phyllis Downey
Sent: Wednesday, February 13, 2019 2:10 PM
To: Brian Reid (breid@falmouthpolice.us) <breid@falmouthpolice.us>; Sean Doyle (sdoyle@falmouthpolice.us) <sdoyle@falmouthpolice.us>
Subject: Portuguese Festival One Day Liquor License applications

Good afternoon,

Attached please find 3 applications for Fresh Pond Holy Ghost Society to host Portuguese Festivals at 408 Carriage Shop Road in East Falmouth.

The dates applied for are:
Sunday, June 9, 2019 from noon to 6:00 pm
Saturday, June 22, 2019 from 4:00 – 11:00 pm
Sunday, June 23, 2019 from noon – 6:00 pm
Saturday, August 17, 2019 from 4:00 – 11:00 pm

May we please request recommendations by Thursday, February 21, 2019?

Thank you,
Phyllis

Phyllis Downey

Administrative Assistant

Office of the Town Manager & Board of Selectmen

508-495-7320

Diane Davidson

From: Carla Feroni <carla.feroni@falmouthma.gov>
Sent: Tuesday, February 05, 2019 9:37 AM
To: Peter Johnson Staub
Cc: 'Diane Davidson (ddavidson@falmouthmass.us)'
Subject: BOS Meeting 2.25.19 Agenda Item
Attachments: BOD Motion to Approve LIP Application 72 Deer Pond.docx; LAU application to Town with Letter to Carla.pdf

Peter,

Attached are the FHT letter requesting the BOS approve the LIP/LAU application and the application. Additionally, I am requesting that this application be placed on the February 25, 2019, BOS meeting. I have provided a suggested motion for the BOS. Please get back to me with any questions that you may have.

Thanks,
Carla

Carla L. Feroni
Housing Coordinator
Town of Falmouth

Office (508) 495-7344
Email: carla.feroni@falmouthma.gov
59 Town Hall Square
Falmouth, Massachusetts 02540
Fax (508) 495-7463

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

February 25, 2019

Recommended Motion

Board of Selectmen Business Agenda Item # 2.a. Administrative Orders:

"I move that the Board of Selectmen approve the Falmouth Housing Trust's Local Initiative Program Local Action Unit application to the Department of Housing and Community Development to include the affordable home built at 72 Deer Pond Road on the Falmouth Subsidized Housing Inventory."

BACKGROUND:

The Local Initiative Program (LIP) is a state program that encourages the creation of affordable housing by working with communities and developers who are working together to create affordable opportunities. Projects developed through LIP have state support through services and technical assistance as a subsidy for the creation, maintenance, and preservation of affordable housing.

Local Action Units (LAUs) are affordable housing units that are a component of the LIP which give municipalities more flexibility in their efforts to provide low and moderate income housing created through municipal actions *other* than a comprehensive permit, but which meet LIP criteria and are eligible for inclusion on the State Subsidized Housing Inventory. The LIP guidelines identify the use of "Substantial financial assistance from funds raised, appropriated or administered by the city or town" as an eligible local action.

The Falmouth Board of Selectmen, acting as Trustees of the Falmouth Affordable Housing Fund (FAHF), voted unanimously at its September 24, 2018, meeting to award \$65,000 to the Falmouth Housing Trust, Inc. to develop the affordable single family house at 72 Deer Pond Road as described in the FAHF application received on May 29, 2018.

By signing the LIP/LAU application, the Town will receive state support in monitoring the on-going affordability of the unit at 72 Deer Pond Road and will reinforce Falmouth's commitment to working with the state to create and preserve affordable housing.



February 4, 2019

Board of Directors

Joanne O'Sullivan, *President*
Kevin McCarthy- *Vice President*
Susan Roman, *Treasurer*
Joan Bates, *Secretary/Clerk*
Troy B. G. Clarkson
Addie M. Drolette
David Garrison
Heather Harper
Tammy Rausch
Mark St. Jean

Executive Director

Karen L. Bissonnette, CFRE

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

Ms. Carla Feroni
Housing Coordinator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Carla,

Attached is the LIP/LAU application for 72 Deer Pond Road that was initially given to you on January 17, 2019 with the other documents required with the application.

As you can see, the application needs to be signed by the Chief Executive Officer of the Town, who is Susan Moran and the Chair of the Affordable Housing Committee, Ed Curley.

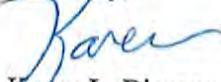
We have discussed that this document needs to be submitted to DHCH prior to them signing off on the Regulatory Agreement so that Falmouth can include 72 Deer Pond Road on the Town's SHI.

Could you please facilitate getting Su Moran's and Ed Curley's signatures on this application so that we can move this process forward.

Please let me know what I can do to help this along so that DHCH can complete the work they need to do.

Thank you so much for your help with this.

Sincerely,


Karen L. Bissonnette
Executive Director

LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS

Introduction

The Local Initiative Program (LIP) is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households.

The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B.

Local Action Units (LAUs) are created through local municipal action *other than comprehensive permits*; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

DHCD shall certify units submitted as LAUs if they met the requirements of 760 CMR 56.00 and the LIP Guidelines, which are part of the Comprehensive Permit Guidelines and can be found on the DHCD website at www.mass.gov/dhcd.

To apply, a community must submit a complete, signed copy of this application to:

**Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, Massachusetts 02114
Attention: Rieko Hayashi, Program Coordinator**

**Telephone: 617-573-1426
Email: rieko.hayashi@state.ma.us**

Community Support Narrative, Project Description and Documentation

Please provide a description of the project, including a summary of the project's history and the ways in which the community fulfilled the local action requirement.

Falmouth Housing Trust, a 501(c)3 and a Community Development Corporation, is building a 3-bedroom, 2 bath home on land that was donated by a private individual. This house will have a permanent affordable deed restriction and through a lottery, will be purchased by someone who income qualifies at no greater than 80% of AMI. The Town of Falmouth, through The Town's Affordable Housing Fund (CPC money), will be contributing \$65,000 towards this project. The house should be complete in February 2019.

Signatures of Support for the Local Action Units Application

Chief Executive Officer:

defined as the mayor in a city and the board of selectmen in a town, unless some other municipal officer is designated to be the chief executive officer under the provisions of a local charter

Signature: _____

Print Name: Susan Moran

Date: _____

Chair, Local Housing Partnership: (as applicable)

Signature: WECurley

Print Name: Edward Curley

Date: 2/22/19

Municipal Contact Information

Chief Executive Officer

Name Susan Moran, Selectman
Address 59 Town Hall Square, Falmouth, MA 02540
Phone 508 548-7611
Email selectmen@falmouthmass.us

Town Administrator/Manager

Name Julian Suso
Address 59 Town Hall Square, Falmouth, MA 02540
Phone 508 548-7611
Email jsuso@falmouthmass.us

City/Town Planner (if any)

Name Tom Bott
Address 59 Town Hall Square, Falmouth, MA 02540
Phone 508 548-7611
Email thomas.bott@falmouthmass.us

City/Town Counsel

Name Frank Duffy
Address 157 Locust Street, Falmouth, MA 02540
Phone 508 548-8800
Email fduffy@falmouthmass.us

Chairman, Local Housing Partnership (if any)

Name Ed Curley
Address 36 Meadow View Drive, East Falmouth, MA 02536
Phone
Email wecurley@yahoo.com

Community Contact Person for this project

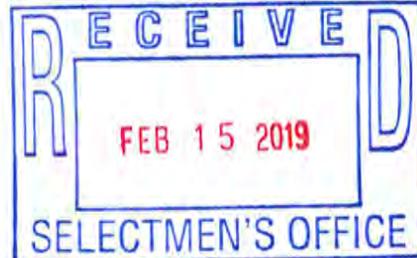
Name Karen Bissonnette
Address Falmouth Housing Trust, PO Box 465, Falmouth, MA 02541
Phone 508 274-1651
Email kb@falmouthhousingtrust.org



704 Main Street
Falmouth, MA 02540

508-540-4009 TEL
508-548-6329 FAX

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



February 14, 2019

RE: Little Pond Place Affordable Housing Project- Request for Waiver of Building Permit Fees and Utility Fees

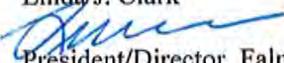
Dear Ms. Moran,

Little Pond Place, the forty-unit, 100% affordable housing project on Town-owned land in Falmouth, is nearly ready to begin construction. As you well know, this project has been a long time coming and we can see a ground breaking in the very near future. The project was awarded Federal 9% Low Income Housing Tax Credits and soft funding in the most recent State funding round, and the Falmouth Housing Corporation is excited to begin working on bringing these desperately needed affordable apartments for families on-line.

In addition to state funding, we have received commitments from the Falmouth Affordable Housing Fund (\$750,000); the County HOME Consortium (\$140,000) and funds from two local private foundations (\$205,000). Original construction estimates have risen due to escalating costs across the industry as well as construction timeframes have become longer due to construction labor shortages and a busy construction climate. This has increased our total development costs (TDC) and we are looking for avenues to bring the TDC back in line. **To that end we are respectfully requesting a waiver of the building permit fee and the utility fees.** We believe with these fees waived, along with additional fundraising/value engineering our funding gap will be closed and we can begin construction this Spring and deliver 40 units by next Summer.

The attached narrative provides additional details about the project. I shall be happy to answer any questions you have by telephone, email or at a meeting of the Board of Selectmen. Thank you for your consideration.

Sincerely,
Linda J. Clark


President/Director, Falmouth Housing Corporation
704 Main Street
Falmouth, MA 02540
Office: (508) 540-4009
Cell: (508) 524-1229



Project Narrative

Little Pond Place will be a 40-unit, 100% affordable family housing development on Town owned land in Falmouth, Massachusetts. It will be a mix of one, two and three bedroom units with a mix of incomes from 30% to 80% of Area Median Income and a manager's unit on site along with a community building. 38 of the 40 units will be LIHTC units.

Little Pond Place will provide much needed housing to those in Falmouth and especially those without transportation as it is located centrally to the business district. All of the amenities one would need are within walking distance of Little Pond Place. In addition, the property is located a block and a half away from the main bus thoroughfare for the Cape. On the other side of the property from the amenities is conservation land, including Little Pond, so the project is the perfect mix of downtown amenities and peaceful recreation.

The owner team of Falmouth Housing Corporation and Affirmative Investments have developed three other properties together and are working on this and a second 10-unit project for workforce housing that will also begin construction spring 2019. All projects are performing very well and they are excited to add Little Pond Place to their collective resumé.

Modification to Development Agreement

This agreement is made this ___ day of _____, 2019 to amend a certain Development Agreement dated August 8, 2016 by and between the Affirmative Investments, Inc. and Falmouth Housing Corporation (the "Developer") and the Town of Falmouth (the "Town") with respect to property located at 0 Spring Bars Road, containing 11.39 ± acres, Falmouth, MA (the "Development Agreement")

NOW THEREFORE, the Developer and the Town, for all good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby agree as follows:

1. The first paragraph of Article 3, Paragraph 3.1, paragraph (f) on page 4 of the Development Agreement is deleted in its entirety and the following shall be replaced as the first paragraph of (f) on page 4 of the Development Agreement:

"(f) Developer shall obtain all necessary governmental permits, consents or approvals for the development, construction, operation, and maintenance of the Project. The Developer will comply with any and all conditions imposed pursuant to any of the above permits, consents or approvals as may be imposed by any board, commission or committee. **PERMITTING:** The Developer shall secure all necessary permits for the restoration and rehabilitation of the property into forty rental units of affordable housing totaling no more than 70 bedrooms on or by March 31, 2019, or the Developer may terminate this agreement and this Agreement shall be null and void without recourse to the parties hereto. The Town may in its sole discretion grant one or more extensions to secure all necessary permits. No such extension shall be granted unless the Developer demonstrates that the Developer has made progress and good faith efforts to secure all necessary permits.
The Town agrees to waive building permit fees for the Project."

2. Except as so modified herein, all other terms and conditions of the Development Agreement are in force and effect.

Executed under seal this ___ day of _____, 2019.

Town of Falmouth

By: Julian M. Suso, Town Manager

Affirmative Investments, Inc.

Falmouth Housing Corporation

By: _____
David M. Ennis, President

By: _____
Linda Clark, President

Diane Davidson

From: Ronald Beaty <ronbeaty@gmail.com>
Sent: Tuesday, February 12, 2019 2:18 AM
To: selectmen@falmouthmass.us
Cc: Susan Moran; Megan English_Braga; Falmouth Town Manager; jsuso@falmouthmass.us; Michael Palmer
Subject: Open Meeting Law Complaint, Falmouth Board of Selectmen
Attachments: Falmouth Selectmen OML Complaint.pdf

Attention: Town of Falmouth, Board of Selectmen

Attached please find an official Open Meeting Law Complaint which is hereby filed against the Town of Falmouth, Board of Selectmen. It is self-explanatory.

Pursuant to the Open Meeting Law, you have fourteen (14) business days to respond in writing.

Thank you.

Ron Beaty
Phone: 774-251-7268



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Ronald Last Name: Beaty

Address: 245 Parker Road

City: West Barnstable State: MA Zip Code: 02668

Phone Number: +1 (774) 251-7268 Ext. _____

Email: ronbeaty@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/ town, county or region, if applicable): Town of Falmouth-Board of Selectmen , 59 Town Hall Square, Falmouth, MA 02540, Phone: 508-495-7320

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: Jan.14, 2019, Jan. 28, 2019, and Feb. 11, 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Relative to their meetings conducted on January 14, 2019, January 28, 2019, and February 11, 2019, the Town of Falmouth Board of Selectmen violated the Massachusetts Open Meeting Law by posting insufficiently specific meeting notices because said notices did not include the street address of the venue and/or location where the meetings took place. See OML 2016-38.

The Open Meeting Law requires a public body to post a meeting notice 48 hours in advance of a meeting and include, "the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, sec. 20(b). Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03. A topic is generally considered to be sufficiently specific when a reasonable member of the public could read the topic and understand what the nature of the public body discussion will be. See OML 2011-7.

Moreover, in general, a public body must provide the street address of the meeting location. See OML 2015-133.

Additionally, the Board of Selectmen violated the Open Meeting Law by failing to review Executive Session minutes for public release on a regular basis as required by the OML.

Open, transparent and accountable government is of paramount importance. When a public body violates the Open Meeting Law as outlined above, it is detrimental to the public interest and a breach of the public trust.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

In a timely fashion, the public body should take immediate remedial action via seriously addressing and correcting the violations that have been pointed out. It should also take concrete measures to ensure that the stated OML violations do not occur again. Finally, all members of the public body and its staff should be mandated to undergo verifiable Open Meeting Law training within sixty (60) days.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

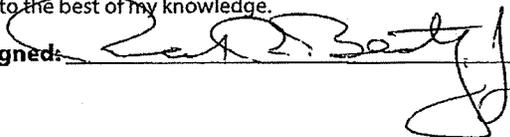
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____



Date: _____

02/12/2019

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

TOWN OF FALMOUTH
BOARD OF SELECTMEN
AGENDA

MONDAY, JANUARY 14, 2019 – 7:00 P.M.
SELECTMEN'S MEETING ROOM
TOWN HALL

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for 7 special one-day all alcohol liquor licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – 1/18, 1/19, 1/20, 1/25, 1/26, 1/27 and 2/9/19
 - b. Approve application for common victualler license – Dunkin Donuts, 1184 Sandwich Road, East Falmouth MA for 2018
 - c. Approve application for change of manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
 - d. Vote to approve Eversource petition to install one (1) pole #86/10.5 at 15 Hinckley Road, east of Juniper Point Road
 - e. Vote to approve Eversource petition to install two (2) poles #460/14 and 460/15 at Dillingham Avenue, east of Gifford Street
2. Administrative Orders
 - a. Vote to approve Grant of License to The Woods Hole Research Center to install three (3) groundwater monitoring wells on Town property along the Coonamessett River
 - b. Vote to accept donation from Colorgraphics in the amount of \$644.00 to the Recreation Department donation account
 - c. Vote to accept donation in the amount of \$2,000.00 from Priscilla Geraghty, President of Rand Atlantic Cape Cod Realty, to the Falmouth Affordable Housing Fund
 - d. Vote to approve certification of estimated summer resident population as of July 10, 2019
 - e. Vote to support Town of Bourne application for bikeway extension funding
 - f. Vote to accept donation in the amount of \$3,500.00 from Wal-Mart to the Police Department donation account to be earmarked for the Hidden in Plain Site Trailer
3. Special Events

Recurring - Recommended:

 - a. Dive into Recovery Polar Plunge – Gosnold, Inc. – Falmouth Heights Beach, Saturday, 2/9/19

PUBLIC HEARINGS

7:30 p.m.

1. Road Taking and Betterment Hearing – Vote to Adopt an Order to Layout and Betterment and Acceptance of Captain Davis Lane and Winthrop Drive

7:45 p.m. BUSINESS

1. Vote to adopt FY2020 budget and submit it to the Finance Committee
2. Discussion and vote on moving, repurposing or dismantling wind turbines. Options to include:
 - a. Wind 2 to alternative Falmouth wastewater site or a site outside of Falmouth
 - b. Wind 1 to a site outside of Falmouth

3. Discussion of options under short term lodging tax
4. Information on State initiatives and possible Town initiatives (nip bottles and plastic straws)
5. Discuss proposed new public comment process
6. Approve 2019 annual license renewals:

Common Victualler License

Peel Pizza Co., 31 Teaticket Hwy.
Dunkin Donuts, 1134 Sandwich Rd.

7. Minutes of Meetings:
Public Session – October 29, 2018; January 7, 2019
8. Individual Selectmen's reports
9. Town Manager's report
10. Review and/or discuss correspondence received

Susan L. Moran, Chairman
Board of Selectmen

TOWN OF FALMOUTH
BOARD OF SELECTMEN
REVISED AGENDA
MONDAY, JANUARY 28, 2019 – 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. No Guff Week – January 28 – February 1, 2019
 - b. Eagle Scout – Matthew Krause, Troop 42
4. Recognition
5. Announcements
 - a. Notification of Action on Hazardous Tree on Mullen-Hall School Property
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Change of Manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
 - b. Approve Application for Common Victualler License – Bite on the Go, 5 Old Meeting House Road, East Falmouth MA
2. Administrative Orders
 - a. Approve Eversource Petition to Install One New 4” Conduit on Hatchville Road, North of Wellington Way for Service at Lot 18 Hatchville Road
 - b. Approve Eversource Petition to Install One New 4” Conduit on Abbies Lane, North of Teele Street, for Service to 29 Abbies Lane
 - c. Vote to Clarify Board of Selectmen Support to Town of Bourne for Bikeway Extension Funding

7:30 p.m. BUSINESS

1. Borrowing Authorization – Jennifer Petit, Director of Finance
2. Discussion on Sale of Tax Title Property
3. Vote to Adopt Public Comment Rules
4. Interview, Vote and Appoint Committee Members:
 - a. Affirmative Action Committee – Lynne Rhodes, Meghan Hanawalt
 - b. Human Services Committee – Nadine McCall, Sharon Sodekson
 - c. Solid Waste Advisory Committee – Amy Roth, Ruth Brazier
5. Vote Articles and Execute Warrant for April 2019 Town Meeting
6. Update and Discussion of Recreation Staffing and Potential Gus Carty Playground Equipment Relocation to Area at Sandwich Road Fields
7. Discussion on Selectmen Name (e.g. Select Board, Select People, etc.)
8. Minutes of Meetings: Public Session – January 14, 2019
9. Individual Selectmen's Reports
10. Town Manager's Report
11. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen

TOWN OF FALMOUTH
BOARD OF SELECTMEN
AGENDA
MONDAY, FEBRUARY 11, 2019
SITE VISIT – 6:00 P.M.
SELECTMEN'S MEETING ROOM – 7:00 P.M.
TOWN HALL

6:00 p.m. SITE VISIT

1. Edward Marks Building, 744 Main St.
2. "Old" Senior Center Building, 300 Dillingham Ave.

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Change of Name of an All Alcoholic Common Victualler License – Celestino's Inc. d/b/a The Talk, Located at 444 North Falmouth Highway, North Falmouth
 - b. Approve Application for Lodging House License – Triple S. Hospitality, LLC d/b/a Inn on the Sound, Located at 313 Grand Avenue, Falmouth
2. Administrative Orders
 - a. Approve Grant of License to Buzzards Bay National Estuary Program (MZCM) to Install and Maintain Monitoring Well within Herring Brook Estuary behind the Old Silver Beach Dirt Parking Lot, North Falmouth
 - b. Approve Request for Waiver of Building Permit Fees – Nobska Keeper's House/Museum Renovation/Construction
3. Special Events

Recurring - Recommended:

 - a. Easter Egg Scramble – Falmouth Village Association – Library Lawn and Peg Noonan Park – Saturday, 4/20/19
 - b. Movies in the Park – Falmouth Village Association – Peg Noonan Park – Wednesdays, 7/3, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21 and 8/28/19
 - c. Bike Parade – Falmouth Village Association – St. Barnabas Lot to Mullen-Hall School (Main St. to Shore St. Ext.) – Thursday, 7/4/19
 - d. Concerts in the Park – Falmouth Village Association – Peg Noonan Park – Thursdays, 7/5, 7/12, 7/19 and 7/26/19
 - e. Arts & Crafts Street Fair – Falmouth Village Association – Main St. (Post Office Rd. to Shore St. Ext.) – Wednesday, 7/10/19
 - f. Holiday Stroll – Falmouth Village Association – Queens Buyway to Main St. to Shore St. Ext. and Peg Noonan Park – Saturday, 12/7/19
 - g. Seagull Six Spring Classic Road Race – Falmouth Track Club – Start/Finish Woods Hole Community Center, Water St. – Sunday, 3/31/19
 - h. Liam Maguire's Irish Pub Almost Five Miler – PCB Race Management – Start/Finish Town Hall Square – Sunday, May 5, 2019
 - i. Spring at Spohr (formerly Daffodil Days) – William Kerfoot – Spohr Gardens, Fells Road – Saturday, 5/18/19
 - j. Falmouth Farmers Market – Lindsey Close – Marina Park – Thursdays, 5/23 – 10/10 and Tuesday, 11/26/19
 - k. Falmouth June Jog – Melissa Keefe – Falmouth Heights Beach to East Falmouth Elementary School – Sunday, 6/2/19
 - l. Classic Car Show – Falmouth Classic Car Club – Marina Park – Sundays, 6/9, 7/14 and 8/11/19
 - m. Arts Alive Festival – Arts Falmouth, Inc. – Library Lawn and Shore St. Ext. – Friday – Sunday, 6/21, 6/22 and 6/23/19

- n. Jazz Stroll (JazzTober) – Arts Falmouth, Inc. – Queen’s Buyway, Along Main St. and Peg Noonan Park – Saturday, 10/19/19
- o. Run Jack Run Family Fun Run/Walk – Samantha Mueller, Jack’s PACT – Trotting Park Soccer Field and Track – Thursday, 7/4/19
- p. Falmouth Sprint Triathlon – New England Endurance Events, LLC – Surf Drive Beach – Sunday, 7/14/19
- q. Rockin’ Recovery (concert) – Recovery Without Walls – Old Silver Beach – Wednesday, 7/17/19
- r. Butterfly Garden Day – William Kerfoot – Spohr Gardens, Fells Road – Saturday, 8/3/19
- s. The Falmouth Walk – Tom Walrath – Town Hall Square to St. Barnabas (sidewalks) – Saturday, 8/17/19
- t. New Balance Falmouth Road Race – Jennifer Edwards, Falmouth Road Race – Woods Hole to Falmouth Heights, partial use of Bristol Beach – Sunday, 8/18/19
- u. Rotary Club Craft Fair – William Kerfoot, Falmouth Rotary Club – Bandshell & Marina Park – Saturday, 8/31 and Sunday, 9/1/19
- v. Wounded Warrior Project Soldier Ride Cape Cod – Carole Kenney, Falmouth Military Support Group – Bike Path – N. Falmouth to Woods Hole to N. Falmouth – Thursday, 9/12/19
- w. Striper Fest – On the Water, LLC – Marina Park and Bandshell – Saturday, 9/28/19
- x. Zooma Women’s Half Marathon and 10K – Sarah Ratzlaff – Old Silver Beach Lot, N. Falmouth -- Sunday, 9/29/19
- y. Cape Cod Marathon Kids’ Fun Run -- Jack Afarian, Falmouth Track Club – St. Barnabas Church Campus – Sunday, 10/27/19
- z. Falmouth in the Fall Road Race – Don Facey – Woods Hole to Falmouth Heights – Sunday, 11/3/19

New – Recommended:

- a. Grave Marking – David S. Martin, Sons of American Revolution, Cape Chapter – Old Burial Ground, 8 Cemetery Lane, off Mill Rd. – Saturday, 5/18/19
- b. Nebassin (bass fishing) -- Joseph Russell -- Coonamessett Pond, parking in dirt lot -- Sunday, 7/14/19
- c. Coast Fest (concert) – Luke Vose – Bandshell – Saturday, 8/3/19.
- d. Katharine Lee Bates Poetry-Birthday Festival – Falmouth Historical Society – Falmouth Public Library and Library Lawn – Monday, 8/12/19
- e. Wedding Ceremony -- Catherine Walsh/John Stecich -- Bristol Beach -- Saturday, 9/21/19

7:45 p.m. BUSINESS

1. Update/Discussion on Status of Four Town-Owned Buildings:
 - a. Edward Marks Building
 - b. “Old” Senior Center Building
 - c. Emerald House
 - d. Andrews Farm House
2. Authorize Permitting Application for Menauhant Beach Stabilization – Ray Jack, Director of DPW
3. Interview, Vote and Appoint Committee Members:
 - a. Zoning Board of Appeals – Gerald Potamis, Mark Cool, Robert Dugan
 - b. Steamship Authority Board of Governors – Elizabeth Gladfelter, James Morse, Kathryn Wilson
4. Presentation of Petition Articles for April 2019 Town Meeting – 5 Minutes Each
 - a. Present Petition Article 21 – Gerald Potamis
 - b. Present Petition Article 22 – John Banner
 - c. Present Petition Article 23 – Marc Finneran
 - d. Present Petition Article 24 – Michael Heylin
 - e. Present Petition Article 25 – Daniel H. Webb
 - f. Present Petition Article 29 – Marc Finneran
 - g. Present Petition Article 30 – Paul Dreyer
 - h. Present Petition Article 31 – Ronald D. Zweig

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

5. Minutes of Meetings:
Public Session –January 28, 2019
6. Individual Selectmen's Reports
7. Town Manager's Report
8. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen

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



TO: JULIAN SUSO, TOWN MANAGER
FROM: KIMBERLY FISH, TOWN PARALEGAL
SUBJECT: GRANT OF LICENSE
DATE: 2/11/2019
CC:

A handwritten signature in blue ink, appearing to be "KF", written over the "FROM:" line of the memorandum.

I enclose herewith a Grant of License to Peter and Diane Wirth from The Town of Falmouth for them to enter upon and use a portion of the Town's property to construct a retaining wall on their own property on Gardiner Road. Kindly have the Board of Selectmen sign the License and return to our office. Thank you.

L

GRANT OF LICENSE

The **Town of Falmouth**, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to **Peter Wirth and Diane Wirth**, 88 Gardiner Road, Woods Hole, MA 02543, the following license to enter upon and use that portion of the a certain unnamed town right of way running from Gardiner Road in a northerly direction to the waters of Buzzards Bay for the purposes of constructing a retaining wall on the licensee's side of the common property line as shown on attached plan.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Board of Selectmen at any time when it deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. The licensee, its successors and assigns shall be obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of any activity performed pursuant to the grant of this License;
- c. The Licensee or their contractors shall maintain at all times the following insurance coverages, naming the Town of Falmouth as additional insured;
 1. General Liability - \$1,000,000.00 bodily injury and property damage liability, combined single limit with a \$3,000,000.00 annual aggregate limit;
 2. Workers compensation as required by law by the Licensee's general contractor;
 3. A certificate of insurance shall be on file with the Town before the Licensee commences use of the license area;
- d. Nothing contained in the License shall authorize the licensee, their successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations;

- e. The terms, conditions, agreements and covenants contained herein shall be binding on the licensee, its successors and assigns;
- f. The license area is shared with the public whose rights must be accommodated and respected at all times; and
- g. The Licensee shall promptly repair and restore all disturbances to the license area, including vegetation, caused by the Licensee's acts.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this 25th day of February, 2019.

BOARD OF SELECTMEN OF
THE TOWN OF FALMOUTH

Susan L. Moran, Chairman

Megan English Braga, Vice
Chairman

Samuel H. Patterson

Doug Jones

Doug Brown



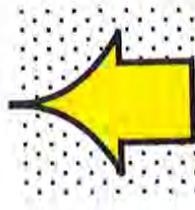
Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)



personally known to me

proved to me on the basis of satisfactory evidence of identification which was

_____ to be the person(s) whose name(s) is/are subscribed

to the within instrument and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

WITNESS my hand and official seal.

Signature of Notary Public

Diane Davidson

From: Julian Suso
Sent: Wednesday, February 13, 2019 1:34 PM
To: Michael Palmer
Cc: Peter Johnson Staub; Frank Duffy; Jill Bishop; Diane Davidson
Subject: RE: Designation of Polling Place

Thank you Michael, sounds good, much appreciated. Diane – FYI – for BOS “Summary of Actions” February 25. Thanks.
Julian

From: Michael Palmer <michael.palmer@falmouthma.gov>
Sent: Wednesday, February 13, 2019 11:40 AM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Jill Bishop <jbishop@falmouthmass.us>
Subject: Designation of Polling Place

Julian,

As we have discussed MGL Ch.54§24 requires the Selectmen to designate polling places at least 20 days prior to an election. The Selectmen could vote to relocate for just the Town Election in May and move back for the Presidential Primary in March of 2020, but if the new Senior Center stays on schedule and there are no unforeseen delays there is plenty of time to take another vote to move back to the Recreation Center.

Motion for Selectmen;

Given the current construction of the New Senior Center next to the Recreation Center I move to temporarily relocate voting for the voters of Precinct 2 currently at the Recreation Center, 790 East Main Street to the Senior Center, 300 Dillingham Ave.

Regards,

Michael

Michael Palmer, CMC/CMMC
Falmouth Town Clerk
michael.palmer@falmouthma.gov
508-495-7353





TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, February 25, 2019 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Thomas Dmytryck for permission for the removal of the licensed float and installation of a new pile supported pier and pile supported boat lift located at 53 Madeline Road, East Falmouth, MA. Body of water affected is Eel Pond. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the
Board of Selectmen

*Publication Dates: Friday, February 8, 2019 and Friday, February 15, 2019 –
Falmouth Enterprise*

Copy to: Abutters

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

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Per Order of the
Board of Selectmen
February 8, 15, 2019

TOWN OF FALMOUTH
BOARD OF SELECTMEN



PAID

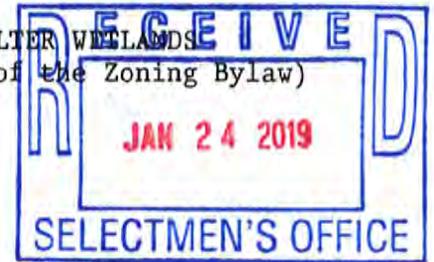
5/100

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

RECEIVED

FEB 11 2019

FALMOUTH TOWN CLERK



To the Board of Selectmen
Falmouth, MA

Date: January 23, 2019

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

OWNER: Thomas Dmytryck 604 Maple St. Franklin, MA 02038
(full name) (address)

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

APPLICANT: Thomas Dmytryck 604 Maple St. Franklin, MA 02038
(full name) (address)

1. Location of Property: Map 32 Section 06 Parcel 000 Lot 114

Street Name and House Number 53 Madeline Road

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

3. Description of property and project site: Aproximately 12,000 square foot lot in a densely developed residential area. A single family home occupies the central portion of teh lot.

a. Dimensions, Acreage of total parcel: 12,000 square feet

b. Length of water marsh frontage: 100' +/-

c. Dimensions of area to be dredged: N/A Depth N/A

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

e. Volume of dredging spoil to be moved: N/A

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

Disposition of Spoil: N/A

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

g. Other (docks, piers and etc.) 4' X 30' pier, 11' x 12.5' boat lift

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

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

5. Zoning which governs area: RC

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

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

8. Remarks Order of Conditions DEP File No. 25-4404

9. Project Summary for legal notice: _____

The project involves removal of the licensed float and installation of a new pile supported pier and pile supported boat lift.

Owner: Thomas Dmytryck

604 Maple Street

Franklin, MA 02038

(Name & Address)

TEL #: 508.528.3057

Agent: Falmouth Engineering, Inc.

17 Academy Lane, Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #:

Applicant: Same as owner

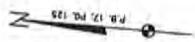
(Name & Address)

TEL #:

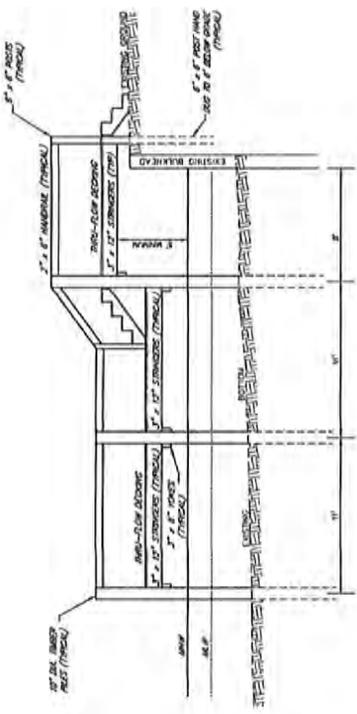
DO NOT WRITE BELOW THIS SPACE, FOR SELECEN'S OFFICE USE ONLY



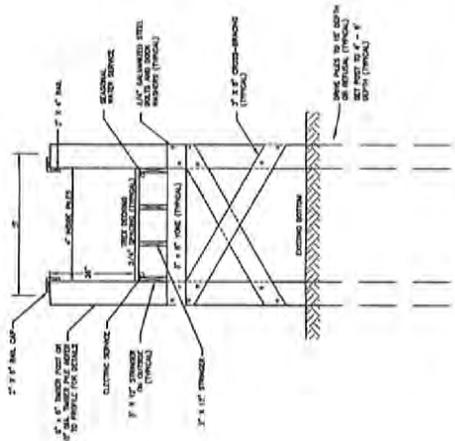
LOCALITY
MAP TO SCALE



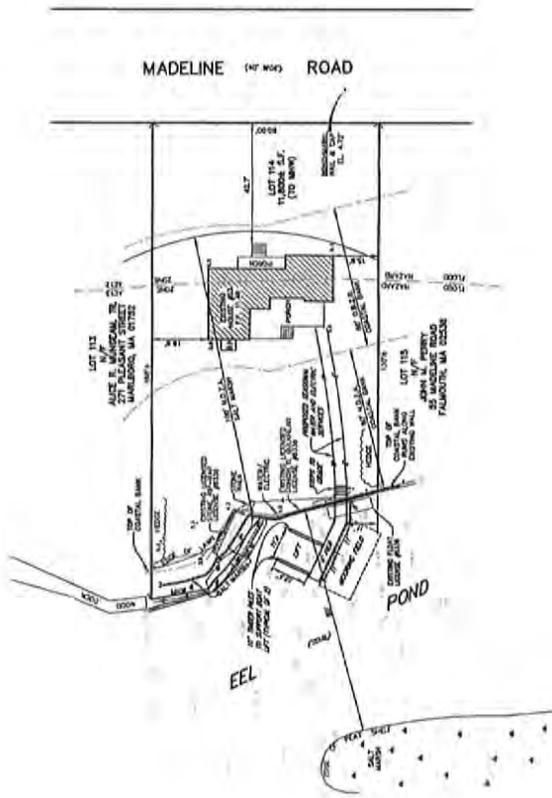
- CONSTRUCTION NOTES.**
- ALL WOOD MATERIAL SHALL BE CUT BY THE PLANES.
 - ALL WOOD MATERIAL SHALL BE NOT DRYED OR KILN DRIED.
 - ALL WOOD MATERIAL SHALL BE 40% OVER SIZES.
 - ALL WOOD SHALL BE JOINTED, NOT CUTTED, TO A MINIMUM DEPTH OF 1/2" ON ALL SIDES.
 - ALL JOINTS SHALL BE MADE WITH 1/2" OVERLAP.
 - ALL JOINTS SHALL BE MADE WITH 1/2" OVERLAP.
 - ALL JOINTS SHALL BE MADE WITH 1/2" OVERLAP.
 - ALL JOINTS SHALL BE MADE WITH 1/2" OVERLAP.



PIER PROFILE
SCALE: 1/4" = 1'-0"



TYPICAL PIER CROSS-SECTION
SCALE: 1/2" = 1'-0"



LEGEND

- EXISTING 2' CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION



GENERAL NOTES:

- ASSESSOR'S INFORMATION: 31 06 000 114
- FLOOD ZONES: ACT 2 & ACT 3 (FEMA MAP 2500700232)
- ZONING DISTRICT: RC
- WIND EXPOSURE CATEGORY: C
- WIND SPEED: 100 MPH
- ICE LOADS: 10 LB/SQ FT
- ICE CONCENTRATIONS: 1/16\"/>

SITE PLAN - PIER/BOAT LIFT

FOR #63 MADELINE ROAD
FALMOUTH, MA 02546
THOMAS J. DIMITRYCK
ENGINEER

DATE: JULY 9, 2018	PLAN SCALE: 1" = 20'
PROJECT NUMBER: 17001	DWG FILE NAME: 17001SP DRAWN BY: L.M./J.M.M. SHEET 1 OF 1



*APPLICATION FOR PERMIT TO FILL, DREDGE OR
OTHERWISE ALTER WETLANDS*

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

PIER/BOAT LIFT CONSTRUCTION

53 MADELINE ROAD

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Thomas Dmytryck

Prepared by:



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

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ATTACHMENT B – CHAPTER 91 LICENSE 8336 AND PLAN

ATTACHMENT C – HARBORMASTER LETTER

ATTACHMENT D - ORDER OF CONDITIONS 25-4404

ATTACHMENT E - DRIVING DIRECTIONS TO SITE

ATTACHMENT F - SHELLFISH SURVEY BY PAMELA NEUBERT

ATTACHMENT G - PLAN OF PROPOSED PIER

ATTACHMENT A

PROJECT NARRATIVE

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Thomas Dmytryck, the owner of 53 Madeline Road in East Falmouth. The Applicant proposes to reconstruct the existing licensed pier and install a boat lift.

Included in this construction project is the placement of eight (8) 10-inch diameter piles, two (2) 6" by 6" posts, support timbers, decking, and railings. The pier will consist of a 30-foot long pile supported pier and two (2) additional piles to support a boat lift. The project meets all performance standards, applicable under the state Wetlands Protection Act and Falmouth Wetlands Protection Bylaw. In fact, the proposed reconstructed pier will result in environmental benefits by reconstruction in accordance with current standards.

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

2.0 Existing Conditions

The lot consists of approximately 12,000± square feet of land in a densely developed residential area of East Falmouth (refer to Figure 1-Site Location Map). A single family residence occupies the central portion of the site. Other residential properties lie to the north and south of the site.

Regulated wetland resource areas include a coastal bank, salt marsh, land subject to coastal storm flowage, land under the ocean, and land containing shellfish.

An existing licensed and locally permitted timber bulkhead, rip rap and float currently exist on the waterfront. The licensed float and bulkhead allow for mooring of a single boat. The licensed float and bulkhead are configured such that there is insufficient water depth to meet Falmouth Wetland Regulations.

The existing float touches bottom during certain low tides. The existing float shades the bottom from sunlight.

2.1 Regulated Wetland Resource Areas

All coastal resource areas within 100 feet of the proposed project facilities have been identified and appropriately located in the field. Adjacent resource areas include land under the ocean (Eel Pond), land containing shellfish, salt marsh, coastal bank, and

land subject to coastal storm flowage. The attached plan shows each of the resource areas that have been identified in the project area.

2.3 Estimated Habitat and Protected Species

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

3.0 Proposed Project

The project involves removal of the licensed float and installation of a new pile supported pier and pile supported boat lift. The proposed pier and boat lift will be supported by eight (8) 10" diameter timber piles. The landward end of the pier will be supported and land at the top of the existing bulkhead. The overall projection from shore to the terminal end of the pier is 25'. The actual length of the pier is 30'. The pier is oriented at an angle to the shoreline.

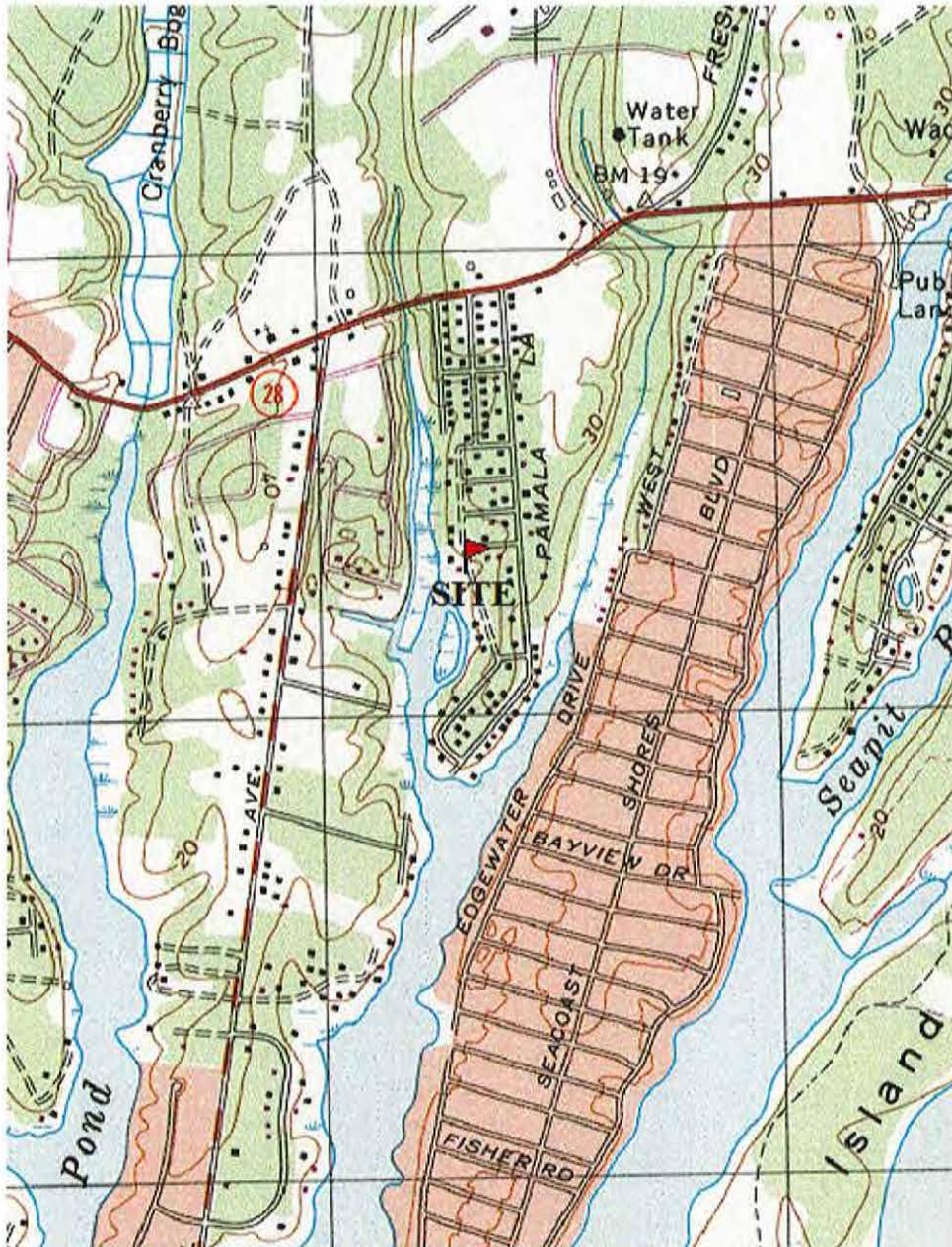
The proposed pier will maintain the access point on the upland end at the top of coastal bank in the same general location as the existing float. The pier will extend over the top of the existing timber bulkhead. The pier will extend into Eel Pond approximately 25 feet beyond mean high water to an area where the average water depth exceeds 3 feet at mean low water at the terminal end. The proposed pier reconstruction will replace a substandard new conforming fixed pier. The proposed pier is a fixed structure, with a 4' wide walkway.

Two (2) additional 10" diameter timber piles are proposed adjacent to the pier to provide support for a boat lift.

The applicant proposes to store the boat on the lift at times when the boat is not being actively used. The boat will tie alongside of the proposed pier during times of active use to allow for access onto the boat by passengers as well as for loading of supplies.

The current float is connected to the existing bulkhead by two (2) steel pipes. The float is located in areas with shallow water depth. The float at times touches the bottom.

Pier construction will take place in and above the following resource areas: land containing shellfish, land under the ocean and coastal bank. The pier will be constructed using a barge that will operate from Eel Pond. All staging, cutting, and prep work will be done on the barge or in the upland.



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

FIGURE 1- SITE LOCATION MAP

53 MADELINE ROAD

EAST FALMOUTH, MA

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The potential impacts anticipated could include those resulting from degradation of habitat as a result of shading and/or construction impacts. However, the pier construction will improve current conditions.

The pier construction is proposed as an elevated structure with direct contact with the substrate only at the pile installation points. All of the eight proposed 10-inch diameter timber piles will be installed in land under the ocean thus avoiding any pile installation in the salt marsh. No pilings or posts will be installed in the salt marsh.

The timber piles will be driven using a barge-mounted pile driver equipped with a vibratory hammer. Pile installation will directly impact approximately 4.4 square feet of land under the ocean.

Unlike the current licensed bulkhead and float and to prevent shading impacts, the proposed pier will be elevated and constructed using decking with proper spacing to allow for sunlight penetration. This is in contrast to the current condition where the existing float does not allow for sunlight penetration and actually touches bottom at low tides.

The new pier will also be elevated to provide public access under the structure as required by Chapter 91 regulations.

5.0 Compliance with Applicable Performance Standards

The Massachusetts Wetland Protection Act regulations allows for the construction of water-dependant structures within wetland resource areas provided that the design and construction of the structure is in accordance with the best available measures so as to minimize adverse effects (310 CMR 10.27(6)). The Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Wetlands and Waterways Program has published specific design standards for small pile supported docks and piers (DEP, 2003), which are specifically intended to minimize adverse impacts resulting from the installation and maintenance of such structures. The proposed dock meets or exceeds each of these design standards.

Other design requirements for docks and piers are found under the Falmouth Wetland Regulations at FWR 10.16 (1) (d) (1-10) (Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors) and at FWR 10.16 (1) (h)(1-7) (General Requirements and Prohibitions all Docks and Piers). Other relevant performance standards are addressed at FWR 10.34 (5) (Land Containing Shellfish).

The proposed pier satisfies each of the locally established performance standards as summarized below.

5.1 Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors (Falmouth Wetland Regulations 10.16 (1) (d) (1-10))

- 1 *Docks shall not exceed one hundred feet in length beyond mean high tide, or one hundred feet in length beyond the landward edge of salt marsh, or otherwise prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquiculture purposes;*

The proposed dock extends 25 feet seaward of the mean high water line. The fixed pier is elevated five feet above the mean high water elevation at the shoreline to permit lateral access along the waterfront. Therefore the proposed pier complies with this performance standard.

- 2 *To keep disturbance of the bottom minimal at all times during both construction and use, the water depth at the end of the dock shall be a minimum of three feet at the time of mean low water;*

The water depth at the end of the proposed dock is over 3 feet at mean low water. Therefore the proposed pier complies with this performance standard.

- 3 *The area of the terminal "L" or "T" shape in a fixed dock, or the float, or combination thereof, shall not exceed one hundred square feet;*

The end section of the proposed pier adjacent to the mooring field measures 4' x 22' for a total area of 88 square feet. Therefore the proposed pier complies with this performance standard.

- 4 *The design and construction shall not interfere with recreational intertidal access;*

The proposed fixed pier structure is elevated five feet above the mean high water elevation to permit lateral access along the shoreline. Therefore the proposed pier complies with this performance standard.

5. *No portion of the dock or pier may be closer than ten feet from the property boundary or extended property boundary line into the intertidal and tidal zones;*

The proposed pier is located in excess of 10' from the extension of the property lines. Therefore the proposed pier complies with this performance standard.

6. *Floating docks shall be fixed by piers using a hoop roller or other approved design fastening system;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore the proposed pier complies with this performance standard.

7. *The landward approach to a dock shall not harm vegetation on a coastal wetland, freshwater wetland or coastal bank (a marsh shall be crossed by a raised walkway, and coastal banks must be preserved by the use of suitable stairs);*

The pier will be accessed by a 4' wide walkway that extends from the top of the existing timber bulkhead and over land under the ocean. The proposed walkway does not cross over wetland vegetation. Therefore, the proposed pier complies with this performance standard.

8. *An area where the float(s), if any, will be stored shall be designated on the plan;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore the proposed pier complies with this performance standard.

9. *Except for floating portions of a dock, the decking surface shall not reduce normal ambient light, i.e. sunlight, by more than 50 percent over salt marsh and bordering vegetated wetland;*

The proposed pier does not cross vegetated wetlands or salt marsh, therefore, the proposed pier complies with this performance standard.

10. *The maximum horizontal foot-candle level as measured directly below each complete lighting unit shall not exceed 0.2 foot-candles.*

Proposed lighting will not exceed two-tenths (0.2) foot-candles as measured directly beneath each unit. Therefore the proposed pier complies with this performance standard.

5.2 General Requirements and Prohibitions all Docks and Piers (Falmouth Wetland Regulations 10.16 (1) (h) (1-7))

1. *No new dock or pier or extension of an existing dock or pier may be constructed in any portion of FEMA designated velocity zone (V-Zone) unless the applicant demonstrates that there will be a public benefit from the project. The commission shall weigh the potential likelihood damage and harm that any such dock or pier would cause during a storm event with the public benefit demonstrated by the applicant in determining whether the project should be allowed.*

The proposed pier construction is not located in a FEMA designated velocity zone.

2. *No dock or pier shall be allowed if, within 35 feet of the area designated by the applicant as the mooring field, there are significant quantities of shellfish as defined by FWR 10.34(3) and the area has been historically used for shell fishing, or has the potential for shell fishing, and the sediment provides a viable shellfish habitat (emphasis added).*

The proposed reconstructed dock will replace a previously licensed dock, therefore no shellfish survey is required.

3. *If, within 50 feet of any portion of the dock or pier, there are significant quantities of shellfish as defined by FWR 10.34 (3), or the area has been historically used for shell fishing, or has potential for shell fishing, or the sediments provide a viable habitat for shell fishing, the applicant shall provide a shellfish mitigation plan.*

The proposed reconstructed dock will replace a previously licensed dock, therefore no shellfish mitigation is required.

No new, replacement, or substantial alteration of an existing dock or pier shall be permitted within fifty (50) feet of an area of eelgrass (Zostera marina).

No eelgrass has been observed within 50 feet of the proposed pier. Therefore the proposed project complies with this performance standard.

4. *No CCA-treated materials may be used to construct a dock or pier.*

No CCA-treated materials will be used in the construction of the pier. Therefore the proposed pier complies with this performance standard.

5. *For singular ownership docks, any floating section of a dock or pier shall have a minimum water depth of three feet under all portions of the floating section of the dock or pier including times of extreme low water.*

This depth shall be measured as the shortest distance from any portion of the bottom of the floating section to the seabed.

The proposed pier is an entirely fixed structure with no floating sections. Therefore, this performance standard does not apply.

5.3 Performance Standards for Land Containing Shellfish (FWR 10.34 (6-8))

6. *Any project on land containing shellfish shall not adversely affect any portion of such land or marine fisheries by a change in the productivity of such land caused by:*

a. Alteration of water circulation;

The construction of the proposed pile-supported fixed pier will have negligible impact on water circulation. The piles have been spaced to the maximum extent feasible to minimize impacts to water circulation.

b. Alterations in relief elevation;

No alterations in relief elevation are proposed.

c. The compacting of sediments by vehicular traffic;

No compacting of sediments by vehicular traffic is proposed.

d. Alterations in the distribution of sediment grain size;

No alterations in the distribution of sediment grain size are proposed or anticipated.

e. Alterations in natural drainage from adjacent lands;

No changes in natural drainage patterns are proposed.

f. Changes in water quality, including but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature, or turbidity, or the addition of pollutants.

The proposed pier has been designed to avoid and potential changes in water quality through the use of non-CCA timber, and provision of adequate water depths.

7. *Notwithstanding FWR 10.34(6), projects approved by DMF that are specifically intended to increase the productivity of land containing shellfish may be permitted.*

The proposed project is not specifically intended to increase the productivity of land containing shellfish, and therefore this performance standard does not apply.

8. *Notwithstanding FWR 10.34(6) and 10.34(7), no project may be permitted which will have any adverse effect on habitat of rare species.*

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2006) indicates that the proposed pier construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

6.0 Summary

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this pier reconstruction project have been fully documented in the Notice of Intent submission. The proposed pier construction is designed to improve current conditions and meet standards for new docks. The proposed pier construction will eliminate a current substandard float. Public access will be improved as well. A substandard float will be replaced with an entirely fixed pier. The project meets or exceeds all applicable performance standards and should therefore be reviewed favorable by the Conservation Commission.

ATTACHMENT B

CHAPTER 91 LICENSE 8336 AND PLAN

11-08-1999 @ 03:05

The Commonwealth of Massachusetts



No. 8336

Whereas, Thomas Dmytryck

of -- Franklin, -- in the County of -- Norfolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- maintain a concrete bulkhead, stone riprap and wooden float -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Falmouth. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

Thomas Dmytryck --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain a concrete bulkhead, stone riprap and wooden float -----

in and over the waters of -- Eel Pond -- in the -- Town -- of -- Falmouth -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 8336, (2 sheets).

(14)

M.R. BOOK 533 PAGE 22+23

20 WILMINGTON ROAD, WILMINGTON

License No. 8336

Page 2

The structures hereby authorized shall be limited to the following uses: noncommercial docking and boating access to navigable waters and to provided shoreline stabilization for the protection of existing structures. -----

The project authorized herein has been completed in conformance with the accompanying License Plans. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19. -----

This license will expire ninety-nine(99) years from the date of the license issuance. -----

Special Waterways Conditions:

In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely over or around all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign at each property line, adjacent to the mean high water shoreline. Said signs, provided by the Department, shall be posted immediately upon receipt. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage. -----

Please see page 3 for additional conditions to this license. -----

Duplicate of said plan, number 8336 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
 2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
 3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
 4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
 5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
 6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
 7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
 8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

License No. 8336

Page 4

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Thomas Dmytryck -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (12 cu.yds. = \$24.00). -----

Nothing in this License shall be so construed as to impair the legal rights of any person. -----

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Barnstable. -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 29th day of October in the year nineteen hundred and ninety-nine.

Commissioner *J.S.J.* Department of

Program Chief *Elizabeth A. Koubler* Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Thomas Dmytryck -----

of the further sum of -- ninety dollars and zero cents (\$90.00) -----

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

BOSTON,

Approved by the Governor.

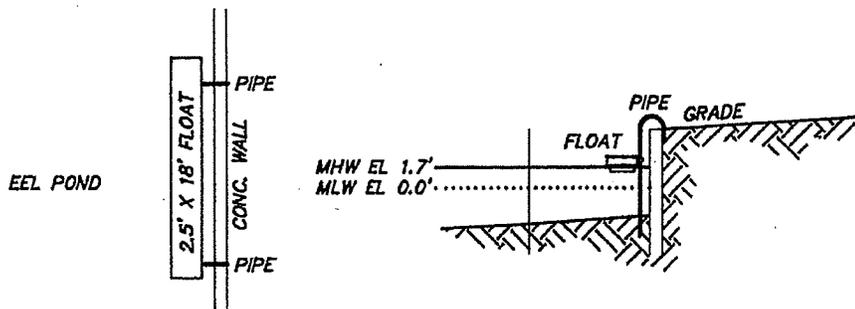
Angelo Paul Celli
Governor

"I certify that this plan and survey were prepared in accordance to the procedural and technical standards for the practice of Land Surveying in the Commonwealth of Massachusetts."

Date: 6/17/99 *Gary S. Labrie*
Gary S. Labrie, P.L.S.

"I certify that this plan has been prepared in compliance with the Rules and Regulations of the Registrars of Deeds for the Commonwealth of Massachusetts."

Date: 6/17/99 *Gary S. Labrie*
Gary S. Labrie, P.L.S.

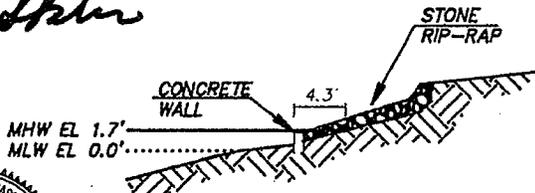


PLAN AND PROFILE OF EXISTING CONCRETE WALL AND WOOD FLOAT

SCALE: 1"=10'



Gary S. Labrie



PROFILE OF CONCRETE WALL AND STONE RIP-RAP

SCALE: 1"=10'



1 inch = 10 ft.

" CONSTRUCTION DETAILS PLAN. "
Accompanying Petition of

THOMAS DMYTRYCK

TO MAINTAIN THE EXISTING CONCRETE BULKHEAD & STONE RIP-RAP AND THE EXIST. WOODEN FLOAT IN THE WATERS OF EEL POND AT 53 MADELINE ROAD IN FALMOUTH, MASS.

SCALE: AS SHOWN DATE: 10/31/97

Wm. M. Warwick & Assoc. Inc.
Box 801 N. Falmouth, Mass.

SHEET 2 of 2

LICENSE PLAN NO. 8336

Approved by [Signature] OCT 29 1999

"I certify that this plan and survey were prepared in accordance to the procedural and technical standards for the practice of Land Surveying in the Commonwealth of Massachusetts."

Date: 6/17/99

Gary S. Labrie

Gary S. Labrie, P.L.S.

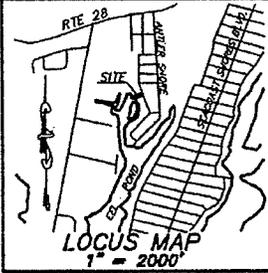
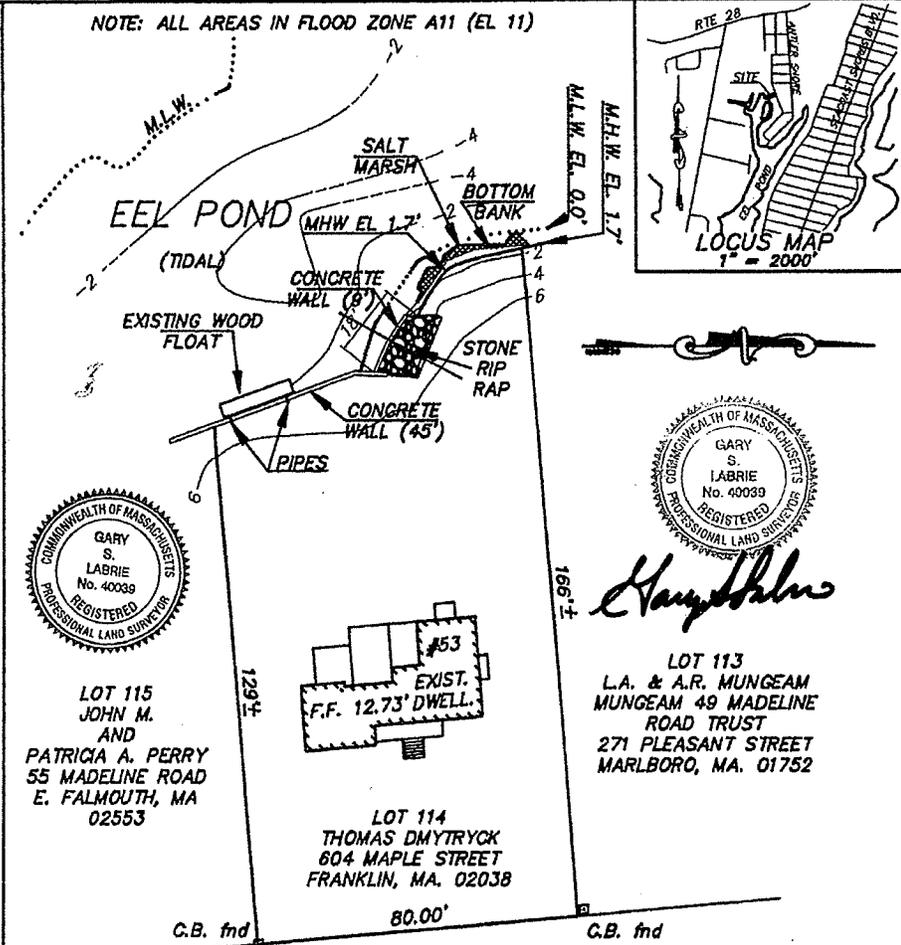
"I certify that this plan has been prepared in compliance with the Rules and Regulations of the Registrars of Deeds for the Commonwealth of Massachusetts."

Date: 6/17/99

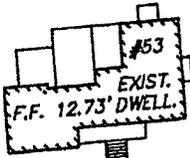
Gary S. Labrie

Gary S. Labrie, P.L.S.

NOTE: ALL AREAS IN FLOOD ZONE A11 (EL 11)



LOT 115
JOHN M.
AND
PATRICIA A. PERRY
55 MADELINE ROAD
E. FALMOUTH, MA
02553



LOT 114
THOMAS DMYTRYCK
604 MAPLE STREET
FRANKLIN, MA. 02038

LOT 113
L.A. & A.R. MUNGEAM
MUNGEAM 49 MADELINE
ROAD TRUST
271 PLEASANT STREET
MARLBORO, MA. 01752

" SITE PLAN "
Accompanying Petition of
THOMAS DMYTRYCK

TO MAINTAIN THE EXISTING CONCRETE
BULKHEAD & STONE RIP-RAP AND THE EXIST.
WOODEN FLOAT IN THE WATERS OF EEL POND
AT 53 MADELINE ROAD IN FALMOUTH, MASS.

SCALE: 1"=30' DATE: 10/31/97

Wm. M. Warwick & Assoc. Inc.
Box 801 N. Falmouth, Mass.

LICENSE PLAN NO. 8336
Approved by Department of Environmental Protection
of Massachusetts

Elizabeth A. Koubek
OCT 29 1999

ATTACHMENT C

HARBORMASTER LETTER



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 457-2525
TOWN MARINA TEL: (508) 457-2551

Falmouth Wetlands – Chapter 235 Wetlands Protection Act MGL 131:40 Harbormaster Inspection Report

Applicant: Thomas Dmytryck
Date on Plan: 9-9-2018
Property: 63 Madeline Road
Assessors Map: 32 06 000 114
Area of Impact: Eel River West

*Date of Inspection
and/or Review:* Plan review 8-14-18

Project Staking: n/a

Navigational Issues: Yes, the structure extends into the canal thereby blocking approximately 30% of the area between the subject property and the salt marsh. Note: vessel traffic in this area is limited in scope due to the location and shallow water.

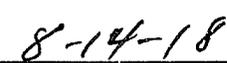
Mooring Issues: None observed at time of inspection.

Comments: See above

Recommendation: None



Gregg Fraser,
MES Director/Harbormaster



Date

ATTACHMENT D

ORDER OF CONDITIONS 25-4404



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

Provided by MassDEP:
 25-4404
 MassDEP File #
 eDEP Transaction #
 Falmouth
 City/Town

A. General Information

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

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



1. From: Falmouth
Conservation Commission

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

3. To: Applicant:
 Thomas Dmytryck
 a. First Name b. Last Name

c. Organization
604 Maple St

d. Mailing Address
Franklin MA 02038
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
 a. First Name b. Last Name

c. Organization

d. Mailing Address
 e. City/Town f. State g. Zip Code

5. Project Location:
53 Madeline Rd East Falmouth
 a. Street Address b. City/Town
32 06 000 114
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
 d. Latitude e. Longitude



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

Provided by MassDEP:
25-4404
 MassDEP File #

 eDEP Transaction #
Falmouth
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable 2625
 a. County b. Certificate Number (if registered land)
2625 243
 c. Book d. Page
7. Dates: 8/22/18 9/12/18 10/3/18
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Plan Pier/Boat Lift
- Falmouth Engineering Gary Labrie
 b. Prepared By c. Signed and Stamped by
7/9/18 1"=20'
 d. Final Revision Date e. Scale
- _____ g. Date
 f. Additional Plan or Document Title

B. Findings

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

Approved subject to:

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



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

Provided by MassDEP:
 25-4404
 MassDEP File #

eDEP Transaction #
 Falmouth
 City/Town

B. Findings (cont.)

Denied because:

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

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

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



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input checked="" type="checkbox"/> Coastal Banks	<u> </u> a. linear feet 4	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet 130	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 10/31/21 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4404 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Falmouth _____ hereby finds (check one that applies):
 Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

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

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Falmouth Wetlands Bylaw _____ 10.00
 1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
 see attached



Falmouth Conservation Commission

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

Name: Thomas Dmytryck
Address: 53 Madeline Rd, Falmouth
DEP OR FCC: 25-4404

FINDINGS:

1. The applicant proposes to replace a licensed 2.5' x 18' float with a ~26' x 4' pier with attached boat lift.
2. The proposed float is significantly larger than the licensed pier. The Falmouth Conservation Commission requires a shellfish survey when a proposed dock/pier is larger than the existing dock/pier/float.
3. A shellfish survey was not conducted. The Shellfish Constable reviewed the proposed project and location and took four (4) samples from the existing float. He did not find any shellfish or shellfish debris and he observed soft anoxic organic sediment.
4. The center of the boat lift is ~ 15 feet from the corner of the existing float.
5. The Falmouth Wetlands regulations require a shellfish survey to extend 35 feet past the proposed mooring field every five (5) feet from mean low water.
6. The Commission finds the samples taken by the Shellfish Constable are not sufficient to satisfy the requirements of the shellfish survey. A shellfish survey shall be conducted and the findings shall conform to the threshold requirements of the FWR.

STANDARD CONDITIONS

1. Permission is granted to Thomas Dmytryck, at 53 Madeline Rd, Falmouth to construct and maintain a Dock & Pier according to the narrative and plan by Falmouth Engineering, Inc., dated July 9, 2018 subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.

- e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken **prior to construction** within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall also be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
 11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
 12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area.
 13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
 14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be specified by a professional engineer.
 15. Equipment, vehicles or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.
 16. Any additional work, not identified at the time this permit was granted, within the Limit of Work, in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
 17. All work shall be done by hand or from a barge-supported crane during high tide.
 18. Any barge used for this project must float at all times.
 19. Piles shall be driven, not jetted.
 20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.

21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
25. Water lines and attached hoses shall have nozzles attached.
26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by an Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions, **does not** extend the Original Order. You may renew this order of conditions and permit for periods of 5 years provided that there is a Certificate of Compliance recorded in the Registry of Deeds and there is no measurable adverse impact upon any protected resource area from the construction or use of the pier. If adverse impacts are identified, you will be required to mitigate any such adverse impacts prior to the issuance of a renewal permit. Renewals may be requested not sooner than 60 days and not later than

30 days prior to expiration of this order and permit. Failure to renew this order and permit shall result in order to remove the dock and pier.

33. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
34. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. Prior to the construction of the dock/pier a shellfish survey shall be conducted in accordance with the Falmouth Wetlands Regulations (FWR). A copy of the shellfish report shall be submitted to the Conservation Department and shall be approved by the Conservation Department prior to the construction of the dock/pier.
2. All floats and piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.
3. Any shellfish uncovered during construction shall be relayed to a location approved by the Marine and Environmental Services (MES) Department.
4. The Conservation Department and the ME shall be notified of the date and time of construction activities utilizing a barge.
5. Only one (1) boat shall be moored to the dock at any one time. This boat shall be located in the area depicted as the mooring field on the plan of reference.
6. There shall be no winter storage of a boat on the boat lift.
7. If the proposed dock is constructed the existing float shall be removed permanently.
8. Special Condition # 5 shall be written into the COC and registered with and ongoing with the deed.



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E. Signatures

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

10/3/18
 1. Date of Issuance
4
 2. Number of Signers

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

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

Signatures:

James L. Martin
Maureen Hartley
County of Essex

by hand delivery on

by certified mail, return receipt requested, on

10-3-18 Erica Bonelli
 Date

Date

F. Appeals

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

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

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



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G. Recording Information

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

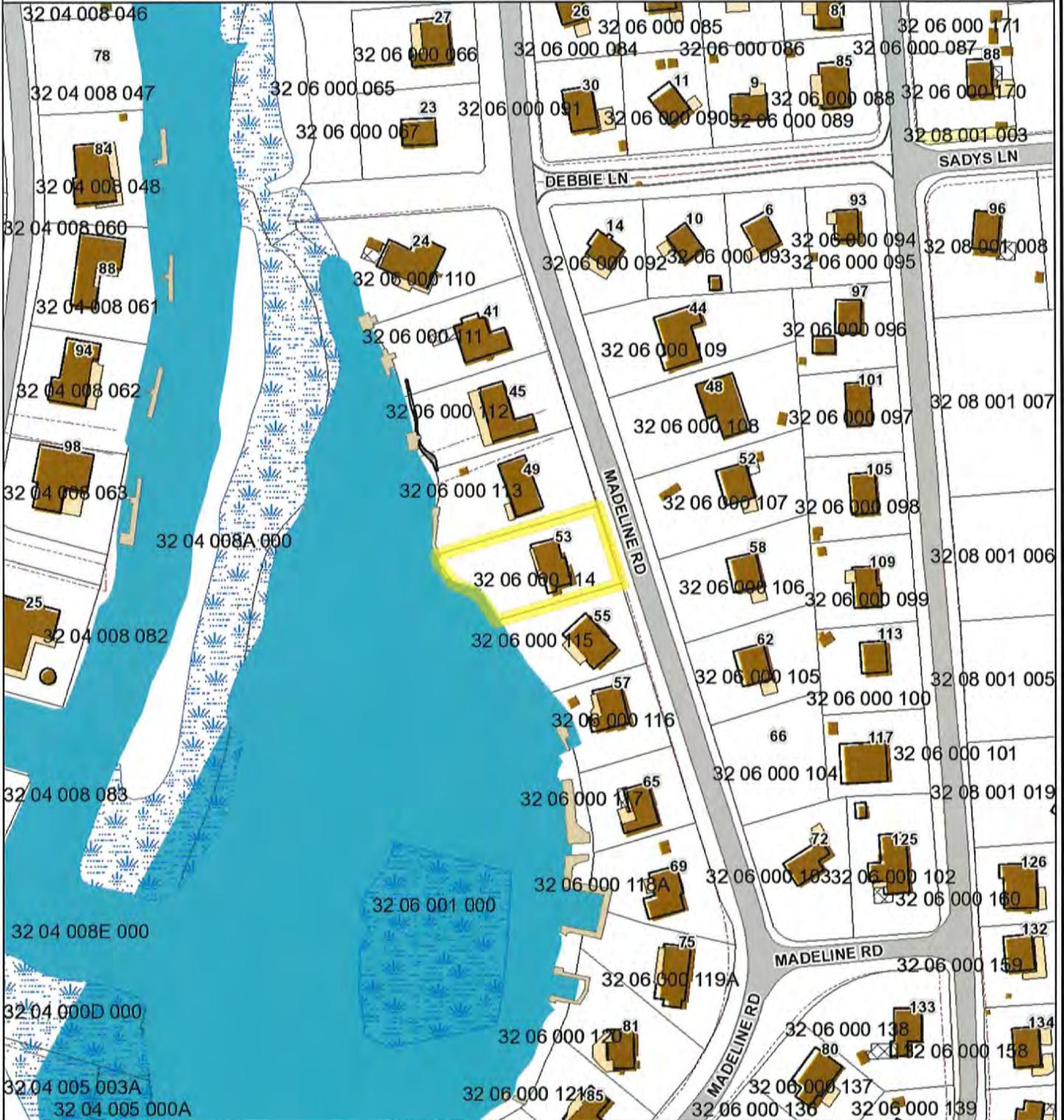
Signature of Applicant

ATTACHMENT E

DRIVING DIRECTIONS TO SITE

Driving Directions to Site

From Town Hall, turn right onto Main Street and continue onto Route 28 for approximately 5 miles through East Falmouth. Turn right onto Antlers Shore Drive and follow for .3 miles. Turn right onto Debbie Lane. Take your first left onto Madeline Road. Number 53 is on your right.



1" = 141 ft



- Places of Interest**
- Police
 - Fire Stations
 - Golf
 - Library
 - Medical Buildings
 - Municipal Buildings
 - Other
 - Schools
 - Sports
 - BEACHES
 - BOAT RAMPS
 - CCRTA Bus Stops
 - Ferry Routes
 - FALMOUTH EDGARTOW
 - FALMOUTH-OAK BLUFF
 - WOODS HOLE-OAK BLU
 - WOODS HOLE-VINEYAR

- CCRTA Bus Routes**
- Fall-Win-Spr
 - WHOOSH
 - Summer
 - Bike Path
- Road Surfaces**
- OTHER
 - PAVED
 - Cobblestone; Concrete; Ot
 - Dirt; Gravel
 - Shell
- Coastal Structures**
- Coastal Wall
 - DOCK
 - Groins
 - Jetty
 - PIER
 - Revelment
 - WHARF

- Water Features**
- POND
 - STREAM
 - WETAREA
- Road Ownership**
- COUNTY; TOWN
 - PRIVATE
 - STATE
- Other Features**
- Decks
 - Patios
 - Parcels
 - Essements
 - Bldg Roof Prints
 - Buildings 2005

- Vegetation**
- BOG
 - FIELD
 - ORCHARD
- Layers of Interest**
- Public Lands**
- COMMONWEALTH OF M
 - TOWN OF FALMOUTH
 - CONSERVATION COMMI
 - UNITED STATES OF AM
 - STEAMSHIP AUTHORITY

Disclaimer
 The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.
 Planimetric features derived from 3/05 Aerials.
 Prepared by Falmouth G.I.S.

ATTACHMENT F

SHELLFISH SURVEY BY PAMELA NEUBERT



Memo

To: Town of Falmouth Conservation Commissioners
Conservation Commission
Administrator, Ms. Jennifer McKay
Conservation Commission Agent, Mr. Mark Kasprzyk

From: Pamela Neubert, AECOM
9 Jonathan Bourne Drive Pocasset,
MA 02559, USA

File: Tom Dmytryck
53 Madeline Road in
East Falmouth, Massachusetts 02536

Date: January 10, 2019

Reference: 53 Madeline Road .10.34(4) and FWR 10.99 Shellfish Assessment and Shellfish Survey Data Sheets

On December 19th 2018, AECOM, completed a shellfish habitat assessment at a proposed pier location located at 53 Madeline Road East Falmouth, Massachusetts 02536 (**Figure 1**). The location of the proposed project is within the estuarine waters of Eel Pond. This area is surrounded by year round and seasonal residential development.

The results of the shellfish survey are being submitted as part of the applicant's Notice of Intent (NOI) package to meet the Town's shellfish study specifications within the Falmouth Wetlands Regulations (FWR) 10.34 for construction of new water dependent structures. The proposed pier location is not within an area determined to be approved for shellfishing and was determined to be unsuitable for commercial and recreational shellfish species by Massachusetts Division of Marine Fisheries. Water quality degradation has resulted from long term nitrogen and organic carbon loading causing eutrophication, which is not only endemic to the estuaries of Falmouth but throughout Cape Cod, Martha's Vineyard, and Nantucket.

AECOM's shellfish habitat assessment was conducted pursuant to the Town of Falmouth FWR 10.34 recommendations, and the required 10.99 SS form was completed to allow the applicant's NOI to proceed with permitting of the new water dependent structure. The purpose of this shellfish survey was to provide the Falmouth Conservation Commission with a complete and accurate description of the shellfish resources at the proposed project location by following the Town's FWR 10.34 guidelines. This information assists the Conservation Commission with their responsibility to protect the Town of Falmouth's wetlands resources in accordance with the Falmouth Wetland Bylaw, Chapter 235 of the Code of Falmouth (the "Bylaw") and allows them to make management decisions regarding appropriate placement of new water dependent structures. **Figure 1** depicts the general location of the proposed project with bathymetry below the Mean Low Water elevation (MLW=0.0'). The resource areas within 100 feet of the project site include: land under the ocean, land containing shellfish, coastal bank, salt marsh and land subject to coastal storm flowage.

Survey Methodology

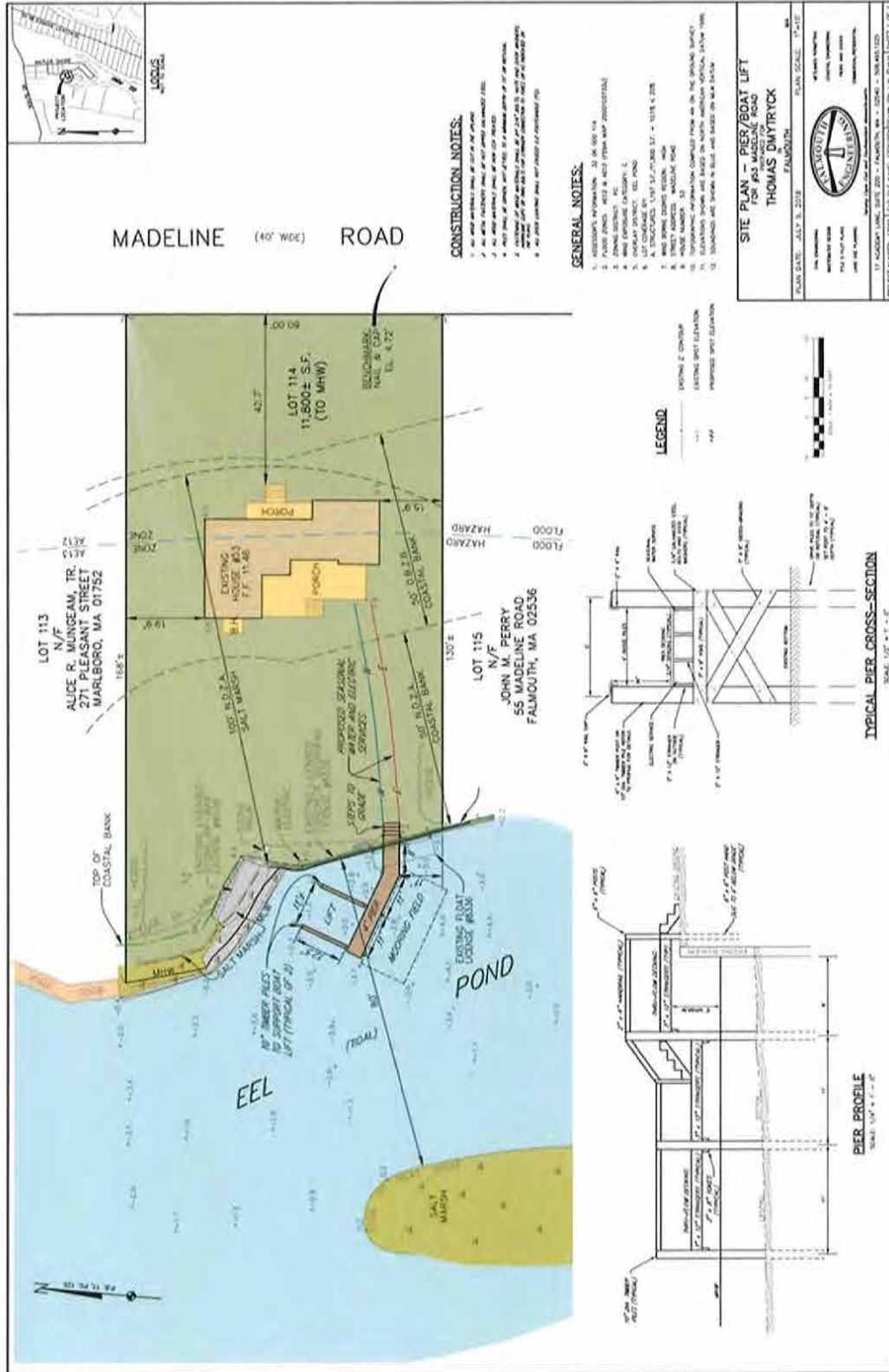
AECOM performed a shellfish survey following the FWR 10.34 recommendations and subsequently completed the required FWR 10.99 shellfish survey (SS) forms for a proposed pier project adjacent to the property at 53 Madeline Road in East Falmouth, Massachusetts. This shellfish study was performed in a scientifically defensible and repeatable manner and meets the Town of Falmouth's permitting requirements for newly proposed water dependent structures. Results summarized within the 10.99 SS forms are provided within Appendix 1 of this report.

The methodology AECOM used for this shellfish study has been used successfully for other shellfish surveys within Falmouth and throughout Cape Cod, Martha's Vineyard, and Nantucket. AECOM's survey



methodology followed those approved and utilized for shellfish studies of West Falmouth Harbor, Waquoit Bay, and Eel/Child's River, which were projects funded by the Town of Falmouth. AECOM's shellfish surveys obtain site specific shellfish data and follow the Town of Falmouth Conservation Commission specifications. Shellfish stations at the proposed project site were arranged in a grid pattern. The investigation included surveying the area along transects perpendicular and parallel to the proposed pier, ramp, and float project. A centerline was established running along the center of the proposed pier, ramp, and float location. Additional transects were established at 10-ft., 20-ft., 30-ft., and 40-ft. on either side of the proposed pier centerline on both sides running parallel to the centerline. Transects were established perpendicular to the centerline and set every 5-ft. per Conservation Commission specifications and extended to 35-ft beyond the seaward most portion of the proposed structure. Samples were collected following the Town of Falmouth's specifications within FWR 10.34 for areas A and B. An approximate volume of substrate of 1-cubic foot was processed through a 0.25-inch mesh basket at each of the station locations. Notes as to general sediment texture and other fauna observed were recorded and provided within Appendix 1.

Figure 1. Proposed Project 53 Madeline Road, East Falmouth, MA.



Appendix 1
FWR 10.99 SS FALMOUTH CONSERVATION COMMISSION
FALMOUTH CONSERVATION COMMISSION SHELLFISH SURVEY DATA SHEET

Date: 1/15/2019

Performed by: Pamela Neubert, Ph.D.

Page 1 of 3

Survey Results

AECOM's survey found no eelgrass present within the project area, which was consistent with MADEP figures provided within the MassGIS OLIVER website (http://maps.massgis.state.ma.us/map_ol/oliver.php).

The seafloor in the sampling area was soft anoxic mud that led to treacherous sampling conditions, with this type of mud deeper than 5 feet and contained no shellfish.

The Town of Falmouth FWR Shellfish thresholds were not exceeded for Area A or Area B (**Appendix 1**).

Total number of samples in Area A: 0

Total number of quahogs in Area A = 0 or 0.00/1ft² or 0.00/9ft²

Total number of samples Area B = 0

Total number of shellfish in Area B = 0 or 0.00/1ft² or 0.00/9ft²

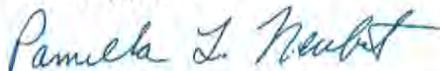
Sulfidic odor and black silty mud was observed throughout the entire sampling area.

Conclusions

Based on observations made during the shellfish survey, the Town of Falmouth FWR 10.34 shellfish thresholds were not exceeded for Area A or Area B. The proposed project meets the Town of Falmouth's FWR 10.34 shellfish recommendations. This project will not affect water circulation, will not cause changes in the distribution of sediment grain size, will not affect freshwater inflow and/or productivity of plants, and will have no significant, negative impact to water quality. The sediment within the surveyed footprint was observed to have high organic content, comprised largely of silt, showed anoxia, had distinct hydrogen sulfide odor. These conditions observed are indicative of eutrophic conditions. There is no need for mitigation for Area A as defined within FWR 10.34 because this area was devoid of shellfish.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,



Pamela Neubert, Ph.D.
Senior Marine Biologist



Distance from MHW (ft)	40' South	30' South	20' South	10' South	Center-line	10' North	20' North	30' North	40' North	Total For Transect
0 (MHW)	Breakwall	Breakwall	Breakwall	Breakwall	Breakwall	Breakwall	Breakwall	Breakwall	Garden (land)	0
5	BB CC GG NS	Ulva DD GG NS	Ulva DD GG NS	Ulva DD GG NS	DD GG NS	Ulva DD GG NS	BB CC X	Rip rap/ Spartina	Garden (land)	0
10	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva BB CC DD	BB CC X	Rip rap/ Spartina	Garden (land)	0
15	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG NS	BB CC X	Rip rap/ Spartina	Garden (land)	0
20	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	BB CC NS	Rip rap/ Spartina	Garden (land)	0
25	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva BB CC DD	Rip rap/ Spartina	Garden (land)	0
30	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva BB CC DD	Rip rap/ Spartina	Garden (land)	0
35	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva BB CC DD	Rip rap/ Spartina	Garden (land)	0

Appendix 1

FWR 10.99 SS FALMOUTH CONSERVATION COMMISSION
FALMOUTH CONSERVATION COMMISSION SHELLFISH SURVEY DATA SHEET

Date: 1/15/2019

Performed by: Pamela Neubert, Ph.D.

Page 2 of 3

Distance from MHW (ft)	40' South	30' South	20' South	10' South	Center-line	10' North	20' North	30' North	40' North	Total For Transect
------------------------	-----------	-----------	-----------	-----------	-------------	-----------	-----------	-----------	-----------	--------------------

40	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG BB NS	BB CC NS	Rip rap	0
45	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG FF NS	Ulva DD GG BB NS	BB CC NS	BB CC NS	0
50	Ulva DD GG FF NS	BB CC NS	BB CC NS	0						
55	Ulva DD GG FF NS	BB CC NS	Ulva BB CC NS	0						
60	Ulva DD GG FF NS	0								

Abbreviations

Species Codes:

<u>Code</u>	<u>Common Name</u>	<u>Scientific Name</u>
A	Quahog	<i>Mercenaria mercenaria</i>
B	Soft shell clam	<i>Mya arenaria</i>
C	Oyster	<i>Crassostrea virginica</i>
D	Bay scallop	<i>Argopecten irradians</i>
E	Blue mussel	<i>Mytilus edulis</i>
F	Razor clam	<i>Ensis directus</i>
G	Sea clam	<i>Spisula solidissima</i>
H	Sea scallop	<i>Placopecten magellanicus</i>
I	Ocean quahog	<i>Arctica islandica</i>

Substrate Codes:

<u>Code</u>	<u>Bottom Characteristics</u>
X	Rocky (15%-30% cover with rocks)
Y	Very rocky (30-60% cover with rocks)
Z	Extremely rocky (>60% cover with rocks)
AA	Fine sand
BB	Medium sand
CC	Coarse sand
DD	Mud
EE	Hydrogen sulfide smell
FF	Black or dark grey layer
GG	Organic rich sediments
HH	Eelgrass
SH	<i>Guekensia demissa</i> shell hash
NS	No Shellfish
Ulva	<i>Ulva latuca</i>
SM	Salt Marsh

Signature

Pamela L. Neubert

Date 1/15/2019

ATTACHMENT G

PLAN OF PROPOSED PIER

Phyllis Downey

From: Phyllis Downey
Sent: Friday, February 22, 2019 1:43 PM
To: 'Erica Borselli'
Cc: Diane Davidson (diane.davidson@falmouthma.gov)
Subject: RE: Wetland Hearing - Thomas Dmytryck - 53 Madeline Road

Hi Erica,

The meeting was advertised for February 25th at 7:30 pm. We will relay your request for continuance to March 25, 2019 to the Selectmen.

Best,
Phyllis

Phyllis Downey

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

From: Erica Borselli [mailto:erica@falmouthengineering.com]
Sent: Friday, February 22, 2019 11:45 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Jennifer McKay <jennifer.mckay@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Charles Martinsen <chuck.martinsen@falmouthma.gov>; Amy Coughlin <amy.coughlin@falmouthma.gov>
Subject: RE: Wetland Hearing - Thomas Dmytryck - 53 Madeline Road

Hi Phyllis,

We requested a continuance on this one. To March 25, 2019 if possible...

Regards,

*Erica Borselli
Falmouth Engineering, Inc.
17 Academy Lane, Suite 2
Falmouth, MA 02540
508.495.1225*

www.falmouthengineering.com

From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Friday, February 22, 2019 11:37 AM
To: Erica Borselli
Cc: Diane Davidson; Jennifer McKay; Gregg Fraser; Charles Martinsen; Amy Coughlin
Subject: Wetland Hearing - Thomas Dmytryck - 53 Madeline Road

Good morning,

Please be advised that a Public Wetlands Hearing in regard to the request by Thomas Dmytyrck to remove a licensed float and install a new pile supported pier will be heard by the board of Selectmen on Monday, February 25, 2019.

Please contact our office if you require further information.

Thank you,
Phyllis Downey

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



Memo

To: Town of Falmouth Conservation Commissioners
Conservation Commission
Administrator, Ms. Jennifer McKay
Conservation Commission Agent, Mr. Mark Kasprzyk

From: Pamela Neubert, AECOM
9 Jonathan Bourne Drive Pocasset,
MA 02559, USA

File: Tom Dmytryck
53 Madeline Road in
East Falmouth, Massachusetts 02536

Date: January 10, 2019

Reference: 53 Madeline Road .10.34(4) and FWR 10.99 Shellfish Assessment and Shellfish Survey Data Sheets

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The results of the shellfish survey are being submitted as part of the applicant's Notice of Intent (NOI) package to meet the Town's shellfish study specifications within the Falmouth Wetlands Regulations (FWR) 10.34 for construction of new water dependent structures. The proposed pier location is not within an area determined to be approved for shellfishing and was determined to be unsuitable for commercial and recreational shellfish species by Massachusetts Division of Marine Fisheries. Water quality degradation has resulted from long term nitrogen and organic carbon loading causing eutrophication, which is not only endemic to the estuaries of Falmouth but throughout Cape Cod, Martha's Vineyard, and Nantucket.

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Survey Methodology

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methodology followed those approved and utilized for shellfish studies of West Falmouth Harbor, Waquoit Bay, and Eel/Child's River, which were projects funded by the Town of Falmouth. AECOM's shellfish surveys obtain site specific shellfish data and follow the Town of Falmouth Conservation Commission specifications. Shellfish stations at the proposed project site were arranged in a grid pattern. The investigation included surveying the area along transects perpendicular and parallel to the proposed pier, ramp, and float project. A centerline was established running along the center of the proposed pier, ramp, and float location. Additional transects were established at 10-ft., 20-ft., 30-ft., and 40-ft. on either side of the proposed pier centerline on both sides running parallel to the centerline. Transects were established perpendicular to the centerline and set every 5-ft. per Conservation Commission specifications and extended to 35-ft beyond the seaward most portion of the proposed structure. Samples were collected following the Town of Falmouth's specifications within FWR 10.34 for areas A and B. An approximate volume of substrate of 1-cubic foot was processed through a 0.25-inch mesh basket at each of the station locations. Notes as to general sediment texture and other fauna observed were recorded and provided within Appendix 1.

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, February 25, 2019 at 7:45 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Holmes and McGrath, Inc. for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a proposed renovation to add three (3) additional bedrooms to an existing single family house at 24 Spencer Baird Road, Woods Hole in said Falmouth (parcel 49A 06 000D 044).

Per Order of Board of Selectmen

*Publication date: Friday, February 8, 2019, Falmouth Enterprise
Account #: 2056*

TOWN OF FALMOUTH NOTICE OF PUBLIC HEARING

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Per Order of Board of Selectmen

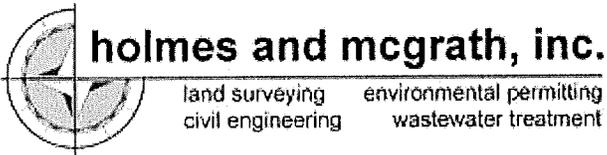
February 8, 2019

Diane Davidson

From: Joel Kubick <jrkubick@holmesandmcgrath.com>
Sent: Wednesday, February 06, 2019 4:17 PM
To: Diane Davidson
Subject: RE: 24 Spencer Baird Road

Great.
Thank you!

Joel Kubick, PE, PLS, CFM
Vice President
jrkubick@holmesandmcgrath.com



205 worcester ct, suite a4
falmouth MA 02540
Tel. 508-548-3564
Fax 508-548-9672
www.holmesandmcgrath.com

From: Diane Davidson [mailto:diane.davidson@falmouthma.gov]
Sent: Wednesday, February 06, 2019 4:14 PM
To: Joel Kubick <jrkubick@holmesandmcgrath.com>
Subject: 24 Spencer Baird Road

Dear Mr. Kubick,

The request for a variance to the Flow Neutral Bylaw for 24 Spencer Baird Road is scheduled for review/approval by the Board of Selectmen on Monday, February 25, 2019 at 7:45 p.m. in the Selectmen's meeting room, town hall.

Attached please find a copy of the public hearing notice which will appear in this Friday's Falmouth Enterprise.

Please let me know if you have any questions.

Thank you,

Diane

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

Diane Davidson

From: Scott McGann
Sent: Wednesday, February 06, 2019 4:01 PM
To: Diane Davidson
Subject: FW: flow neutral bylaw referral - 24 Spencer Baird

From 1/16. I'll cc you on these referrals as they happen every once in a while.

Scott

From: Scott McGann
Sent: Wednesday, January 16, 2019 1:03 PM
To: Julian Suso <jsuso@falmouthmass.us>; Peter Johnson Staub <peter.jstaub@falmouthmass.us>
Subject: flow neutral bylaw referral - 24 Spencer Baird

On January 7, 2019 the Board of Health heard a flow neutral bylaw referral for 24 Spencer Baird Road.

The Board of Health voted a positive referral that a Title 5 septic system could be cited on the property for the proposed project.

Any questions, feel free to reach out to me at any time.

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>



Falmouth Health Department

Falmouth Town Hall • 59 Town Hall Square • Falmouth, Massachusetts 02540
(508) 495-7485 • Fax (508) 548-4290
health@falmouthmass.us

BOARD OF HEALTH MEETING

AGENDA

January 7, 2019

6:30 p.m.

THIS MEETING WILL BE HELD IN THE TOWN HALL LOWER LEVEL MEETING ROOM

TIMES INDICATED FOR THE AGENDA TOPICS ARE APPROXIMATE

6:30 - Opening Remarks and public comment

SEPTIC – FLOW NEUTRAL BYLAW REFERRALS

6:30 - 24 Spencer Baird Road – request for Board of Selectmen referral from the Board of Health as required in the Flow Neutral Bylaw

- Cover Letter for Holmes and McGrath outlining the proposed project in an area currently served by Town sewer.
- Plan of a potential on-site system per the flow neutral bylaw referral requirement by Homes and McGrath dated December 12, 2018.

SEPTIC SYSTEM RELATED TOPICS

6:40 –29 Woodhaven Lane innovative/alternative technology proposal

- Letter from the John Doyle outlining the project and his request to install a Bio-Microbics Microfast 0.5 alternative technology septic system serving a proposed 3 bedroom home.
- Septic design plan by John Doyle dated December 30, 2018.

6:50 – Discussion of proposed regulation changes to FHR 15.0 Falmouth’s supplement to 310 CMR 590.00 (Title 5)

Working document of proposed changes to FHR 15.0.

GENERAL BUSINESS AND CORRESPONDENCE

7:20 - Board of Health Goals discussion and update

Board of Health discussion document

7:25 - Natural gas letter to the State Plumbing Board update

7:30 - Health Department review

7:40 - Correspondence

Review of meeting minutes from December 17, 2018

Our Mission

The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

Diane Davidson

From: Diane Davidson
Sent: Wednesday, February 06, 2019 2:28 PM
To: Scott McGann
Cc: Amy Lowell; Julian M. Suso - Town Manager (julian.suso@falmouthma.gov)
Subject: Variance Request - Flow Neutral Bylaw - 24 Spencer Baird Rd.
Attachments: Flow Neutral Bylaw Variance Request 24 Spencer Baird Rd..pdf

Hi Scott,

Please provide the Board of Health's recommendation on the attached request for a variance to the Flow Neutral Bylaw for renovation at 24 Spencer Baird Road, Woods Hole to add three additional bedrooms.

This request is scheduled on the Monday, February 25, 2019 Board of Selectmen's meeting at 7:45 p.m.

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*



holmes and mcgrath, inc.

civil engineers and land surveyors

205 worcester court · suite a4 · falmouth, ma · 02540

508-548-3564 · 800-874-7373 · fax 508-548-9672

jr.kubick@holmesandmcgrath.com

January 23, 2019

Ms. Susan L. Moran, Chairperson
Town of Falmouth - Board of Selectmen
59 Town Hall Square
Falmouth, Ma 02540



Dear: Ms.Moran:

RE: 24 Spencer Baird Road, Woods Hole
Our Job No: 218317

The owners of 24 Spencer Baird Road are proposing to renovate the existing single family house to add additional bedrooms within the existing footprint. The house is currently serviced by the municipal sewer system. The Falmouth assessors list the house as being four bedrooms. The proposed architectural floor plans show seven bedrooms.

The Wastewater Superintendent has reviewed the project and determined that sufficient capacity exists to handle the proposed flow (referral letter attached) and requested that the Board of Health provide a positive referral based on a determination that an on-site septic system could be installed at the property.

The Board of Health reviewed the proposed project at their January 7, 2019 meeting and has since provided the Board of Selectmen with a positive referral as required. Please review the attached letter and the emailed Health referral and put the matter on the agenda for the next available hearing. We believe the Board will make a positive determination that the project qualifies for a variance from the Flow Neutral bylaw in accordance with §180-56 of the town code.

If you have any questions, please call or write me.

Sincerely,

Holmes and McGrath, Inc.

Joel Kubick, P.E., P.L.S.
Vice President

Enclosures

cc: 24 Spencer Baird Road Nominee Trust
William Roslansky



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION
416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: October 5, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: William Roslansky, ZBA Office, Planning Office, Health Department

Re: Request for Variance Under the Flow Neutral Bylaw
24 Spencer Baird Road
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for a proposed increase from 5 bedrooms to 7 bedrooms in the single family residence located at 24 Spencer Baird Road.

The property currently has 5 bedrooms, so it's existing Title 5 wastewater flow is 550 gallons per day. At the proposed 7 bedrooms, the Title 5 flow for the property will be 770 gallons per day.

The property is the Town's original sewer service area and was connected to the sewer system in the late 1960s.

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.

Because this is the first variance request under the Flow Neutral Bylaw made for modification to a single family residential property, I provide on the next page excerpts of the bylaw that relate to this request.

The following is the section of the bylaw that applies to modification of existing single family residences (*italics added*):

§ 180-55 Modifications to existing parcels or changes in use in sewer service areas.

A. Single-family residences.

(1) Existing development. *Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.*

(2) New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.

(3) *Addition of bedrooms, beyond those permitted in Subsection A(1) and (2) above shall require a variance from the Board of Selectmen in accordance with § 180-56.*

Because the proposed bedroom increase is not allowed “by right” under the bylaw, a variance to is required.

The following is the section of the bylaw that governs variances (*italics added*):

§ 180-56 Variances in sewer service areas.

A. The Board of Selectmen, after a public hearingmay grant a variance, provided both Subsection A(1) and (2) below are satisfied:

(1) Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.

(2) Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances, can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.

B. *The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria in § 180-56A(2)above.*

The following is the section of the bylaw that applies to modification of existing single family residences (italics added):

§ 180-55 Modifications to existing parcels or changes in use in sewer service areas.

A. Single-family residences.

(1) Existing development. *Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.*

(2) New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.

(3) *Addition of bedrooms, beyond those permitted in Subsection A(1) and (2) above shall require a variance from the Board of Selectmen in accordance with § 180-56.*

Because the proposed bedroom increase is not allowed “by right” under the bylaw, a variance to is required.

The following is the section of the bylaw that governs variances (italics added):

§ 180-56 Variances in sewer service areas.

A. The Board of Selectmen, after a public hearingmay grant a variance, provided both Subsection A(1) and (2) below are satisfied:

(1) Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.

(2) Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances, can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.

B. *The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria in § 180-56A(2) above.*

Diane Davidson

From: Amy Lowell <alowell@falmouthmass.us>
Sent: Friday, October 05, 2018 4:52 PM
To: bilfenn@gmail.com; townmanager@falmouthmass.us
Cc: scott.mcgann@falmouthmass.us; Ashley DeMello; M. Maranchie; 'Frank Duffy'
Subject: 24 Spencer Baird request for variance under the Flow Neutral Bylaw
Attachments: 24 Spencer Baird Road - Flow Neutral ltr.pdf

Hello Bill,

Attached is my response to your request for a flow neutral bylaw variance for the above property.

As previously described, a finding will be needed from the Board of Health as well before this can go to the Board of Selectmen – I do not know if you have requested that from the Board of Health yet or not. I have cc'd the Health Agent.

I included the relevant excerpts of the bylaw at the end of the letter because this is the first single family residential variance request under the flow neutral bylaw.

Thank you

Amy

Amy Lowell
Wastewater Superintendent
416 Gifford Street
Falmouth, MA 02540
(508) 457-2543 x 3018
alowell@falmouthmass.us



AMY LOWELL
WASTEWATER SUPERINTENDENT

TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION
416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543



Date: October 5, 2018

To: Board of Selectmen, Town Manager, Town Counsel

cc: William Roslansky, ZBA Office, Planning Office, Health Department

Re: Request for Variance Under the Flow Neutral Bylaw
24 Spencer Baird Road
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for a proposed increase from 5 bedrooms to 7 bedrooms in the single family residence located at 24 Spencer Baird Road.

The property currently has 5 bedrooms, so its existing Title 5 wastewater flow is 550 gallons per day. At the proposed 7 bedrooms, the Title 5 flow for the property will be 770 gallons per day.

The property is the Town's original sewer service area and was connected to the sewer system in the late 1960s.

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.

Because this is the first variance request under the Flow Neutral Bylaw made for modification to a single family residential property, I provide on the next page excerpts of the bylaw that relate to this request.

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

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations of the Zoning Bylaw) on a request for a Shellfish Aquaculture Permit by Matthew V. Weeks of 282 Trotting Park Road, East Falmouth, MA 02536. Request for this permit was received on January 16, 2019 in the Office of the Board of Selectmen. Said hearing will be held on Monday, February 25, 2019 at 7:55 p.m. in the Selectmen's Meeting Room.

Legal description: A shellfish aquaculture permit for a 7.5 acre addition to existing 0.25 acre grant within the town's waters of Nantucket Sound offshore of Washburn Island, approximately 275' to 700' from shore; more specifically as follows:

To grow both Atlantic Surf Clams and Eastern Oysters using bags that will be placed in cages on the ocean bottom. A copy of the application is on file at the Office of the Board of Selectmen.

LICENSING BOARD

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

Publication date: Friday, February 8, 2019 – Falmouth Enterprise

Account #: 2056

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations of the Zoning Bylaw) on a request for a Shellfish Aquaculture Permit by Matthew V. Weeks of 282 Trotting Park Road, East Falmouth, MA 02536. Request for this permit was received on January 16, 2019 in the Office of the Board of Selectmen. Said hearing will be held on Monday, February 25, 2019 at 7:55 p.m. in the Selectmen's Meeting Room.

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LICENSING BOARD

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

February 8, 2019

SHELLFISH AQUACULTURE LICENSE APPLICATION

NAME OF APPLICANT: Matthew Weeks

ADDRESS: 282 Trotting Park Rd., Teaticket, MA 02536

PHONE NUMBERS: (508) 837-3838

PROPOSED LOCATION OF PROJECT: (ATTACH MAP WITH PROPOSED AREA MARKED.)

Nantucket Sound (see attached map)

PROPOSED SPECIES TO BE RAISED: Atlantic Surf Clam (*Spisula solidissima*) and Eastern Oysters (*Crassostrea virginica*)

PLEASE ATTACH DOCUMENTATION TO SUPPORT YOUR RESIDENCY STATUS.

Not a legal requirement.

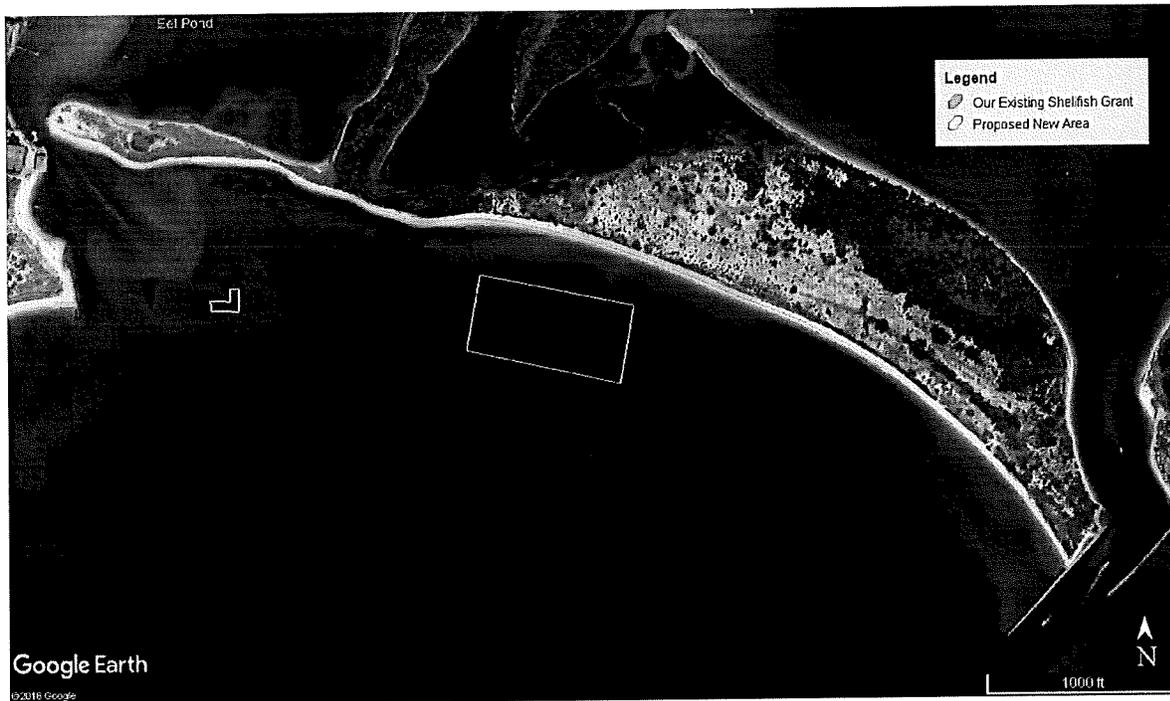
LIST YOUR EXPERIENCE OR TRAINING IN AQUACULTURE, FISHING, AND/OR WORKING IN THE MARINE ENVIRONMENT:

Worked in a variety of commercial fisheries throughout New England for the past 17 years. Have been growing and harvesting shellfish in Falmouth and Barnstable for the past 15 years.

PLEASE ATTACH A PLAN DESCRIBING HOW YOU PLAN TO OPERATE YOUR PROJECT THAT INCLUDES PLANS FOR ANY AND ALL CAGES, RAFTS, AND OTHER SPECIALIZED EQUIPMENT, DETAIL YOUR GOALS FOR THE FIRST FIVE YEARS. INCLUDE THE NUMBER OF SEED THAT YOU INTEND TO PURCHASE EACH YEAR AND WHERE YOU INTEND TO PURCHASE THAT SEED.

This application is for a 7.5 acre addition of our existing 0.25 acre grant in Nantucket Sound offshore of Washburn Island. We will be continue to operate the grant in a responsible manner as the existing grant has for the past 7 years. All operations will follow the Best Management Practices set by the East Coast Shellfish Growers Association as well as the local BMPs established by the Southeastern Massachusetts Aquaculture Center. We plan to purchase 40-80K surf clam seed each year and 20-40K oyster seed. Surf clam seed and oyster seed will come from ARC in Dennis. All shellfish will be in bags and cages on the bottom set up on a longline system. Gear will extend no more than 2"-14" off the bottom. Attached is a plot with the proposed coordinates for the new area, site characteristics, and examples of gear to be used.

Plot of existing 0.25 shellfish grant and proposed 7.5 acre addition:



Site Corner Positions:

#1: 41.5510, -70.5402

#2: 41.5506, -70.5373

#3: 41.5499, -70.5404

#4: 41.5495, -70.5376

Site Characteristics:

6'-10' depth

Sand bottom

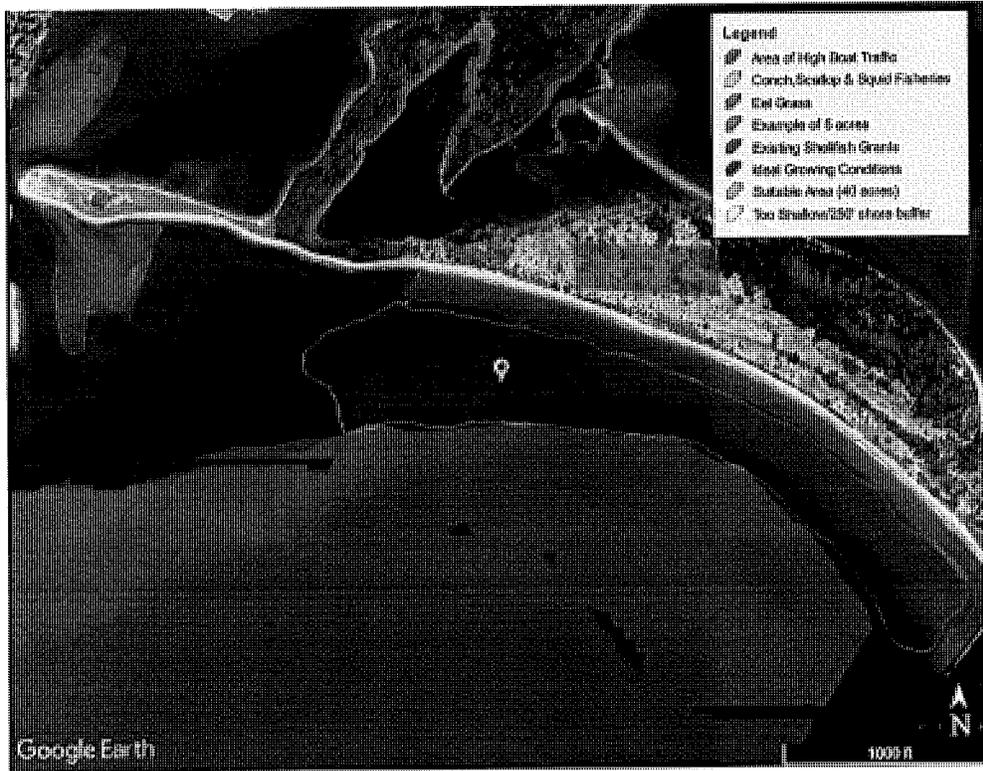
No eelgrass or shellfish present

275-700 feet from shore

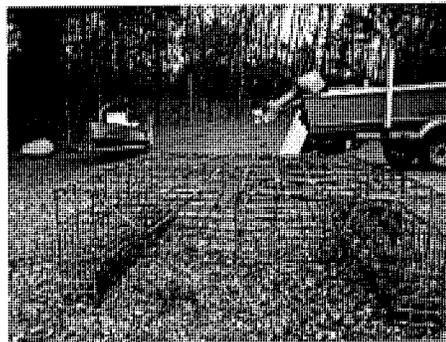
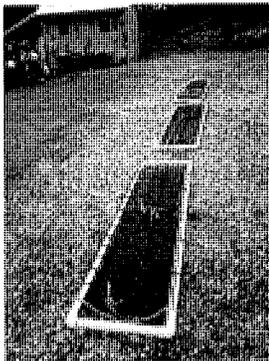
Dimensions 410'x800'

DMF approved shellfish growing area SC8

Uses and resources in the surrounding area:



Examples of gear to be used:





Marine & Environmental Services
TOWN OF NANTUCKET
150 Waterfront Avenue, Nantucket, MA 02540
Tel: (508) 257-2500 Fax: (508) 257-2575

To: Shellfish Advisory Committee
From: Mr. Chuck Martinson, Deputy Director & Shellfish Constable
Date: January 9, 2019
Re: Application for Shellfish Grant in Nantucket Sound

Dear Shellfish Advisory Committee,

I have received Mr. Weeks' application for a Shellfish Grant in the waters of Nantucket Sound off shore of Washburn Island for the intended purpose of raising Atlantic surf clams (*Spisula velutina*) and Eastern oysters (*Crassostrea virginica*). At this time I have no concerns regarding this application. I would encourage the applicant to reach out to WBNERR and the recreational boating community early in the process.

Sincerely,

Chuck Martinson
Deputy Director & Shellfish Constable

Marine & Environmental Services

Diane Davidson

From: Diane Davidson
Sent: Wednesday, February 06, 2019 1:13 PM
To: 'Matthew V. Weeks'
Subject: RE: Shellfish Grant Proposal in Nantucket Sound

Hi Matt,

I have this application scheduled for the 2/25 Selectmen's meeting. Would you be able to email me a copy of the complete application? I will need this to prepare the public hearing notice to send to the Enterprise tomorrow morning.

Thank you,

Diane

From: Matthew V. Weeks [mailto:mattvweeks@gmail.com]
Sent: Monday, January 28, 2019 2:19 PM
To: Diane Davidson <ddavidson@falmouthmass.us>
Subject: Re: Shellfish Grant Proposal in Nantucket Sound

Hi Diane, any idea on the time frame for getting this on the BOS agenda? Thanks again, Matt 508-837-3838

On Wed, Jan 16, 2019 at 2:32 PM Matthew V. Weeks <mattvweeks@gmail.com> wrote:

Hi Diane,

Could I please schedule a hearing with the BOS regarding this application? Anytime is fine with me. I think I may need to do the 5 year renewal of the license for our existing grant this year as well. Not sure if that needs to be done at a different hearing or not.

Thanks,

Matt
508-837-3838

On Wed, Jan 16, 2019 at 11:25 AM Pete Chase <chasepete@hotmail.com> wrote:

Hi Matt,

Please see the attached letter that documents the unanimous approval of your project from the Shellfish Advisory Committee. Please let me know if you have any questions and good luck with the rest of the permitting process.

Pete

To: Mr. Matthew Weeks

CC: Chuck Martinsen, Shellfish Constable; Christina Lovely, Dept of Marine and Environmental Services; Gregg Fraser, Harbormaster; Diane S. Davidson, Office of Town Manager; Susan Moran, Chairman, Board of Selectmen; Bobby Sargent, Vice Chairman, Shellfish Advisory Committee; Tom Duncan, Shellfish Advisory Committee

From: Peter Chase, Chairman of Shellfish Advisory Committee

Date: January 16, 2019

Re: Application for Shellfish Grant in Nantucket Sound

Dear Mr. Weeks,

Your application for a 7.5 acre shellfish grant in Nantucket Sound was reviewed by the Shellfish Advisory Committee at a meeting held on January 15, 2019. You propose to grow both Atlantic surf clams and Eastern Oysters at this site using bags that will be placed in cages on the ocean bottom. The Shellfish Advisory Committee voted unanimously to approve your application without any conditions. Therefore, you may proceed with scheduling a hearing with the Falmouth Board of Selectmen and continue with the permitting process. Best of luck,

Sincerely,

Peter Chase

Peter Chase

Chairman, Shellfish Advisory Committee

Diane Davidson

From: Matthew V. Weeks <mattvweeks@gmail.com>
Sent: Wednesday, January 16, 2019 2:33 PM
To: Diane Davidson
Subject: Re: Shellfish Grant Proposal in Nantucket Sound

Hi Diane,

Could I please schedule a hearing with the BOS regarding this application? Anytime is fine with me. I think I may need to do the 5 year renewal of the license for our existing grant this year as well. Not sure if that needs to be done at a different hearing or not.

Thanks,

Matt
508-837-3838

On Wed, Jan 16, 2019 at 11:25 AM Pete Chase <chasepete@hotmail.com> wrote:

Hi Matt,

Please see the attached letter that documents the unanimous approval of your project from the Shellfish Advisory Committee. Please let me know if you have any questions and good luck with the rest of the permitting process.

Pete

Diane Davidson

From: Pete Chase <chasepete@hotmail.com>
Sent: Wednesday, January 16, 2019 11:25 AM
To: Matt Weeks; Charles Martinsen; Christina Lovely; Gregg Fraser; Susan Moran; Diane Davidson; Adrsumbob3@gmail.com; thoskduncan@gmail.com
Subject: Shellfish Grant Proposal in Nantucket Sound
Attachments: Weeks Approval Letter - SAC.pdf

Hi Matt,

Please see the attached letter that documents the unanimous approval of your project from the Shellfish Advisory Committee. Please let me know if you have any questions and good luck with the rest of the permitting process.

Pete

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, February 25, 2019 at 8:05 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of the Falmouth Commodores for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a concession stand at the Ray Paltz Building at Guv Fuller Field at 744 Main Street in said Falmouth (parcel 39 21 001 000).

Per Order of Board of Selectmen

*Publication date: Friday, February 15, 2019, 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: February 22, 2018

To: Board of Selectmen

Re: Request for Variance Under the Flow Neutral Bylaw
Ray Paltz Building (Falmouth Commodores' Concession Stand), 790 Main St
Sewer Capacity Determination

A variance has been requested under section §180-56 of the Town's Flow Neutral Bylaw for the Ray Paltz Building (the Falmouth Commodores' concession stand behind the Gus Cauty Center), 790 Main St. The Falmouth Commodores are proposing to modify the building to provide restrooms and limited food service and have requested a sewer connection.

Peak wastewater flow from the proposed concession facility is conservatively estimated to be approximately 2,225 gallons per day, based on the existing field seating capacity of 445 seats and 5 gallons per day per seat (Title 5 estimate for a public park type facility). Average daily wastewater flow is expected to be a fraction of that number due to extremely limited use of the facility in the off-season.

The proposed development is within an existing sewer service area and the parcel abuts an existing gravity sewer main on Main Street. A sewer connection plan will need to be prepared for review by the Wastewater Division – if possible, the building should have its own connection to the sewer main in the street (a separate lateral).

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 the flow from the other currently proposed projects in sewer service areas, sufficient sewer system capacity exists to allow the proposed connection.

Diane Davidson

From: Scott McGann
Sent: Wednesday, February 13, 2019 12:22 PM
To: Julian Suso; 'Peter Johnson-Staub'; Amy Lowell
Cc: Diane Davidson
Subject: flow neutral bylaw referral

On February 11, 2019 the Board of Health heard a flow neutral bylaw referral for the Ray Paltz Building (concession stand) at the rec center at 790 Main St. The Falmouth Commodores are working towards having food service and restrooms in that building requiring the need to tie into sewer.

The Board of Health voted a positive referral that a Title 5 septic system could be cited on the property for the proposed project.

Any questions, feel free to reach out to me at any time.

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>

Diane Davidson

- ad to paper 2/13
- health

5/05
- address + parcel ID

From: Mark Kasprzyk <mjkas25@comcast.net>
Sent: Thursday, February 07, 2019 9:13 AM
To: - Amy Lowell
Cc: Chris Fitzgerald; Diane Davidson; Julian Suso; Linda Peters; Peter Johnson Staub; Steve Brocklebank
Subject: RE: Falmouth Commodores Request for Variance under the Flow Neutral Bylaw
Attachments: Exhibit F.docx

Hi Amy -

A variance is requested under section 180-56 of the Town's Flow Neutral Bylaw by the Falmouth Commodores for a proposed sewer connection to the Ray Paltz Building at Guv Fuller Field. The Commodores are seeking to use the building as a seasonal concession (approx.. 4 months per year) under the proposed MOU with the town. We are trying to get on the 2/25 Board of Selectman meeting. Thank you.

Sincerely,

Mark Kasprzyk, President
Falmouth Commodores

Ad to F.E. 2/13
2/11
✓

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

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: FALMOUTH HOME RULE CHARTER
PERSONNEL ADMINISTRATION
DATE: 2/22/2019
CC:

This memorandum is a general summary of provisions in the Falmouth Home Rule Charter relevant to personnel administration. The Falmouth Home Rule Charter divides this authority between the Town Manager and the Board of Selectmen.

The Falmouth Home Rule Charter grants primary responsibility for personnel operation to the Town Manager subject to policy directives of the Board of Selectmen and, for certain actions, approval of the board.

C5 – 3A. The Town Manager is the chief administrative officer and is responsible for administering and coordinating all town employees, activities and departments. The Board of Selectmen has authority to set goals and policies regarding these matters, but does not make specific decisions about personnel matters.

C5 – 4A. The Town Manager appoints enumerated positions and department and division heads, subject to approval of the Board of Selectmen. All other personnel appointments are made by the Town Manager without board approval.

C5 – 5A&B. The Town Manager may propose, and the Board of Selectmen may adopt, personnel rules and regulations. Personnel bylaws must be voted by Town Meeting.

C5 – 6A&B. The Town Manager directs the administrative functions of town government and determines the organization of departments and divisions. He also determines the functions, duties and responsibilities of departments and divisions.

C5 – 7A&B. The Town Manager has authority to reorganize, consolidate or abolish and department, division or position with the approval of the Board of Selectmen. Any new permanent, compensated position requires the affirmative vote of 4 members of the Board of Selectmen and the position must be funded by Town Meeting.

The Falmouth Home Rule Charter grants executive authority to the Board of Selectmen.

C3 – 2. The Board of Selectmen may exercise the executive authority in the following manner: set policies to be carried out by the Town Manager and other town employees and recommend actions to Town Meeting.

C3 – 6. The Board of Selectmen has certain defined powers of appointment. It appoints the Town Manager, the Town Accountant, the Registrars of Voters, Election Officers, Constables and the town boards and committees as provided in Article VII of the charter.

C3 – 7A. The Board of Selectmen may not administer the day to day operations of the town, but shall direct the Town Manager to do so. The board shall work through the Town Manager when dealing with matters involving department heads or other town employees.

Julian Suso

From: Julian Suso
Sent: Friday, February 22, 2019 3:58 PM
To: Selectmen (selectmen@falmouthmass.us)
Cc: Frank Duffy; Peter Johnson Staub
Subject: FW: Falmouth Historical Commission

Dear Board Members,

I have been asked to have Town Counsel review the role and authority of the Historical Commission. This question has arisen specifically in regard to the Marks Building, which is not located within a Town historic district. It does have placement on the National Register of Historic Places, subject to oversight by the Massachusetts Historical Commission by written agreement with the Town. As I believe you are aware, I have agreed with Historical Commission Chair Ed Haddad that as a plan is developed for any interior, first-floor office upgrade of the Marks Building, that this plan would be shared with the Historical Commission for their input. Mass Historic Commission overview and approval is a requirement that we continue to honor.

Julian

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Friday, February 22, 2019 3:40 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>
Cc: Corey Pacheco <corey.pacheco@falmouthma.gov>; Jennifer Petit <jennifer.petit@falmouthma.gov>; Ray Jack <ray.jack@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Falmouth Historical Commission

Julian: The Historical Commission was created by the merger of the former Historic Districts Commission and the former Historical Commission. It has the powers and duties of a historic districts commission under G.L. c. 40C and a historical commission under G.L. c. 40, s. 8D.

The HC has authority of a historic districts commission derived from c. 40C to approve the construction and alteration of buildings within a historic district, but not the use of the building. This authority extends to approval of "exterior architectural features visible from a public street, public way, public park or public body of water. It issues a Certificate of Appropriateness.

For buildings within its jurisdiction, the HC shall consider historic and architectural values and significance of the site, building or structure and its general design, proportions, architectural features and its relationship to other structures within the district. The HC may not consider interior arrangements or exterior architectural features not visible from a public street, etc.

The HC has authority of a historical commission derived from G.L. c. 40, s. 8D. A Historical Commission is established for the preservation, protection and development of the historical or archeological assets of a municipality. It may recommend, subject to approval of the Board of Selectmen, that a building or structure or place be certified as a historical or archeological landmark. In this role the HC is an advocate for historic preservation and may conduct such research and studies and prepare plans, maps, surveys and pamphlets necessary for its work. In this role the HC does not issue any permits.

To my knowledge the Marks Building is not within a historic district but it is included in both state and national registers of historic buildings. It is my understanding that inclusion on the registers of historic building does not grant the HC any

additional powers or authority. Presently the future condition and use of the Marks building is undetermined. The role of the HC can be more completely assessed when there are specific plans.

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.

TO: Board of Selectmen
FROM: Julian M. Suso, Town Manager
Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Edward Marks Building AKA The Poor House
DATE: February 22, 2019

We have prepared a series of potential motions for the Board's consideration to provide clear direction with respect to the Edward Marks building. Also attached to this memo are responses to questions received from the Falmouth Preservation Alliance on February 11, 2019.

Edward Marks Building Decisions & Potential Motions

Roof:

1. Proceed with existing contract to replace asphalt roof in-kind with asphalt roof in order to protect this historic structure from damage related to water intrusion and consider installation of cedar shake roof with Community Preservation funds in the future.
 - a. Motion: I move that the Town Manager proceed with the contract to replace the asphalt shingle roof of the Edward Marks building with an asphalt roof as approved by the MA Historical Commission.
2. Terminate roof contract and defer action until additional funds are authorized for cedar roof. Normal process would require capital appropriation at November 2020 Town Meeting. Supplemental appropriation for FY2019 operating budget could be considered.
 - a. Motion: I move that the Town Manager be directed to terminate the contract for replacement of the existing Edward Marks roof signed October 2018.

Uses of the Edward Marks Building:

1. Proceed with design and construction of first floor improvements to facilitate Human Services relocation to the first floor with separate entrance and access to the second floor provided to allow for future restoration and use.
 - a. Human Services relocation takes place when first floor improvements completed.
 - i. Motion: I move that the Human Services offices be relocated to the first floor of Edward Marks Building as approved by Town Meeting in November 2018 and that the relocation take place as soon as those building improvements are completed.
 - b. Human Services relocation takes place only after second floor improvements completed – likely requires 3-5 years to obtain funds from Community Preservation and other sources, bid, design, and complete work.
 - i. Motion: I move that the Human Services offices be relocated to the Edward Marks Building only after repairs and improvements to the second floor have been completed.

Responses to Questions from Falmouth Preservation Alliance submitted February 11, 2019

Note questions have been abbreviated for convenience. Original questions are attached.

Q: Which Giampietro scenario will be use?

A: That has not been decided, however, we are only contemplating improvements to utilize the first floor which was previously used as office space by the Falmouth Retirement Board.

Q: What is the timeframe for design, execution and move in?

A: Pending confirmation of Board of Selectmen, designs refined in coming months with bid and construction to follow. Entire process could be completed in less than one year depending on the time required for Falmouth Historical Commission input, MA Historical Commission approval and any unforeseen technical challenges.

Q: Who will be the project manager?

A: Architect to provide construction administration services working with staff team.

Q: Has selected plan been submitted to MA Historical Commission?

A: We do not yet have plans to submit and are well aware of the requirement that they be approved by MA Historical Commission before work commences.

Q: When will plan be submitted to Falmouth Historical Commission?

A: Draft plans can be submitted for review when they have been prepared and prior to submission to MA Historical Commission.

Q: When will drawings be available?

A: In the coming months pending Board of Selectmen confirmation to proceed.

Q: How will HVAC vents and ducts be hidden?

A: That is an issue that will be addressed with input from architect, Assistant Town Planner Corey Pacheco, HVAC contractor and staff team.

Q: Does DPW have expertise to restore historic building?

A: The design and plans will be prepared by the architect with input from Mr. Pacheco. Any work that impacts historical appearance will be consistent with approval of MA Historical Commission as per the existing preservation restriction. The DPW Facilities staff will not be asked to evaluate historical appropriateness.

Q: When will major restoration be required for second floor, windows and attic to maintain the Human Services offices on the first floor?

A: Prior engineering analysis indicates the building is structurally sound. Certainly it is a critical priority to protect the building envelope by replacing the roof and repairing any areas

considerations. The Human Services staff work with these departments on a regular basis. It is clear that the Town is going to continue to own the Edward Marks building indefinitely and it seems appropriate the building be put to good use. Regardless of what that use is, there will be associated Town costs to make the space functional within the confines of the historic preservation requirements. Moreover, the building will have greater visibility if it is actively used to serve the public and we believe this will help ensure the building is properly maintained over time.

Q: Has the Town considered the impact of inflation on delaying full restoration of the Poor House?

A: A full restoration of the Poor House is a separate issue. The purpose of this project is to create an appropriate office location for Human Services and utilize a vacant Town building. We have many capital projects that we do not have the financial and managerial capacity to undertake all at once -- a new fire station, water main and roadway improvements, the next phase of sewer and water quality projects, and the current senior center construction to name a few.



Questions for BOS: Current Plan to Place Human Services in Poor House

ARCHITECTURAL PLAN

The current frame of reference is a 2014 plan by Giampietro Architects showing three scenarios, all of them more extensive than current funding will accomplish.

- **Which Giampietro scenario is the basis** for the current Town plan for the first floor?
- **What is the timeframe** for design, for execution, for move-in?
- **Who will be the project manager** of the Town's proposed renovation?
- Has the selected plan been **sent to Mass Historical Commission?**
- When will the plan be **submitted to the Falmouth Historical Commission?** None of the scenarios show historical features that must be protected and in fact all three scenarios introduce new features, such as a staircase to the basement and an elevator.

CONFORMITY TO PRESERVATION RESTRICTION – INTERIOR

The Giampietro plans do not show all historical features that must be protected in the preservation restriction (e.g., hidden fireplaces, staircases, posts and floorboards from original cells).

- **When will those drawings be available?** We recommend that a **historic preservation expert** (e.g., Corey Pacheco, Jeff Gonyeau, Sarah Korjeff, Sarah Chase) be tasked with documenting the important historic architectural elements because people without knowledge of its architecture have made inaccurate comments about whether there is sufficient historic character to be valuable. (Note: National Register status was granted after renovations by the Artists Guild: a proof point that the social history of the building has important, inherent value.)
- **How will HVAC vents and ducts be hidden?** (Duct work and vents must be minimally invasive to comply with preservation restriction.)
- **Does the DPW have the expertise** to know how to restore an important historic building – with knowledge of how to preserve specific historic features? It's important to annotate original details and features, and retain them in any new plan. (For example, there were three original windows in the second-floor front. We noticed one window had been replaced, but with a different pane configuration. We found the original in the basement.)
- Based on the condition of the second floor, windows, attic and cellar, **how long before major restoration would be required** on the building in order to maintain the Health and Human Services office?



CONFORMITY TO PRESERVATION RESTRICTION – EXTERIOR

- The **front porch and door are not historically suitable** if the Town does a careful restoration for an appropriate streetscape presence, especially now that a new Senior Center and hotel are proposed for the area. Is suitable restoration of the streetscape planned in the same timeframe as the interior?
- **When will a new shake roof be installed?** (\$35K from 2017 Town Meeting is inadequate to install a new period-appropriate roof, which is overdue.)

FINANCIAL – IMMEDIATE

- What was the **estimated cost of the 2014 Giampietro scenario** the Town has chosen **vs. the projected cost now?**
- What is the **estimated cost of an appropriate restoration of the main floor only?** (*See Duffany estimate.*)
- **How much additional money will be required** beyond the amount for “renovation” of the main floor (passed by Fall 2018 Town Meeting) in order to **cover insulation, historically appropriate new windows, front door and front porch?**
- Is there an allowance in the current estimate to handle **presence of lead paint and asbestos in insulation?**

FINANCIAL – LONG TERM

- What are the **projected annual maintenance and operating costs for the whole building**, even if a renovated-only main floor only is occupied?
- Since the stated primary motivation for moving Human Services is to save \$25,000 in current annual lease expense, **has the Town or Finance Committee calculated the number of years to break-even that includes the true cost of preparation for first floor occupancy, as well as annual maintenance and on-going operating expense?** *The Alliance has calculated a hypothetical number of years break-even analysis that indicates no break-even amortization well beyond 25 years versus continued payment of \$25,000 annually (Alliance break-even analysis available on request).*
- Since the Town’s current plan is to partially renovate the first floor for tactical occupancy by Health and Human Services, has the Town or the Finance Committee considered the **impact of inflation on delaying full restoration of the Poor House?** Using the Prevailing Wage scale, the delay will exceed doubling the cost between 5 and 10 years. (Alliance analysis of cost delays available on request).

*original to Shardell
10/26/18*

AGREEMENT

This Agreement is made this day of October, 2018 by and between the Town of Falmouth, Massachusetts, a municipal corporation in Barnstable County, having a principal place of business at 59 Town Hall Square, Falmouth, MA 02540, acting by and through its Town Manager (hereinafter referred to as "the Town") and William A Contino having a principal place of business at 28 Graystone Road, Stoneham, MA 02180 (hereinafter referred to as "the Contactor").

Whereas the Town desires to engage the Contractor to provide the services described in the Request for Quotes, Ed Marks Re-Roof; Project #07, Quote of 10/10/18 and General Provisions attached hereto.

Whereas the Town has complied with the provisions of G.L. c. 30B, s. 1 et seq. (the Uniform Procurement Act) and any other applicable law, rule or regulation as follows: Request for Quotes.

NOW, THEREFORE, the Town and the Contractor agree as follows:

1. **Contract Documents.** The Contract Documents consist of this Agreement together with the documents listed on Schedule 1 attached hereto. The Contract Documents constitute the entire agreement between the parties. This Agreement, including any exhibits or documents incorporated by reference, may be amended by a written document signed on behalf of both parties. In the event of conflicting provisions, the language of this Agreement shall govern provided that if the conflict relates to quantity or quality of goods or services, the greater quantity or higher quality specified shall be required.
2. **Scope of Services.** The Contractor shall furnish all goods or services in accordance with the Contract Documents as well as all goods or services necessary or incidental thereto.
3. **Performance.** The Contractor shall furnish all tools, equipment, staffing and materials to complete this Agreement in conformity with all applicable federal, state and local laws, rules and regulations and the Contractor shall be responsible for obtaining all necessary approvals and permits that may be required. The Town shall furnish the Contractor with all reasonable information which the Contractor deems necessary for the progress and successful completion of the project described herein.
4. **Delivery.** The Contractor shall deliver all goods and perform all services at the location determined by the Town. All delivery charges shall be paid by the Contractor. Title to goods delivered shall remain in the name of the Contractor until accepted by the Town.

Compensation insurance as required by law. All insurance policies shall contain a provision that cancellation is not effective as to the Town unless it has been given a 30 day written notice of intention to cancel or not renew. The Town will require a Certificate of Insurance naming the Town of Falmouth as an addition insured without any additional cost to the Town.

11. Independent Contractor. The Contractor is an independent contractor and is not an agent or employee of the Town and is not authorized to act on behalf of the Town. The Contractor is not entitled to any benefits afforded to town employees. The Town will not withhold any federal or state taxes from payments due the Contractor hereunder, except in accordance process or court order. If this Contractor is an individual or is an individual specifically named in this Agreement, that person may be considered a municipal employee for purposes of G.L. c. 268A, s. 1 et seq. (the Conflict of Interest law) and for purposes of G.L. c. 66, s.10 (the Public Records law) and shall comply with all relevant provisions of the same.
12. Successors and Assigns. This Agreement may not be assigned or transferred by the Contractor without the prior written approval of the Town and any approved assignee or transferee must accept all of the Contractor's duties and obligations hereunder and be eligible for award of this Agreement in the first instance.
13. Inspection and Retention of Records. The Contractor shall retain all records relative to this Agreement for a period of seven (7) years from the date of the last payment made to the Contractor hereunder and the Town shall have the right to inspect and copy or require production of all records at any time upon request which right shall survive Contractor's completion of this Agreement or termination under this Agreement.
14. Termination. The Town shall have the right to terminate this Agreement if the Contractor neglects or fails to perform any duty or obligation under this Agreement and a cure is not effected by the Contractor within seven (7) days following its receipt of a termination notice issued by the Town or the Contractor files a petition in bankruptcy or insolvency or other relief for debtors. In the event of such termination the Town's liability to the Contractor shall not exceed the value of goods delivered and accepted by the Town or services provided to the date of termination. The Town may terminate this Agreement at any time upon thirty (30) days written notice to the Contractor. In the event of such termination the Town's liability to the Contractor shall include all costs reasonably and necessarily incurred prior to the date of termination which shall not exceed the unpaid balance of this Agreement. Upon termination, the Contractor shall return all property, including any documentation, relative to this Agreement belonging to the Town and in the possession of the Contractor.
15. Notices. All notices to the Town shall be in writing and mailed, postage prepaid, to Town Manager, Town of Falmouth, 59 Town Hall Square, Falmouth, MA, 02540. All notice to the Contractor shall be in writing and mailed, postage prepaid, to

SCHEDULE 1

Contractor: William A. Contino

Project: Ed Marks Building

CONTRACT DOCUMENTS

1. Request for Quotes
2. Quotes (\$19,864.00)
3. General Provisions

FROM :

FAX NO. :

Oct. 10 2018 8:24AM P1

W.A.C.

General Contracting



Complete Residential & Commercial
Renovations and New Construction

WILLIAM A. CONTINO
Licensed and Insured
(781) 279-3955
Cell (781) 706-5681 24 Hr Emergency Response

10/9/18 Emailed
Wait for reference's
and Frank Duffy Contract

Fax Cover Sheet

To Shardell Nardal

Fax 508-457-2505

Date 10/10/18

Being sent from Bill Contino

Comments

Any questions call Bill
cell # 781-706-5681
706-5681

Number of pages including cover sheet 3

BIP

10/10/18

10 AM

FROM :

FAX NO. :

Oct. 10 2018 8:25AM P3

W.A.C. Contractors
Name of Bidder

William A. C. Contarino
Signature + Title of person signing Bid

23 Burgess Rd
Business Address

Stoughton MASS. 02180
City and State

10/10/18
Date

Note: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of general partners if different from business address.



Town of Falmouth

HUMAN SERVICES DEPARTMENT

February 21, 2019

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

Dear Julian,

Given the continued dialogue regarding the relocation of the Human Services Department to the Mark's Building, I wanted to formally share some of my thoughts regarding the matter.

I am in full support of relocating the Human Services Department to the Mark's Building. I feel that the proximity to the Police Department, Senior Center, and Recreation Department will be of great benefit to our interdepartmental work with our colleagues in those respective departments. In recent years, and in my relatively new role as Director of Human Services, I have noticed an increase in the amount of collaborative work between these departments. For example, the new shared clinical social worker with the Senior Center, our outreach work with the Police Department, our consultation and training work with the Recreation Department just to name a few. These collaborative and collegial efforts have not only improved Town's services, but have also encouraged an open, supportive and efficient team approach to how we operate and deliver services. The establishment of a "Municipal Campus" creates an ideal environment to continue moving in this direction.

As you know, the Human Services Department provides a very wide array of services and supports to the residents of Falmouth. One key function is to provide counseling services to residents who wouldn't otherwise be able to access this service elsewhere. It has been mentioned in various conversations and in the Falmouth Enterprise that perhaps the Human Services Department needs a more private location or that we should be "out of public view". This is something I feel the most strongly about. "Out of public view" perpetuates a stigma that mental health is something to be hidden away or whispered about – it's not. We should highlight the fact that we have these services and supports readily available and visible to the general public. On any given day the Human Services Department delivers a wide array of services to the public other than counseling, and having the Human Services Department on that campus will provide visibility and will welcome residents who are looking for support and direction of any kind.

When it comes to the issues of historical preservation, restoration, construction, building plans, etc., I will simply acknowledge that that is not my domain. I am speaking from an operational, functional, and service delivery standpoint. I do have respect for the origins of the building and feel that coming full circle to the original function of the Poor House is a nice nod to the history of the building. In fact, if an option were to delay the relocation until after a full restoration, I would prefer that option over moving to what has also been mentioned, the soon to be vacant Senior Center. I do not feel that the 300 Dillingham Ave. is an optimal location and it most importantly would not be a part of the Municipal campus.

On behalf of the professional and committed Human Services staff, I appreciate your efforts to highlight the important functions of our Department. Please let me know if I can answer any questions or speak further on the matter.

Sincerely,

Suzie Hauptmann
Human Services Director
CC: Peter Johnson-Staub





Falmouth Commission on Disabilities

59 Town Hall Square

Falmouth, Massachusetts 02540

Ms. Megan English-Braga

Vice-Chairman

Board of Delectman

59 Town Hall Square'Falmouth, MA 02540

Dear Ms. English-Braga,

The Commission on Disabilities has been asked by Scott Lindell, from the Bike-ways Committee, to write a letter supporting the name change from the Bike-way Committee to the Bicycle and Pedestrian Committee. Due to a previously scheduled presentation, after Mr. Lindell had emailed me the information on the change And asked for the commissions opinion, we dis not have the time to really dissect the name chnage and Article 20, but on face-value the name change was fairly innocuous,

However, asked by Mr.Lindell, to re-visit the subject. And offer an opinion and requested we send you a letter In support, the entire comission met on february 21 st and we had time to look over and discuss Article 20, along with the name change. The commissioners asked me in my letter to you, to state our opinion has not changed from our initial letter to Mr. Lindell, that our concerns with the Complate Streets Policy, which upon closer examination we feel Article 20 is merely an extention of, the Complete Streets Policy, and does not protect pedestrians from hazards of vehicular traffic, nor the hazards created by bicyclist who insist on riding on sidewalks.

In an email to me dated February 15th from Mr. Lindell, he states that the Bike-way Committee had votrd to advie the Town to install seperate and protected five foot wide bike lanes on each side of the road in Phase

Two. which extends from Sandwich Road to Falmouth Heights Rd, that are separate from the sidewalks. But it also states that there is little representation for pedestrians, hence the name change from Bike-ways Committee to Bicycle and Pedestrian Committee. The change is not to give the Commission more say, the Membership for the committee is shewed so the members of the Bike-ways Committee would get Representation, through it's current membership. With the apathy in committee work as it is, we question who in the community is concerned enough about a bike lane to apply for appointment to this new committee.

The issues that are red flags for the Commission on Disabilities has with a.) the creation of the Bicycle lanes is they are not equitable for all. For seasoned bicycle user such as Mr. Lindell, and members of the Bike-ways Committee, the bike lanes serve a purpose for them. The typical eight year-old who rides a bicycle on their street does not benefit, b.) the safety minded user of a power wheel chair, I personally, would never put myself in the position to ride in a bicycle lane. We are not convinced, as a whole, that there is room in the expanse of roadway between Sandwich Road and Falmouth Heights road for two five foot lanes, one on each side of the road, and have protected barriers, too, and sidewalk, not to mention room for two vehicular lanes for automobiles.

So, based on this discussion, changing the name of the Bike-way Committee to include pedestrians does not make sense to the commission members. We see it as a change in name only that will benefit the Bike-way Committee to achieve it's goal of the Complete Streets Policy. Because our population doubles come summer, it will simply add to the already confused, distracted drivers of automobiles who barely pay attention to people in cross-walks. We, as a commission, feel, if the name change cannot guarantee that those who are disabled are actually safe using a bikeway, and the "new" committee is just a continuation of those that are on the Bike-way Committee, why change the name.

Respectfully Submitted,

Kathleen J. Haynes

Kathleen Haynes, Chair, Falmouth Commission on Disabilities,

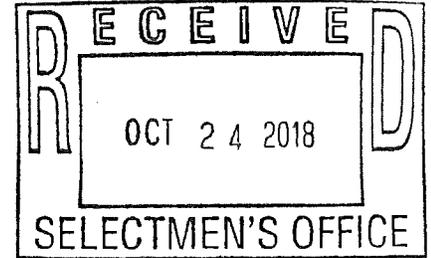
On behalf of the full board of commissioners



Falmouth Commission on Disabilities

59 Town Hall Square

Falmouth, Massachusetts 02540



Mr. Scott Lindell, Chairman

Bikeways Committee

59 Town Hall Sq.

Falmouth, MA 02540

Dear Scott:

I have been directed by the members of the Commission on Disabilities to express the Commission's concerns with the Complete Streets Policy. Although the Commission feels it is a step forward in providing safety for bicyclist, and through future roadway projects, the sidewalks by, will also be reconstructed. However, for the disabled, there is really no benefit in any of the re-construction of roadways and the addition of bicycle lanes.

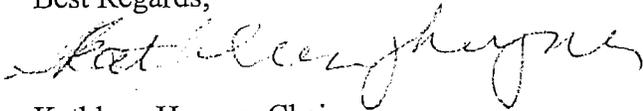
The disabled, by virtue of their situation, will continue to be sitting ducks for motorists. No matter how new a curb-cut or sidewalk is, until there is a widespread campaign letting motorists know they will be fined for not allowing a pedestrian and we would go so far as to suggest, double that for a person in a wheelchair or mobility chair, and the tickets, actually issued not a cursory form that is sent to the Registry of Motor Vehicles and ignored, the Complete Street Policy does not do enough, if anything to protect the disabled.

I call your attention to the state Complete Street Policy, of the Department of Transportation, on which the first page on the Transportation and Health Connections states, "Active transportation or trips made by walking or bicycling, was identified by Healthy People 2020 as a target for measuring progress for healthier people" (U.S. Department of Health and Human Services, 1996 as cited in Complete Streets policy, transportation.gov, n.d.). The report is replete with resources for one to read in addition to the strategies outlined by DOT however, none mentions how to help a disabled person cross a street safely, without risking life or limb. That particular document mentions the disabled once, while no other policy, I researched referred to the disabled or the needs of the disabled for sidewalks that are passable, for laws that will

actually result in substantia fines for motorists who fail to allow them the curtesy of crossing the street unharmed.

In our discussion after Pamela Rothstein's presentation and again at our meeting on the eleventh, Commissioner's felt for these reasons, we could neither reject the Complete Streets Policy, because it does bring change where change is needed, nor offer our vocal support it, because it does not contain any evidence, that it provides for the protection or the the welfare of the many, many disabled. The disabled who now are able to obtain mobility devices, more easily, and are out and about, not only around the state and country, but in our very own town. Focussing, our energies on having our sidewalks made safer, and educationg rhe public that there are actually fines for not stoppping for a person in a crosswalk, and are higher, at least when the Registry becomes willing to address the issue by processing the forms being sent to them with the registration of violators, and other pertinent information, for not stopping for a disabled person. An all out campaign to educate the public is needed along with a Complete Streets Policy for the over-all success of the policy and the safety for ALL citizens, and visitors who use the streets of Falmouth.

Best Regards,



Kathleen Haynes, Chair

Falmouth Commission on Disabiliites

CC Susan Moran, Chairman Board of Selectman

Julian Suso, Town Administrator

Julian Suso

From: Jeremiah Pearson
Sent: Tuesday, February 19, 2019 2:59 PM
To: Peter Johnson Staub
Cc: Ray Jack; Peter McConarty; Julian Suso
Subject: RE: Agenda Request for January

Hello Peter,

The Parks Department does use glyphosate on occasion, and other pesticides under a Massachusetts Professional Licensed Applicator. The department uses a systematic approach to manage our Town tree and turf pests with the use of proper application chemical rates. This approach is part of an Integrated Pest Management Plan (IPM) where the use of chemicals are only justified after non chemical steps have been exhausted and certain thresholds have been met that require chemical intervention. I do believe that glyphosate is a useful tool if used properly by licensed applicators especially for the control of invasive species like phragmites, and should not be removed from properly licensed personnel within the Parks Department and our sub-contractors. Organic non-chemical approach is something we try to achieve but is not always applicable to all of our situations. The Parks Department annually uses fungicides to prevent Dutch elm disease on our municipally owned elms. This ban on chemicals would eliminate all measures used to combat this disease, and so jeopardize the aesthetic and historic value that our elm trees provide in downtown Falmouth. I do believe in the ban of certain concentrations of glyphosate applied by non-licensed home owners, who do not abide by the correct application procedures and rates.

I am not supportive a complete ban of these products on Town Properties, Rather, would we like to have the ability to use these in a limited capacity for specific applications. Happy to discuss further if interested.

Thank You,
Jeremiah

Jeremiah Pearson, NE-6401A
Tree Warden / Superintendent of Parks
416 Gifford Street
Falmouth, MA 02540
Ph: 508-457-2543 ext. 3008

From: Peter Johnson Staub
Sent: Friday, February 15, 2019 12:04 PM
To: Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Jennifer McKay <jennifer.mckay@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Ray Jack <ray.jack@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
Subject: RE: Agenda Request for January

Hi All,

late Feb. (2/25)

Diane Davidson

From: Peter Johnson-Staub <peter.jstaub@falmouthmass.us>
Sent: Monday, January 07, 2019 4:26 PM
To: Jeremiah Pearson; Jennifer McKay; Scott McGann
Cc: Ray Jack; Peter McConarty; Julian Suso; Diane Davidson
Subject: FW: Agenda Request for January
Attachments: Marblehead BOH.docx; What Is a Pesticide Handout.pdf; Neighborhood handout.pdf; 2018.Process to Voluntarily Eliminate..docx; 12.2018.Town requests.POCCA..docx

Hi All,

An advocacy group known as Protect Our Cape Cod Aquifer (POCCA) is asking the Board of Selectmen to consider taking a series of actions to cease the use of glyphosate (AKA Roundup) and other chemicals on both municipal property and throughout town. Please refer to the last attachment for details of what is being asked of the Town. The Town Manager seeks your comments on the merits of these proposals as well as the potential impact on our ability to maintain athletic fields and grounds (cost and turf conditions). Selectmen Chair Su Moran is planning to place this on a Board of Selectmen agenda for presentation by POCCA in February and we would like to have some initial staff comments for the Board in advance of this presentation.

Please take a look at the attached materials and provide your initial comments in writing by February 1st to Julian with a copy to me and Diane. Feel free to call or stop by if you want to talk it over.

Thank you,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
P: 508-495-7320

<http://www.falmouthmass.us>

Kindly Remember that under MA General Laws most email correspondence is deemed a public record.

From: POCCA CAPE COD [mailto:poccapecod@gmail.com]
Sent: Friday, December 28, 2018 3:58 PM
To: selectmen@falmouthmass.us
Cc: POCCA CAPE COD <poccapecod@gmail.com>
Subject: Agenda Request for January

Dear Board of Selectmen in Falmouth ~

This is a request email for the POCCA team to give a presentation to your Board of Selectmen in January. Please see attached for documents describing in more details and send this complete email to all on your board of Selectmen, thank you.

The POCCA team is asking that the Board of Selectmen to adopt a NO Glyphosate and chemicals policy

for those properties they directly control. And two, that the Board of Selectmen encourage their Board of Health to write/adopt a health regulation, using their powers, prohibiting the use of Glyphosate and chemicals on all town owned properties. For those towns who already volunteer to not use Glyphosate products on your town owned land, I thank you from the bottom of my heart! Our request is would you please take the next step and write a policy to protect and educate more in your town?

In early March 2019, at the next Mass. state Pesticide Board Meeting, the POCCA team plans on updating them and the Pesticide and Crop division of MDAR, what the communities on Cape Cod are doing as property owners by voluntarily not allowing or using Glyphosate and other lawn chemicals on town owned property because it is proven harmful to people, as well as, bees.

As you may know there was a historic liability and personal injury case this past summer in California, where the court ruled and decided the active ingredient in Roundup, Glyphosate, is harmful to humans. A groundskeeper at a school in California has cancer from using Roundup, lets educate our towns to protect themselves as well, please do your own research:
<http://time.com/5460793/dewayne-lee-johnson-monsanto-lawsuit/>

Currently there are over 9,000 pending liability and personal injury cases filed by people allegedly harmed by exposure to Glyphosate/Roundup, so this matter is not going away.

Also in September a study came out of the University of Texas in Austin that proves Glyphosate is directly harmful to the microbiota in Bees and we need to keep pollinators alive:
<http://www.pnas.org/content/early/2018/09/18/1803880115>

These two landmark events clearly demonstrate harm by Glyphosate/Roundup to people and bees.

We hope all Cape Cod towns will adopt a policy and not wait for the EPA or our state to make changes.

A few current articles on the mission:

The Barnstable Patriot, December 28th: (Barnstable)
<https://www.barnstablepatriot.com/news/20181227/eastham-resident-shops-organic-pesticide-plan?fbclid=IwAR1G6xZDFiDdTvnIDDaxdxim4AdJvKgiYjIINFxPGYh18qluqk-Jbla33c>

The Register, on December 27th: (Yarmouth)
<http://yarmouth.wickedlocal.com/news/20181228/yarmouth-considers-options-to-chemicals>

The Cape Cod Chronicle, on December 19th, (CHATHAM VOTES YES!):
<https://capecodchronicle.com/en/5351/chatham/3891/capecodchronicle.com?fbclid=IwAR38H3SfzxR7RU6TlzWbHjJsrBRfOn0R-8CerDv9SBynetgYx73Dr4n3YsY>

This is a video about the court case in California last summer:

<https://www.facebook.com/GenResist/videos/2162899357067948/UzpfSTE1NTkzNTM3NjE2MjoxMD E1Njc2MzUzNDE4MTE2Mw/>

I look forward to hearing from your town soon as to when we can be on your next agenda to give a presentation to your Board of Selectmen. Currently we are in Orleans on January 2nd, Brewster on January 7th, Truro on January 8th, Wellfleet on January 22nd, Yarmouth on January 29th so please

offer other dates. Chatham Selectmen already voted unanimously (see article above on Dec. 19th), we hope all Cape Cod towns will adopt a policy as well.

Thank you for your help during these changing times.

All the best,

Laura Kelley

President of POCCA Cape Cod

www.pocccapecod.org

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Laura Kelley

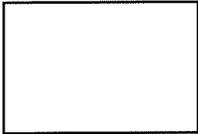
774.353.6511

POCCA Cape Cod ~ Protect Our Cape Cod Aquifer ~

Helping to protect our quality of life on Cape Cod

President: Protect Our Cape Cod Aquifer (POCCA)

Facebook: POCCA Cape Cod



Diane Davidson

From: POCCA CAPE COD <poccapotecod@gmail.com>
Sent: Thursday, December 27, 2018 10:19 AM
To: townmanager@falmouthmass.us
Subject: Agenda Request in January 2019
Attachments: Marblehead BOH.docx; What Is a Pesticide Handout.pdf; Neighborhood handout.pdf; 12.2018.Town requests.POCCA..docx; 2018.Process to Voluntarily Eliminate..docx

Dear Board of Selectmen in all Cape towns ~

This is a request email for the POCCA team to give a presentation to your Board of Selectmen in January. Please see attached for documents describing in more details and send this complete email to all on your board of Selectmen, thank you.

The POCCA team is asking that the Board of Selectmen to adopt a NO Glyphosate and chemicals policy for those properties they directly control. And two, that the Board of Selectmen encourage their Board of Health to adopt a health regulation, using their powers, prohibiting the use of Glyphosate and chemicals on all town owned properties. For those towns who already volunteer to not use Glyphosate products on your town owned land, I thank you from the bottom of my heart! Our request is would you please take the next step and write a policy to protect and educate more?

In early March 2019, at the next Mass. state Pesticide Board Meeting, the POCCA team plans on updating them and the Pesticide and Crop division of MDAR, what the communities on Cape Cod are doing as property owners by voluntarily not allowing or using Glyphosate and other lawn chemicals on town owned property because it is proven harmful to people, as well as, bees.

As you may know there was a historic liability and personal injury case this past summer in California, where the court ruled and decided the active ingredient in Roundup, Glyphosate, is harmful to humans. A groundskeeper at a school in California has cancer from using Roundup, lets educate our towns to protect themselves as well, please do your own research:

<http://time.com/5460793/dewayne-lee-johnson-monsanto-lawsuit/>

Currently there are over 9,000 pending liability and personal injury cases filed by people allegedly harmed by exposure to Glyphosate/Roundup, so this matter is not going away.

Also in September a study came out of the University of Texas in Austin that proves Glyphosate is directly harmful to the microbiota in Bees and we need to keep pollinators alive:

<http://www.pnas.org/content/early/2018/09/18/1803880115>

These two landmark events clearly demonstrate harm by Glyphosate/Roundup to people and bees.

On December 19th, 2018:

<https://capecodchronicle.com/en/5351/chatham/3891/capecodchronicle.com?fbclid=IwAR38H3SfzxR7RU6TlzWbHjJsrBRfOn0R-8CerDv9SBynetqYx73Dr4n3YsY>

This is a video about the court case in California last summer:

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Laura Kelley

774.353.6511

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Helping to protect our quality of life on Cape Cod***

President: [Protect Our Cape Cod Aquifer \(POCCA\)](#)

Facebook: [POCCA Cape Cod](#)



TOWN OF MARBLEHEAD BOARD OF HEALTH

ORGANIC PEST MANAGEMENT REGULATIONS

Adopted: December 7, 2005

Effective: December 22, 2005

**Carl D. Goodman, Esq., Chairman David B.
Becker, D.M.D., M.P.H.
Helaine R. Hazlett**

Wayne O. Attridge, Director of Public Health

**TOWN OF MARBLEHEAD
BOARD OF HEALTH**

ORGANIC PEST MANAGEMENT REGULATIONS

SECTION I - FINDINGS & PURPOSE

The Board of Health does hereby find that:

All pesticides are toxic to some degree and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue; and

All citizens, and in particular children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular; and

A balanced and healthy ecosystem is vital to the health of the town and its citizens; and such is also in need of protection from exposure to hazardous chemicals and pesticides; and

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established; and

It is in the best interest of public health to eliminate the use of toxic pesticides on Town-owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town-owned land.

Accordingly, the Board of Health finds and declares that the purposes of these Organic Pest Management Regulations are (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land (2) to guarantee the right of the residents of the town of Marblehead the safe use of public land, (3) to encourage the reduction and elimination of the use of toxic pesticides on private property.

SECTION II - AUTHORITY

These Organic Pest Management Regulations are promulgated under the authority granted to the Marblehead Board of Health under Massachusetts General Laws Chapter 111, Section 31 providing that Boards of Health may make reasonable health regulations and under the authority granted to the Marblehead Board of Health under Massachusetts General Laws Chapter 111, Section 122 to make regulations for the public health and safety relative nuisances and causes of sickness.

SECTION III - DEFINITIONS

The following words and phrases, whenever used in these Organic Pest

Management Regulations, shall be construed as defined in this section:

OPM shall mean Organic Pest Management.

Pests are and may be known as undesirable plants, insects, fungi, bacteria, and rodents, birds and other animals. Common examples in turf grass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Pesticides are defined by the Massachusetts Department of Food and Agriculture Pesticide Bureau as “substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants.” Pesticides are poisonous substances that can have an adverse effect on the environment or impair human health. Herbicides, fungicides, insecticides, miticides, avicides and rodenticides are all considered pesticides. Pesticides that are classified as known, likely, or probable human carcinogens or probable endocrine disruptors, or those pesticides that meet the criteria for Toxicity Category I or Toxicity Category II, as defined by the United States Environmental Protection Act (EPA) in section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations, are subject to these Regulations. A list of the pesticides in the EPA’s Toxicity Categories I and II will be periodically updated and maintained at the offices of the Town of Marblehead Board of Health.

Organic Pest Management is a problem-solving strategy that prioritizes a natural, organic approach to turf grass and landscape management without the use of toxic pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential OPM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of NOFA/Mass (Northeast Organic Farmers’ Association/Mass) and/or the Organic Material Review Institute of Eugene, OR;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest’s natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

SECTION IV - PROHIBITION

The use and application of toxic chemical pesticides, by Town of Marblehead employees and/or by private contractors, is prohibited on all Town-owned lands.

SECTION V - CONTROL OF POTENTIAL PEST PROBLEMS

Organic Pest Management practices, i.e. natural, organic turf and landscape cultural practices and maintenance, shall be the method of choice to understand, prevent, and control potential pest problems;

Control products used under the terms of this Regulation shall be those products on the approved list of NOFA/Mass. (Northeast Organic Farmers' Association/Mass.) and/or the Organic Materials Review Institute of Eugene, Oregon, or such other lists or products as may be approved by the Director or by the Board of Health from time to time;

SECTION VI - ADVISORY COMMITTEE

An OPM Advisory Committee shall be formed which shall advise the Board of Health as to all matters arising out of or in connection with these Regulations. Whenever practical, the Director and/or the Board of Health shall consult with the Advisory Committee prior to the granting of any waivers under Section VIII. The Advisory Committee shall have such additional responsibilities as may be granted to it by the Board of Health. The OPM Advisory Committee shall be composed of representatives of the general public, elected town officials, appointed town officials, and town employees as the Board of Health may determine from time to time. Membership on the OPM Advisory Committee shall be at the pleasure of the Board of Health.

SECTION VII - INVENTORY OF PESTICIDES

A registry of all pesticides currently stored in or on Town-owned premises shall be compiled by the Director of Public Health who shall have authority to order the disposal of any such products that the Director deems unnecessary to be stored within the Town, such disposal to be through the Town's Hazardous Wastes Collection program or otherwise.

SECTION VIII - EXEMPTIONS

All outdoor pest management activities taking place on Town of Marblehead-owned land shall be subject to these Regulations, except as follows:

1. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and at wastewater treatment plants and related collection, distribution, and treatment facilities.
2. Pesticides in contained baits or traps for the purpose of rodent control.
3. Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.

4. The use of chemical controls as approved in advance and in writing by the Director of Public Health or by the Board of Health in the event of a public emergency as determined by the Director or by the Board of Health; provided, however, that such authority to grant a temporary waiver shall be limited to a period of thirty days. Any waiver in excess of thirty days as to any one emergency may be extended for an additional period not to exceed six months but only by a vote of the Board of Health. All waivers granted by the Director shall be reported to all members of the Board of Health no later than one business day following the issuance of the waiver. Notice of all such waivers shall be posted, in the manner provided for notice of public meetings, within two business days following the issuance of the waiver. Any waiver granting the use of pesticides on Town land shall require the use of Integrated Pest Management protocol and shall specify the use of a specific pesticide(s) determined to be the least toxic material for the specific application. The Board of Health shall determine if such a waiver is warranted based on the following criteria: a) the pest situation poses a threat to human or animal health and/or environmental quality; b) reasonable OPM efforts, if any, have been attempted; and c) viable alternatives consistent with this Regulation do not exist.

Any Town department or contractor granted a waiver hereunder shall comply with all applicable laws, rules and regulations of the Commonwealth of Massachusetts including, but not limited to those requiring notification to site users, abutters, and the proper method for storage, application, and posting.

SECTION IX: TRAINING AND EDUCATION

All Town of Marblehead personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control should receive training and education in natural, organic cultural and technical methods.

SECTION X: COMPLAINTS

- A. The Director of Public Health shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.
- B. If the Director finds that an investigation is not required because the alleged act or practice is not in violation of these Regulations, the Director shall notify the complainant of such finding and the reasons upon which it is based. The Director shall provide a report to the Board of Health of all such complaints and findings.
- C. If the Director finds that an investigation is warranted, the Director shall investigate and if the Director finds that there has been a violation of these Regulations, then the Director and/or Board of Health shall be authorized to take such action and institute such proceedings as are provided by law.

SECTION XI - VIOLATIONS AND PENALTIES

- A. It shall be unlawful for any person to use or apply any toxic chemical pesticides on any town owned land except as specifically authorized in these Regulations.
- B. Any person who violates any provision of these Organic Pest Management Regulations shall be subject to a fine of five hundred (\$500.00) dollars for a first offense and one thousand (\$1000.00) dollars for second and subsequent offenses.
- C. Each application of a prohibited product shall be deemed to be a separate offense.
- D. Citations for violations of these Organic Pest Management Regulations may be in such form as the Board of Health may determine.
- E. In addition to the penalties provided for hereunder, the Board of Health shall have the authority to file a civil suit for damages to compensate the Town for all costs incurred as a result of violations of these regulations.

SECTION XII - OTHER APPLICABLE LAWS

These Organic Pest Management Regulations shall not be interpreted or construed to permit the application or use of pesticides or other hazardous materials where such use or application is restricted by other applicable health, environmental, safety or fire codes, regulations or statutes.

SECTION XIII - SEVERABILITY

If any provision, clause, sentence or paragraph of these Organic Pest Management Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Organic Pest Management Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

SECTION XIV: EFFECTIVE DATE

These regulations shall be effective upon publication.

Adopted: December 7, 2005

By the Board of Health of the Town of Marblehead
Carl D. Goodman, Esq., Chairman David B. Becker,
D.M.D., M.P.H.
Helaine R. Hazlett, Secretary
Wayne O. Attridge, Director of Public Health



Helping to Preserve Our Quality of Life on Cape Cod

November 28, 2018

Dear Board of Selectmen ~

I am writing you to request to be on the agenda of your next Board of Selectmen's meeting as soon as possible. The goal is to have towns not use chemicals on their Town Owned Land (Town Owned Land is all land owned by the Town including, school property, recreational fields, ball fields, walking paths, cemeteries, parks, windmill lawns, ROW power lines, walking paths and the like). Current studies came out this past summer showing Glyphosate, the active ingredient in Roundup, is harmful to human health, as well as, bees.

As you may know there was a historic liability and personal injury case this past summer in California, where the court ruled and decided the active ingredient in Roundup, Glyphosate, is harmful to humans. A groundskeeper at a school in California has cancer from using Roundup for 2 years. Lets educate our towns to protect themselves, please do your own research:
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Also in September a study came out of the University of Texas in Austin that proves Glyphosate is directly harmful to the microbiota in Bees and we all need to help to keep pollinators alive:
<http://www.pnas.org/content/early/2018/09/18/1803880115>

These two landmark events clearly demonstrate harm by Roundup to people and bees.

My requests are for Cape Cod towns to not wait for our state of Massachusetts Pesticide Board or the Environmental Protection Agency to make changes but to start by voluntarily not using products with Glyphosate in them and to ask all town employees to not use this harmful herbicide again. Thank you for making changes to protect people and the grounds in which they roam upon.

~ POCCA Cape Cod ~ Protect Our Cape Cod Aquifer ~ pocccapecod.org ~

My requests to all Cape towns:



Helping to Preserve Our Quality of Life on Cape Cod

1 - Voluntarily not use products with Glyphosate in them on any Town Owned Land by VOLUNTARILY discontinuing its use and RECOMMEND to all town employees not to use Roundup, for it is harmful. **Make this a town commitment. Please vote on this.**

2 - Write your own town policy to protect others. Refer to the #7 paged Organic Pest Management document written in Marblehead by their Board of Health as guidance, that has worked since 2005. Have your Board of Selectmen send this policy to your town of Board of Health with a recommendation to adopt it. This is framework towns can modify it as they wish. It gets voted on and passed at the Board of Health level and becomes a policy within your town to protect citizens and visitors alike. **Selectmen please vote to give the Marblehead policy to your board of Health along with a high recommendation to adopt it.**

3 - Once your town policy is written, give it to all your town residents and businesses and SUGGEST they follow by VOLUNTARILY not using products with Glyphosate herbicides on their own land. Encourage citizens in your own town to reduce or eliminate the use of herbicides/pesticides. Send out a email or 'snail mail' letter with the #2 links above showing the studies to inform and educate residents and businesses about these changing times. This widens the outreach and helps educate others in your town of the harm these products have.

Discussion on how to care for your Town Owned Land ~ experts from Pure Solutions in Chatham will be present who are able to help transition your town from conventional treatments to non-toxic methods. They test soil, monitor and care for land without the use of chemicals. They feed land to build up soil with their own fertilizer, they only feed when needed (not an automatic 8 step-program yearly) to lessen the amount of nitrogen and phosphorus used. Pure Solutions has a formula to deter pests with essential oils like mosquitos and ticks on properties. They are glad to work with your existing town employees, DPW, parks & fields departments and schools, for a smooth transition from conventional to non-toxic methods on land in your town.

4 - Spring of 2019, please write to the Massachusetts Pesticide Board (MDAR) and let them know your town doesn't want Eversource to use Herbicides for vegetation management along Rights-of-way power lines in your town. Wait for the Yearly Operational Plan (YOP) to come out in the Spring of 2019, then write a strong comment in a document from your town during the comment period when it is open to the public to write comments/concerns.

Thank you for sharing these important current events in order to help protect your citizens.

Best,
Laura Kelley,
President of POCCA Cape Cod

~ POCCA Cape Cod ~ Protect Our Cape Cod Aquifer ~ poccacapecod.org ~

Prepared by POCCA from Beyond Pesticides

<https://beyondpesticides.org/resources/pesticide-gateway/what-is-a-pesticide>

What Is a Pesticide?

According to the Environmental Protection Agency (EPA), the government body that regulates pesticides in the U.S., a pesticide is any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Though often misunderstood to refer only to insecticides, the term pesticide also applies to herbicides, fungicides, and various other substances used to control pests. Pesticides also include plant regulators, defoliants and desiccants.

What's in a Pesticide Product?

We normally think of a pesticide as the product that can be purchased in the store – the insecticide, the weed killer or the fungicide. But, unfortunately, there is much more to it than that. The product that you buy or are exposed to is actually a pesticide formulation that contains a number of different materials, including active and inert ingredients, as well as contaminants and impurities. In addition, pesticides, when subject to various environmental conditions, break down to other materials known as metabolites, which are sometimes more toxic than the parent material.

Active Ingredients

The active ingredient, usually the only component of the formulation listed on the pesticide label, is by nature biologically and chemically active against a target pest, be it an insect, weed or fungus. By definition these chemicals kill living things.

Contaminants and Impurities

Contaminants and impurities are often a part of the pesticide product and responsible for product hazards. Dioxin and DDT have been identified as contaminants, which have not been purposefully added but are a function of the production process.

I.I. Icide, Inc.
Specimen Label for Educational Purposes Only

Weed Eliminator

Concentrate

HERBICIDE Kills Lawn Weeds
(dandelion, clover, thistle, and other listed broadleaf weeds)

Active Ingredients:

Mecoprop, dimethylamine salt	10.60%
2,4-D, dimethylamine salt	3.05%
Dicamba, dimethylamine salt	1.30%

Inert Ingredients:

TOTAL 100.00%

KEEP OUT OF REACH OF CHILDREN
CAUTION
See back label for additional precautionary statements.

EPA Reg. No. : 123-114-16802
EPA Est. No. : 50263-PA-A

Net Contents 32 fl oz
(1 qt) 946ml

Icide, Inc.
1414 Phosphate Parkway, Suite
1000, Tampa, FL 33614
Tel: 813-944-2200
www.icide.com

Prepared by POCCA from Beyond Pesticides

<https://beyondpesticides.org/resources/pesticide-gateway/what-is-a-pesticide>

Metabolites

Metabolites are breakdown products that form when a pesticide is used in the environment and mixes with air, water, soil or living organisms. Often the metabolite is more hazardous than the parent pesticide.

Inert Ingredients

If you were to go to your local hardware store and take a look at the label on a can of ant and roach killer, the contents might read something like this, "5% Permethrin, 95% Inert Ingredients." After reading the label, you may wonder what makes up the other 95%. The fact is, the manufacturer doesn't have to tell you. Currently, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), pesticide manufacturers are only required to list the active ingredients in a pesticide, leaving consumers and applicators unaware of the possible toxics present in the inert ingredients of pesticide products they are using, unless the EPA administrator determines that the chemical poses a public health threat. Pesticide manufacturers argue they cannot release information on inert ingredients because they are trade secrets, and if released, their products could be duplicated. Quite often inert ingredients constitute over 95% of the pesticide product. Inert ingredients are mixed into pesticides products as a carrier or sticking agent, and are often as toxic as the active ingredient.

The Hazards of Inert Ingredients

Despite their name, these ingredients are neither chemically, biologically or toxicologically inert. In general, inert ingredients are minimally tested, however, many are known to state, federal and international agencies to be hazardous to human health. For example, the U.S. government lists creosols as a "Hazardous Waste" under Superfund regulations, yet allows these chemicals to be listed as inert ingredients in pesticide products. Creosols are known to produce skin and eye irritations, burns, inflammation, blindness, pneumonia, pancreatitis, central nervous system depression and kidney failure.

Some inert ingredients are even more toxic than the active ingredients. One of the most hazardous ingredients in the commonly used herbicide RoundUp is a surfactant, which is classified as an inert, and therefore not listed on the label. The pesticide naphthalene is an inert ingredient in some products and listed as an active ingredient in others. According a 2000 report produced by the New York State Attorney General, *The Secret Ingredients in Pesticides: Reducing the Risk*, 72 percent of pesticide products available to consumers contain over 95 percent inert ingredients; fewer than 10 percent of pesticide products list any inert ingredients on their labels; more than 200 chemicals used as inert ingredients are hazardous pollutants in federal environmental statutes governing air and water quality; and, of a 1995 list of inert ingredients, 394 chemicals were listed as active ingredients in other pesticide products.

Process to Voluntarily Eliminate
the use Glyphosate and Other Chemical Products
from Town Owned Properties.

1. Municipalities own (either fully or shared) and/or control all kinds of property in their towns, or example; Town Hall and other public building lawns, parks, cemeteries, recreational areas ball fields (passive and active), water sheds, well fields. Department of Public Works maintains beaches, conservation parcels and school properties, to name a few.
2. If a Town owns or controls a property, then the Town may be held liable for injury or harm that occurs to a person who is legally on or using that property.
3. A number of chemical products including glyphosate (one of the brand names is Roundup, that contain glyphosate as an active ingredient) that are used to control vegetative pests, “weeds, poison ivy, crab grasses etc.” *have been shown to have the capability to cause harm and illness to human, pollinators (honey bees) and animals i.e. dogs.*
4. For a number of years now the Town has actively written the Massachusetts Department of Agricultural Resources, Pesticide and Crop Division, expressing that they do not want to have utility companies spraying herbicides/pesticides on right-of-way areas, which run through the community’s water sheds and well fields. These letters opposing spraying of glyphosate and other herbicides were done as part of the review process for the Five-Year Vegetation Management Plans (VMPs) and Yearly Operational Plans (YOPs). Please write in the Spring of 2019 during the comment period, once you read the newly written YOP plan.
5. Recently Eversource Energy in response to a lawsuit between it and a Cape Cod town, questioned the irony of that Town’s own use of herbicides/pesticides on municipal property while trying to ‘regulate’ the utility’s use of the “same product(s).”
6. ***Therefore, it is the best of the Town to voluntary stop using chemical products on their properties, for the protection of citizens, children, visitors, pollinators and animals.***

7. The easiest manner and most effective ways are to do this and manage this is utilize the powers of the Board of Health to adopt a local regulation, solely regulating the Town's use on its own property - see #1 for property locations.

As MGL c.132B the Massachusetts Pesticide Control Act. "The purpose of this chapter is to conform the laws of the commonwealth to the Federal Insecticide, Fungicide, and Rodenticide Act, Public Law 92 §516, as amended, and the regulations promulgated thereunder and to establish a regulatory process in the commonwealth. *The exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the commonwealth shall be determined by this chapter.*" (Emphasis added)

Communities in the past have tried by the Home Rule process or local by-law attempted to regulate the use of all herbicides/pesticides in their communities, and those actions have been struck down by the Mass. AG's Municipal Law Section and further under appeal the court has also determined that local regulation is in conflict with MGL c. 132B [TOWN OF WENDELL & another vs. ATTORNEY GENERAL & others. 394 Mass. 518, January 10, 1985 - April 11, 1985

However, the decision did provide a path in its wording, "The regulation of the board of health must fall for the same reasons we have just set forth. A local board of health has authority to make reasonable health regulations. G. L. c. 111, Section 31. Such regulations, however, must be consistent with State law."

Under MGL a Board of Health does in fact have the power to enact regulations to protect the public health and safety from relative nuisances and causes of sickness. A Board of Health may act under Massachusetts General Laws Chapter 111, Section 31 providing that Boards of Health may make reasonable health regulations and under the authority granted to the Board of Health under Massachusetts General Laws Chapter 111, Section 122 to make regulations for the public health and safety relative nuisances and causes of sickness.

8. When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established; and, It is in the best interest of public health to eliminate the use of toxic pesticides on Town owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town owned land(s).
9. Therefore, we would ask that Board of Selectmen *to vote to set a policy and direction to the Board of Health and other boards under its direct control to voluntary not use herbicides/pesticides on Town owned land(s).*

p.3.

And further to send the adopted “TOWN OF MARBLEHEAD BOARD OF HEALTH ORGANIC PEST MANAGEMENT REGULATIONS” Adopted: December 7, 2005 and Effective: December 22, 2005, with a strong affirmative request that the Board of Health adopt a similar regulation. This is a model that has worked. Towns can use it or write as they desire.

Since you are acting as a property owner, you have a right to regulate what products, methods and actions occur on property the Town owns. Since School Departments operate somewhat autonomously the proposed Board of Health regulation would regulate school property to greater extent than 333 CMR 11.14 does today. Unfortunately, the CMR only regulates school facilities where the students are either under 6 years old or have special needs up to twenty-one years of age.

10. Board of Selectmen/board of Health will note on Page 1 of the Marblehead Board of Health Regulation the following finding; “the Board of Health finds and declares that the purposes of these Organic Pest Management Regulations are (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land (2) to guarantee the right of the residents of the town of Marblehead the safe use of public land, (3) to encourage the reduction and elimination of the use of toxic pesticides on private property.
11. Besides the action to restrict the use of Glyphosate and other chemical products from Town owned properties through a policy, number #3 is a public outreach action as well. We encourage the Board of Selectmen to announce on their website and other forms of announcements like emails or letters, that the Board has taken this step to restrict the use of Glyphosate and other chemical products from Town owned properties. And ask the town to encourage the residents to do like-wise by sending them the new town policy as they have written.

December 26, 2018

Brought to you by The POCCA Team

POCCA Cape Cod ~ www.poccapcod.org ~ poccapcod@gmail.com

Prepared by POCCA using information from the:

Midwest Pesticide Action Center, 2015

http://midwestpesticideaction.org/wp-content/uploads/2015/12/MPAC_WhitePaper-final-12.11.15.pdf

MIDWEST PESTICIDE ACTION CENTER



Pesticide use and exposure can have serious short and long-term effects on human health, with increased risks for continued contact. In addition to exposure to Weed and Feed products, humans face pesticide exposure indoors in homes, schools, places of work, and from agriculture, as well as from pesticide spray drift, the airborne movement of pesticide applications to contaminate other areas. Those at the highest risk are workers who are exposed to pesticides on a regular basis, as well as children, pregnant women, those living in agricultural areas, the elderly, asthmatics, and those with chronic illnesses. Studies have shown, however, that pesticide exposure is a serious health risk not only for those with daily occupational contact – typically farmworkers and professional landscapers – but also for those who encounter pesticides at chronic low levels through residential or municipal exposure. Associated chronic health risks include cancer, and neurodegenerative, neurobehavioral, and reproductive effects. A report led by the National Cancer Institute (NCI), a branch of the National Institutes of Health, states that “evidence clearly suggests that at current exposures pesticides adversely affect human health.”

Much of the research exploring the health effects of pesticides has been conducted in agricultural regions, due to those regions having both higher rates of pesticide application and more reliable data measuring pesticide use. These studies are still helpful in understanding the effects of pesticide use on the general public health. Though applied in a different manner and at different concentrations, the same active ingredients used in most home and garden pest control products can be found in large-scale agricultural operations. Furthermore, it is not certain that those living in agricultural areas face the highest level of ambient pesticide exposure – inexpert pesticide users tend to face far higher levels of exposure than intended by safety regulations. Misuse and overuse of pesticides in domestic situations is common. A study by the Australian Environment Protection Authority found private residents applying herbicides at five times the recommended rate.⁷ This study also found that homeowners tend to apply pesticides at higher than recommended rates, using more pesticides per hectare than farmers, likely due to a lack of expertise and training. Pesticides are easily tracked indoors via adherence to shoes and clothing, which can result in increased and continued exposure in the home. Urban environments also pose unique health hazards, since pesticides take far longer to biodegrade indoors, and exposure is concentrated.

I. 2,4-Dichlorophenoxyacetic acid (2,4-D)

2,4-D is one of the most commonly used active ingredients in herbicides, and is the most used active ingredient in the entire U.S. non-agricultural sector; ranking first in the home and garden market, as well as the industrial, commercial, and government sectors.⁴ 2,4-D is a synthetic plant hormone which kills plant life by changing the way plant cells grow, causing the plant cells to divide and grow uncontrollably until tissue damage and plant death occurs.¹⁰ It was first developed by scientists for its potential in chemical warfare, and

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was one of the active ingredients in Agent Orange used in the Vietnam War. The EPA estimates annual domestic usage of 2,4-D is approximately 46 million pounds per year, used for weed control. Annually, 30 million pounds are used in agriculture and 16 million pounds are used in non-agricultural settings. Approximately 8,740,000 pounds (19% of total annual 2,4-D use in the U.S.) of 2,4-D are applied by homeowners and landscapers every year.

Acute & Chronic Exposure

According to the EPA chemical toxicity report on 2,4-D, acute exposure to high concentrations of this chemical can cause stupor, coma, coughing, burning sensations in lungs, loss of muscular coordination, nausea, vomiting, and dizziness. Acute exposure to 2,4-D can result in skin and eye irritation. Fatal outcomes from 2,4-D exposure have resulted from renal failure, electrolyte imbalance, and multiple organ failures. 2,4-D is highly toxic and has been linked to increased incidence of cancer and damage to reproductive systems. The human health effects of chronic 2,4-D exposure reported for adults include blood, liver, and kidney toxicity; a reduction in hemoglobin and red blood cell numbers, decreased liver enzyme activity, and increased kidney weight.

II. Glyphosate

Glyphosate is the most used active ingredient in pesticides used within the U.S. agricultural sector and has been for the most recent six years of EPA data. Over 180 million pounds were applied to agricultural lands in the most recent year of recorded data. Glyphosate is the second-most used active ingredient in the U.S. non-agricultural sector – 13-15 million pounds are used annually by the industrial and government sectors, and 5-8 million pounds are used in the home and garden market alone. Glyphosate is more commonly known by its most popular brand name, Roundup, though it is contained in many other products. Glyphosate is a popular active ingredient in Weed and Feed products, present in over 750 products in the U.S. alone.¹⁴ The EPA has stated that, based on its current level of use in the U.S., both occupational and residential exposure to glyphosate can be expected for the general population.

Glyphosate is a broad-spectrum herbicide, which kills most types of plants by preventing plant cells from producing proteins critical for growth and stripping micronutrients necessary for the plant immune system function.

Acute & Chronic Exposure

Glyphosate has been ranked as a chemical of relatively low toxicity by the EPA since its primary mechanism of action is upon plant cells; its high toxicity is often due to the inactive ingredients which accompany it in a product. Pesticide products are a combination of an active ingredient, the primary chemical responsible for killing or repelling pests, and an undisclosed amount of other

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“inert” ingredients. Current regulations require neither the inert ingredients nor the complete pesticide product to be tested for their effects on human health. The inert ingredients are not chemically or toxicologically inert; rather, they are protected as “trade secrets,” and remain unnamed to the public. In Roundup, one such accompanying toxin has been identified as the surfactant TN-20, which greatly enhances the cytotoxic (destructive to cells) effect of glyphosate. There is debate over whether glyphosate itself is acutely toxic to humans; while agricultural companies point to the EPA finding that glyphosate is low-toxicity, both glyphosate in isolation and Roundup have been clinically proven to trigger placental and embryonic cell death in humans and have been connected to many other health hazards. According to the EPA, acute exposure to glyphosate can cause eye irritation, skin irritation, congestion of the lungs, and increased breathing rate. Chronic exposure to glyphosate is known to cause kidney damage, neurological impairment, and negative reproductive health effects. In the most recent EPA re-registration of glyphosate, the agency did not include information regarding acute inhalation toxicity or a study of occupational and residential exposure to glyphosate, though both are usually required for chemical re-registration.

III. Childhood-Specific Risks

Pesticides are often used in school and childcare facilities, as well as on parks and playing fields, though they pose a heightened health risk to children. Because they eat and drink more than adults in proportion to their body weight, children receive higher doses of toxic chemicals when exposed to pesticides in their surrounding environment, or through food and water. As another result of their body size, children are closer to the floor and ground, and this lower breathing zone increases their exposure if pesticides are present. Children have a more rapid respiratory rate, taking in a greater volume of air per body weight compared to adults, leaving them more vulnerable to the respiratory illnesses associated with pesticide exposure. Prenatal and early childhood exposure is especially hazardous, as internal organs are still developing, are less able to detoxify chemicals, and are therefore more vulnerable to toxic exposures. Childhood activity patterns, including a high level of hand-to-mouth activity, likely contribute to an increased oral ingestion of the pesticides in their environment.

Children exposed to pesticides indoors face heightened health risks. According to the U.S. Centers for Disease Control and Prevention (CDC), humans spend approximately 90% of their time indoors, and the air indoors can often be more polluted than outdoor air, even in industrial city centers. The CDC asserts that for many people, especially children, risks to health from indoor air pollution are greater than from outdoor air pollution. Children exposed to pesticides indoors suffer from higher concentrations of the toxins to which they are especially sensitive. Pesticide application is unlikely to remain isolated to the area to which it is applied – in a two-year long study conducted on Midwestern homes, levels of 2,4-D inside the home were found to be ten times higher after an application of 2,4-D to the lawn. The lack of exposure to external elements like sunlight, which promote chemical degradation, leads to pesticides persisting longer indoors. As a result, indoor exposure for young children in the home by non-dietary means of ingestion – from contact with floors, table tops, and contaminated dust in the air – was ten times higher after a lawn application. Children whose parents used garden insecticides were found to have significantly

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higher levels of pesticide metabolites in their urine, for months after the last application. Researchers concluded that garden pesticides and pesticide ingestion via diet were the sources of elevated pesticide levels in children and recommended that pesticide use be avoided in areas where children play.

Childhood-Specific Risks: Neurodevelopmental Impairments

The brain and nervous system of a fetus, infant, or child are particularly susceptible to the effects of neurotoxic substances during vulnerable periods of development. During the period of neurological development – in utero through adolescent years – exposure to neurotoxins can result in developmental neurotoxicity. This can manifest as changes in functionality of the nervous system, including changes in cognition and behavior. Many pesticides are neurotoxins – the entire class of organophosphate pesticides, which includes most insecticides, is neurotoxic. Even a very low level of exposure to neurotoxic pesticides, during critical periods of fetal development, has been shown to fundamentally alter brain architecture. Children with little or no pesticide exposure have a lower probability of neurologic health risks.

A 2010 study by the AAP found that children exposed to organophosphate pesticides are more likely to meet the diagnostic criteria for ADHD. American Academy of Pediatrics researchers examined over 1,100 children aged 8 to 15 as a representative sample of children across the U.S. and found that children with higher than median levels of pesticide in their urine were twice as likely to have ADHD. This study concluded that pesticide exposure, “at levels common among U.S. schoolchildren,” may contribute to the prevalence of ADHD. In 2008 the International Journal of Occupational Medicine and Environmental Health published a study which found an association between childhood pesticide exposure and neurodevelopmental and behavioral impairments.³⁴ This study found that children exposed to organophosphate pesticides, both prenatally and during childhood, may have difficulties performing tasks that involve short-term memory, and may show increased reaction time, impaired mental development or pervasive developmental problems. In newborns, the effects of pesticide exposure were found to manifest as an increased number of abnormal reflexes and increased reaction time; in adolescents, as mental and emotional problems.

Childhood-Specific Risks: Cancer

Childhood cancer risk is significantly increased by pesticide exposure at home and at school facilities. A 2005 publication from the CDC National Institute for Occupational Safety and Health found that pesticide exposure at schools produces acute illnesses among students and recommended that schools reduce child pesticide exposure and pesticide-related illnesses by creating pesticide spray buffer zones around schools. A 2009 study led by Georgetown University researchers found exposure to household pesticides to be associated with a two-fold increase in risk for acute lymphoblastic leukemia (ALL), the most common childhood cancer. Parents of children with ALL were twice as likely to be using pesticides in the home.³⁶ Children newly diagnosed with ALL were found to have elevated levels of pesticide toxins in their urine. In a systematic review of all studies concerning residential pesticide exposure and childhood leukemia from 1950-2009, prenatal and childhood exposures to residential pesticides, insecticides, and

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herbicides were positively associated with childhood leukemia. For children under ten, garden pesticide use has been associated with an almost seven-fold increase in risk of leukemia.

Childhood-Specific Risks: Asthma

Asthma is the most common chronic disease for children, whose lungs and airways are still developing and are thus more vulnerable to respiratory illnesses. From 1980 to 1996, childhood asthma prevalence in the U.S. doubled, and rates continue to rise. As of 2005, nine percent of U.S. children have asthma. Many studies correlate pesticide exposure with the development of childhood asthma and may prove insightful in understanding why asthma has become so widespread. Typically, the earlier in life that pesticide exposure occurs, the more likely a child is of becoming asthmatic. In 2004, researchers from the University of Southern California's Keck School of Medicine found that children exposed to herbicides in their first year of life were four and a half times more likely to be diagnosed with asthma by the age of five. Children exposed to any pesticides in the first year of life were approximately two and a half times more likely to be diagnosed with asthma by the age of five. Researchers emphasized that infancy and early childhood is time when children are most vulnerable to developing asthma.

IV. Reproductive Health/Pregnancy

Reproductive health encompasses the diseases and disorders that affect the reproductive system during all stages of life. Such disorders include reduced fertility, birth defects, developmental disorders, preterm birth, and impotence. Pesticide exposure has been linked to damage to reproductive health and the endocrine system. The herbicide atrazine, for example, has been linked to abnormal sperm, menstrual disorders, and low birth weight. According to the National Institutes of Health, exposure to environmental pollutants and endocrine disruptors may pose the greatest threat to reproductive health. The weight of scientific evidence shows pesticide-related damage to human reproductive health, with particularly high risks for pregnant women and fetuses.

Reproductive Health: Endocrine Disruption

The endocrine system is the collection of glands in the human body responsible for regulating hormone levels. Many pesticides are endocrine disruptors, affecting critical processes of hormone production that the body needs in order to maintain homeostasis, the state of stable internal bodily functions. The EPA has found that disruption of the endocrine system can result in "reproductive disorders, birth defects, immune suppression, and other harmful effects."

Glyphosate and 2,4-D Endocrine Disruption

Both 2,4-D and glyphosate have been linked to disruption of the endocrine system. The EPA has stated that based on current data regarding effects to the thyroid and gonads, there is concern regarding the potential of 2,4-D to disrupt the human endocrine system. In 2009, the glyphosate herbicide Roundup was confirmed as both genotoxic (damaging to cellular DNA) and an endocrine

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disruptor. At doses lower than what is commonly applied in agriculture, Roundup caused endocrine disruption and cell death in human liver cells, within 24 hours of introduction. Scientists observed endocrine system disruption which had the potential to alter metabolism, development, and reproduction, as well as cause hormone-dependent diseases like prostate and breast cancer. An additional university study found Roundup disruptive to steroidogenesis (the production of steroids) in testicular cells which produce testosterone, which plays a “crucial role in male reproductive function.” Exposure to Roundup disrupted StAR protein expression and reduced sex hormone production in human testicular cells by 94 percent. The StAR protein, susceptible to environmental pollutants, is responsible for the process by which all steroid hormones are synthesized.

A 2005 study observed Roundup’s endocrine disrupting and toxic effects in the disruption of human estrogen synthesis and messenger DNA. Exposure to Roundup, at sub- agricultural doses, was found toxic to human placental cells within 18 hours of exposure. This study is an excellent example of the role inert ingredients play in pesticide toxicity, as the commercial product Roundup (which is a combination of glyphosate and unspecified inert ingredients) was found to be more toxic to placental cells than glyphosate alone. In a follow-up study conducted in 2007, it was determined that although Roundup is more toxic to embryonic and placental cells than glyphosate alone, glyphosate does act directly as a partial inactivator of aromatase, the estrogen-producing enzyme. It was concluded that Roundup exposure may affect human reproduction and fetal development, and that “chemical mixtures in formulations appear to be underestimated regarding their toxic or hormonal impact.”

Reproductive Health: Importance of Prenatal Development

A mother’s environmental and dietary pesticide exposures may translate directly to increased toxic exposure for her fetus or newborn, in a process known as placental transfer. Certain pesticide metabolites easily cross the placenta to reach the fetus. In 2011, researchers found that when pregnant women consumed potatoes, corn, and soybeans that had been genetically modified to be pesticide-tolerant, metabolites of one of the herbicides showed up in the cord blood of 100 percent of their babies. Pregnant women exposed to pesticides have been linked to a variety of adverse birth outcomes, including miscarriage, fetal death, birth malformations, lowered birth weight, and embryonic cell death.

While the long-term health consequences of maternal pesticide exposure during pregnancy are not fully known, research suggests that prenatal (in utero) and neonatal (in infancy) exposure can manifest itself in a myriad of grave health consequences. Low-dose exposure to neurotoxic pesticides in infancy may create modified responses to environmental contaminants as adults. When exposed to toxic substances later in life, it can result in hastened age-related degenerative changes, accelerating dysfunctional processes such as impairment of learning and memory.

In 2012, a group of children’s health experts published a study that measured the effects of exposure to pesticides at low levels – typical of ingestion through food or residential exposure – on pregnant women. The study found that the amount of pesticide exposure of a pregnant woman

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was inversely proportional to length of gestational period and her baby's birth weight. The pregnant women with the highest exposure to pesticides delivered their babies on average half a week earlier, with a starting birth weight on average one third of a pound lighter.⁵³ A team of scientists from Columbia University's School of Public Health have also found that mother-newborn pairs with higher levels of insecticide detected in their umbilical cord plasma at delivery had a birth weight on average 0.4 pounds lighter.

These researchers found that the level of pesticide in umbilical cord plasma was inversely associated with birth length, with birth length decreasing by 0.24 cm for additional every log unit of insecticide present in the plasma. This study concluded that insecticide exposure impaired fetal growth and emphasized the importance of phasing out residential use of insecticide. Lowered birth weights are known to be associated with increased rates of heart disease, stroke, hypertension, and diabetes. Scientists believe these negative health associations are the result of "fetal programming," whereby deficiency or damage at critical stages of development has permanent effects on the body's physiology and metabolism. Exposure to toxins such as pesticides may be one type of damage that produces fetal programming.

2,4-D and Prenatal Development

In 2005, California's Office of Environmental Health Hazard Assessment formally identified 2,4-D and its associated compounds to be reproductive toxicants and lists 2,4-D as a substance "known to the State to cause reproductive toxicity." Maternal exposure to 2,4-D has been linked to birth malformations in a major EPA study. In an examination of the wheat-producing regions of the Midwest, this study found that infants conceived from April to June – the time of peak herbicide application – had an increased chance of circulatory and respiratory malformations. In regions with higher rates of herbicide application, infant musculoskeletal anomalies increased, and male infant death resulting from birth defects significantly increased. 2,4-D, at both agricultural and residential levels of exposure, has been shown to produce developmental injury to embryos, by increasing the incidence of embryonic cell death and reducing early gestation cell development in the period corresponding to the first five to seven days of conception. Even at concentrations assumed to be without adverse health consequences by regulatory agencies, reflecting typical human exposure in the Midwest, exposure was damaging to reproduction and early fetal development.

Glyphosate and Prenatal Development

Studies point to the hazard glyphosate poses to pregnant women and their fetal development. A 2001 study by the Canadian Public Health department examined the effect of increased pesticide exposure on embryonic and fetal death by tracking miscarriage in women who reside on farms where pesticides are used. The study found that pre-conception maternal exposure to glyphosate, along with other pesticides, increased risk of miscarriage. The same study found an elevated risk of early-stage miscarriage (less than 12 weeks after conception) associated with exposure to a family of herbicides that include 2,4-D. An elevated risk of late-stage miscarriage (12-19 weeks after conception), or fetal death, was associated with preconception exposure to glyphosate. The science suggests that exposure to multiple pesticides leads to heightened risk, as the combination

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of certain chemicals may be far more toxic than either in isolation. The human body now encounters this exposure even before birth – a 2005 study found an average of 200 industrial chemicals and pollutants in the umbilical cord blood of newborns in the U.S, including waste products, flame retardants, and pesticides. The general population faces exposure to pesticides and other toxins from both indoor and outdoor environments throughout a lifetime, many of which bio-accumulate in the body long after exposure. Regarding miscarriage, exposure to more than one type of pesticide among women over 35 led to a drastically increased risk. These varied toxic inputs are health hazards, as many chemicals have the potential to amplify the negative health effects of other chemicals. Specifically, those exposed to carbaryl and 2,4- D together had 27 times the risk of miscarriage compared to similar women exposed only to carbaryl.

Reproductive Health: Autism

Autism, which the CDC reveals has increased 289.5% between 1997 and 2008, has been extensively linked to both prenatal and neonatal pesticide exposure. A team of public health experts recently identified a list of ten contaminants most likely to be linked to the development of autism – organophosphate pesticides, organochlorine pesticides, and endocrine disruptors were all included on the list. Maternal residence during pregnancy near pesticide applications has been linked to the development of autism spectrum disorders in children. Mothers whose proximity to agricultural areas exposed them to pesticide drift during early gestation (the first one to eight weeks of pregnancy) were found to be six times more likely to have children with Autism Spectrum Disorders. Risk for autism spectrum disorders in children increased with the number of pounds of pesticide applied and decreased with maternal distance from crop sites.

Reproductive Health:

Neurodevelopmental Impairments from Prenatal Exposure

Scientific studies suggest a troubling connection between prenatal pesticide exposure and neurodevelopmental damage. In a 2006 study published by the AAP, children exposed prenatally to higher levels of an insecticide were found to be significantly more likely to experience delays in psychomotor (wherein children learn the relationship between cognitive function and physical movement) and mental development, attention problems, attention deficit/hyperactivity disorders, and pervasive developmental disorders by the age of three. Children exposed to higher levels of the insecticide studied were five times more likely to experience delays on the Psychomotor Development Index. This study focused on children living in inner-city areas, where insecticides are more common than herbicides, and is a helpful illustration of the fact that although the population faces different types of pesticide exposure across the U.S., the human health impact is similarly destructive.

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Glyphosate and Neurodevelopmental Impairments

Glyphosate and Roundup have been linked to negative neurodevelopmental health effects, particularly for prenatal exposure. In a detailed examination of the effects of pesticide exposure on reproductive outcomes in an agricultural region of Minnesota, scientists found that conceptions in spring, at the height of pesticide application, resulted in significantly more children with birth defects than found in any other season (7.6% vs. 3.7%). Forty-two percent of children from families with recurrent birth defects were conceived in spring, a significantly higher rate than that for any other season. Specifically, adverse neurobehavioral developmental effects were almost four times as likely for children with parental glyphosate exposure. Roundup was found to be “uniquely associated with specific adverse birth or developmental outcomes” – 43% of children with ADD/ADHD had parents who reported using Roundup.

Reproductive Health: Male Fertility

Male fertility has consistently been shown to suffer when confronted with pesticide exposure. A 2013 systematic review of 17 studies on the effect of pesticides on sperm found that there are significant associations between exposure to pesticide and semen quality indicators. The most common finding, among all pesticide classes investigated, was a decrease in sperm concentration. Decreased sperm motility and an overall decrease in sperm health was also associated with exposure to all pesticides investigated.

2,4-D and Male Fertility

The EPA has listed a variety of negative effects that 2,4-D has on male sex organs, including atrophy of the testes, degeneration of sperm-producing tissues, and decreased number of sperm in the testes.⁶⁹ Though it is well known that exposure to pesticides at occupational levels can adversely affect semen quality, chronic low-level environmental exposure to 2,4-D has also been linked decreased male fertility. Men from agrarian areas in the U.S., merely by living in regions with higher ambient levels of pesticides, were found to have higher levels of 2,4-D present in their body than men from urban centers, which corresponded with poor semen quality and lower sperm concentration.





Woods Hole Historical Collection & Museum

P. O. Box 185
Woods Hole, MA 02543
Telephone (508) 548-7270



January 22, 2019

Selectmen, Town of Falmouth
Town Hall
Main Street
Falmouth, MA 02540

Dear Friends,

On April 13 and 14, we, the Woods Hole Historical Museum, are running our 12th biennial Woods Hole Model Boat Show. We expect about 100 exhibitors and 500 visitors to come to this event, and would like to make them feel welcome.

We are asking that the parking meters along Water Street and Luscombe Avenue not be in use over these two days, as well as Friday afternoon after 3 PM, when our exhibitors come to set up their displays. The exhibitors must, of necessity, park their cars close to the exhibit halls (Community Hall, Old Fire Station, MBL Club, well as the Woods Hole Library and the Museum) as they unload, and later load their boat models. Some of these models are seven feet long and quite heavy.

We would very much appreciate it if you would choose to not enforce the parking meters on this weekend. During our last shows, in 2015 and 2017, you decided not to cover, but rather to simply not ticket vehicles on Water Street and Luscombe Avenue during the show. We would greatly appreciate a similar decision this year.

Thank you for your attention.

Sincerely,

Deborah Griffin Scanlon
Executive Director

Jennifer Stone Gaines
Coordinator, Model Boat Show

P.S. We understand that this may become an agenda item. If so, please let us know when you will be discussing it and if you would like us to be present. Thank you.

Diane Davidson

From: Diane Davidson
Sent: Monday, February 11, 2019 12:30 PM
To: Brian Reid (breid@falmouthpolice.us); Sean Doyle (sdoyle@falmouthpolice.us)
Subject: Woods Hole Model Boat Show - Parking Meters Off
Attachments: SE-Woods Hole Model Boat Show-Parking Meters Off.pdf

Capt. Reid,
Lt. Doyle,

Attached please find a request to turn off the parking meters along Water Street and Luscombe Avenue from Friday, April 12 starting at 3:00 p.m.; Saturday, April 13; and Sunday, April 14, 2019 for the biennial Woods Hole Model Boat Show, to allow exhibitors to unload and load the model boats.

Please provide your recommendation to the Board of Selectmen by Thursday, February 21, 2019. (This request is scheduled for the Monday, February 25 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: Diane Davidson
Sent: Monday, February 11, 2019 2:41 PM
To: 'whhmdirector@gmail.com'
Subject: Woods Hole Model Boat Show - Parking Meters Off

Hi Debbie,

I have received your request to turn off the parking meters for the Woods Hole Model Boat Show event this April and for a proclamation. I have scheduled both of these items on the Monday, February 25, 2019 Selectmen's meeting at 7:00 p.m. in the Selectmen's meeting room, town hall.

Please let me know if that date and time work with your schedule.

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: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Monday, February 11, 2019 6:32 PM
To: Diane Davidson; Reid Brian
Subject: RE: Woods Hole Model Boat Show - Parking Meters Off

Good evening,

The Police Department does not have any issues with the request.

Sean Doyle,
Lieutenant

From: Diane Davidson [mailto:diane.davidson@falmouthma.gov]
Sent: Monday, February 11, 2019 12:30 PM
To: Reid Brian <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: Woods Hole Model Boat Show - Parking Meters Off

Capt. Reid,
Lt. Doyle,

Attached please find a request to turn off the parking meters along Water Street and Luscombe Avenue from Friday, April 12 starting at 3:00 p.m.; Saturday, April 13; and Sunday, April 14, 2019 for the biennial Woods Hole Model Boat Show, to allow exhibitors to unload and load the model boats.

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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: Julian Suso
Sent: Thursday, February 14, 2019 7:59 AM
To: Susan Moran; Peter Johnson Staub; Doug Brown
Cc: Diane Davidson
Subject: RE: Beach Committee Meeting

Ok Su.
Julian

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

From: Susan Moran <susan.moran@falmouthma.gov>
Sent: Wednesday, February 13, 2019 9:15 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>; Doug Brown <doug.brown@falmouthma.gov>
Subject: Beach Committee Meeting

Dear Julian:

Please add beach update to next agenda.

Thx

Su

Sent from my

Diane Davidson

From: Scott Lindell <slindell@whoi.edu>
Sent: Friday, February 01, 2019 9:29 AM
To: Julian Suso; Susan Moran
Cc: Megan English_Braga; Diane Davidson
Subject: Re: February agenda item for BoS

Julian and Su,

Correction on when I'm available. I'm available on 2/18 at or after 9pm, and also the 25th. I'm out of Town on March 4th.

thanks for your consideration,

Scott

On 2/1/19 6:27 AM, Scott Lindell wrote:

> Hi Julian and Su,
>
> Can you let me know when this agenda item, "changingthe mission/charge
> of the Bikeways Committee to the Bicycle and Pedestrian" can be
> scheduled? My month is filling up fast but I'm still holding 2/25
> open. March 4th is also open.

>
> thanks,
>
> Scott

> On 1/3/19 8:07 AM, Julian Suso wrote:

>> Su,
>> We will check the schedule and get back to you to confirm.
>> Julian

>>
>> -----Original Message-----

>> From: Susan Moran <smoran@falmouthmass.us>
>> Sent: Wednesday, January 2, 2019 9:27 PM
>> To: jsuso@falmouthmass.us
>> Cc: slindell@whoi.edu; Megan English_Braga
>> <Megan.English_Braga@falmouthmass.us>; Frank Duffy
>> <fduffy@falmouthmass.us>
>> Subject: Re: February agenda item for BoS

>>
>> Dear Julian:
>>
>> Please schedule total 20 either date there is room.
>>
>> Thank you, Su

>>

>> Sent from my iPhone

>>

>>> On Jan 2, 2019, at 9:19 PM, Scott Lindell <bikeways@falmouthmass.us>

>> wrote:

>>> Su,

>>>

>>> I'm requesting that an discussion item be added to your agenda

>>> ideally

>> February 18th or 25th when I can be there to present. The topic is

>> changing the mission/charge of the Bikeways Committee to the Bicycle

>> and Pedestrian Committee.

>>> For your consideration, attached are modifications in track changes

>>> to the

>> original Article that launched the Bikeways Committee.

>>> Let me know which of those dates might work.

>>>

>>> thanks,

>>>

>>> Scott

>>>

>>> --

>>> Scott Lindell, Chairman

>>> Falmouth Bikeways Committee

>>> bikeways@falmouthmass.us

>>> 508/289-1113

>>>

>>>

>>> <New Bicycle and Pedestrian Committee Charter Mission.docx>

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Ray Paltz Building at Guv Field Improvement Project – Exhib

1. The Club intends to complete renovations/construction to the building in into compliance with the Falmouth Health Code Standards for utilization stand that will require running water and sewer access. Additional use w storage space for excess merchandise and other Club materials.
2. Club will be responsible for securing a separate contract (not as part of contract) with a company to tie-in the sewer system from the senior center to the Building, including any necessary drainage, installation of a grease trap, or pump, if required. Every effort will be made to avoid conflict with the senior center area. Time is of the essence due to the current Senior Center construction site status that will significantly reduce costs to the Club. The expenses under the separate contract for tie-in from the Senior Center sewer connection to the Building will be the responsibility of the Club.
3. The Town agrees to restore electricity to the Building that was severed when the Senior Center foundation was excavated.
4. The estimated date of the Building construction initiation will be approximately March 2020.

~~7/15/2015~~
MOU



Falmouth Commission on Disabilities

59 Town Hall Square

Falmouth, Massachusetts 02540

Mr. Julian Suso
Town Manager
Town of Falmouth
59 Town Hall Square

January 19, 2019

Shiverick's Pond Trail

Dear Mr. Suso

#8
article rec's

The purpose of this letter is to give support to the Commission on Disabilities is in full support of this project and contributing to the Katharine Lee Bates area. The improved accessibility and safety that will be created in this area for the disabled and non-disabled, as well, are certainly benefits that the Trail will bring. In addition, educational and recreation opportunities will be enhanced

With roughly 1,010 students attending school at Mullen-Hall and Lawrence School, respectively, and approximately 110 students having a disability, the trail and subsequent sidewalk enhancements will be beneficial for those students not only having better sidewalks, providing for their safety but will allow for access to the a newly vibrant ecosystem.

The safety, recreation, and education that the Shiverick's Pond Trail will bring to the Falmouth community and for disabled persons, in particular, will create equal access to a beautiful section of Falmouth currently inaccessible to them. With the addition of an accessible fishing platform, originally envisioned long ago by commission member Charles "Eric" Erickson, the entire Shiverick's Pond Trail will be a welcomed addition to enjoyment for those with challenges

who find very few areas truly accessible in this area of the Town.

The commission applauds the work that has gone into the concept and working group to bring this project to life once again, ensuring that the beauty of the duck's, canadian geese, and swans that grace Shiverick's Pond will be viewable by all residents and visitors to Falmouth.

Sincerely,

Kathleen J. Haynes

Chair, Falmouth commission on Disabilities

CC: Thomas Bott, Falmouth Town Planner

CC: Paul Dreyer

February 13, 2019



TO THE BOARD OF SELECTMEN

WE ARE HEREBY SEEKING A VARIANCE FOR ADDITIONAL FREESTANDING SIGN TO BE LOCATED AT 88 SCRANTON AVENUE, FALMOUTH, MA 02540

THE REASON WE ARE SEEKING THE VARIANCE IS THAT THE BUSINESS KNOWN AS PIER 37 ENTRANCE IS IN AN UNUSUAL LOCATION AND THE CURRENT SIGN IS DIRECTING TRAFFIC INTO BOAT DELIVERIES AND NOT THE SALE AND SERVICE OF THE BUSINESS.

THE OWNER OF 88 SCRANTON AVENUE IS THE SAME AS 64 SCRANTON AVENUE. THE BOATHOUSE SIGN WILL BE 150 FEET FROM THE PROPOSED SIGN.

THANK YOU.

MATT ANDERSON
KIWI SIGNS

A handwritten signature in blue ink, appearing to be "M Anderson", written over the typed name.

Town of Falmouth Sign Permit Application (rev. 9/10)
 (508) 495-7470 Fax (508) 548-4290

Paul

For office use only:
 BD Permit#: 2019-025799 Fee*: 25.00 HDC App. #: _____ DRC App. #: _____

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under §184-30 are no charge) – please submit the required fee to the Building Department along with the completed sign permit application.

DATE: 2-12-19
 STREET ADDRESS FOR PROPOSED SIGN(S): 88 Scranton Ave
 APPLICANT NAME: Kiwi Signs PHONE: 508 444 6149
 MAILING ADDRESS: 56 Scranton Ave TOWN/STATE/ZIP: Falmouth
 BUSINESS NAME: Pier 37 Marina
 BUSINESS OWNER: Brian J McLaughlin ADDRESS/PHONE: 508 540 0123
 PROPERTY OWNER: Falmouth Pier 37 Inc ADDRESS/PHONE: " " "
 CONTRACTOR / SIGN COMPANY: Kiwi
 ASSESSOR'S PARCEL ID: 47B 09 004 035 ZONING DISTRICT: M

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y/N Y N
 If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35
 List number and sizes of each sign that presently exist for each street frontage: _____
 Area of proposed standing sign is: 47" x 42.5" = 14 square feet.
 Do the frames, borders, etc. exceed 8 square feet in area? Y N
 The proposed standing sign will be set back from Scranton Ave. street line 12 feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed wall sign is: _____ x _____ = _____ square feet.
 The lineal frontage of the wall supporting the sign is: _____ lineal feet.
 The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed roof sign is: _____ x _____ = _____ square feet.
 The wall that the sign will be above is: _____ lineal feet.

PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30
 Size of proposed sign is: _____ x _____ = _____ square feet.
 Start date: _____; End date: _____ Total number of days that the sign will be displayed: _____

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

OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20
The Board of Selectmen must approve all off-premise signs.
 Proposed location: _____ Size: _____ square feet.

Board of Selectmen License No.: _____ *(Note: A copy must be attached)*
INSTRUCTIONS TO APPLICANT: (1) Attach a separate sheet with a site plan showing the location of the proposed sign on the lot as well as a sketch of the proposed sign with dimensions and the approximate appearance. **(2)** All signs in local Historic Districts must receive approval from the Historic District Commission (HDC) before the sign permit application is filed with the building department. **(3)** All applications for signs at a size of eight (8) square feet or greater that are located outside of local historic districts must be submitted to the Design Review Committee (DRC) for approval.

 Signature of Applicant 2.12.19
 Date

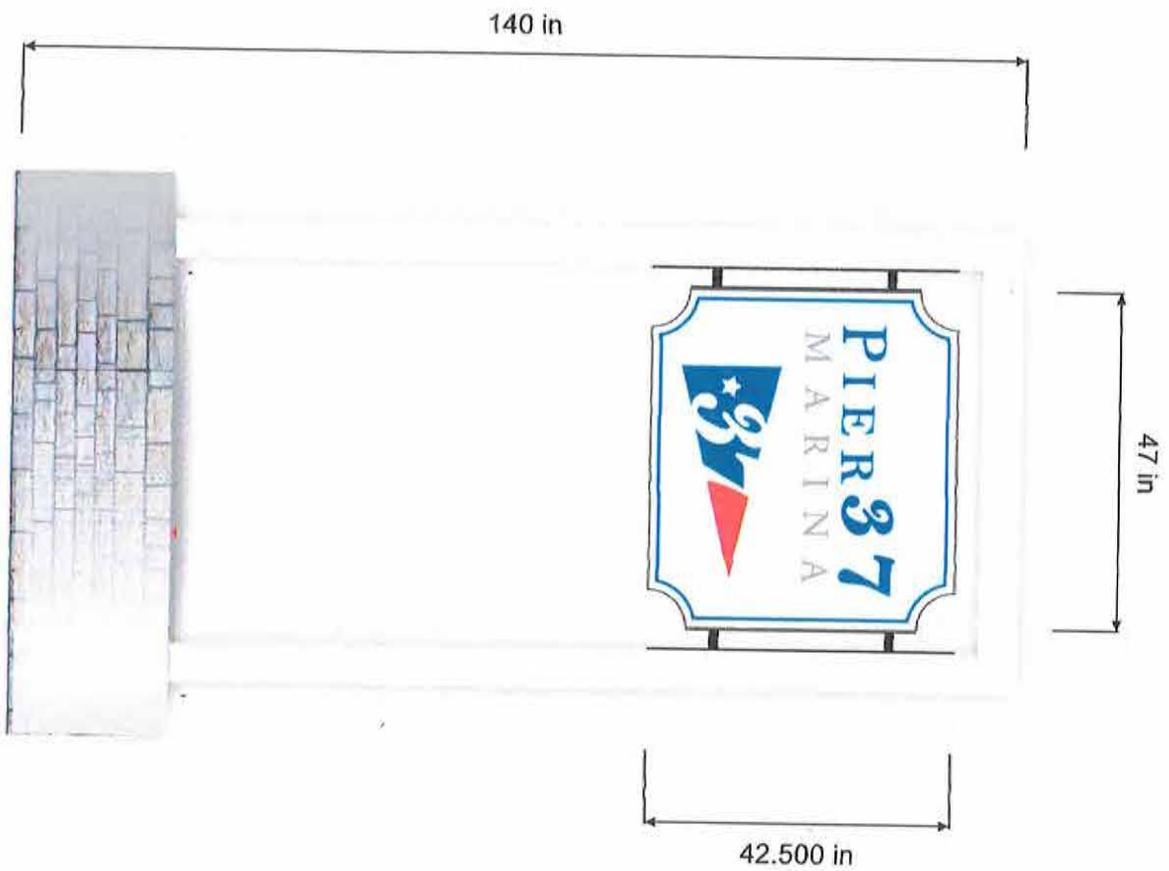
 Historic District Commission _____ or _____
 Date Date Design Review Committee Date

With the following conditions: _____

 Building Commissioner/Inspector _____
 Date

With the following conditions: _____

Need Plot Plan



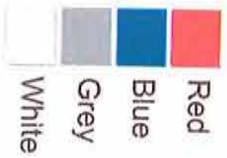
SIGN SPECS

- DOUBLE SIDED SIGN FACE MADE FROM 1" PVC
- PIER 37 MARINA* TO BE V-CARVED
- 37 FLAG* TO BE END MILL CARVED
- SIGN PANEL MOUNTED TO EXISTING 4X4 PT POSTS.

Proposed sign to be 14 Sqft.

RIDER SPECS

COLORS



KIWI SIGNS
 505.446.0149 WWW.KIWI-SIGNS.COM

Pier 37

DATE	DRAWN	CHK	SCALE

Artwork may be purchased from Kiwi Signs & Marine Graphics

Existing



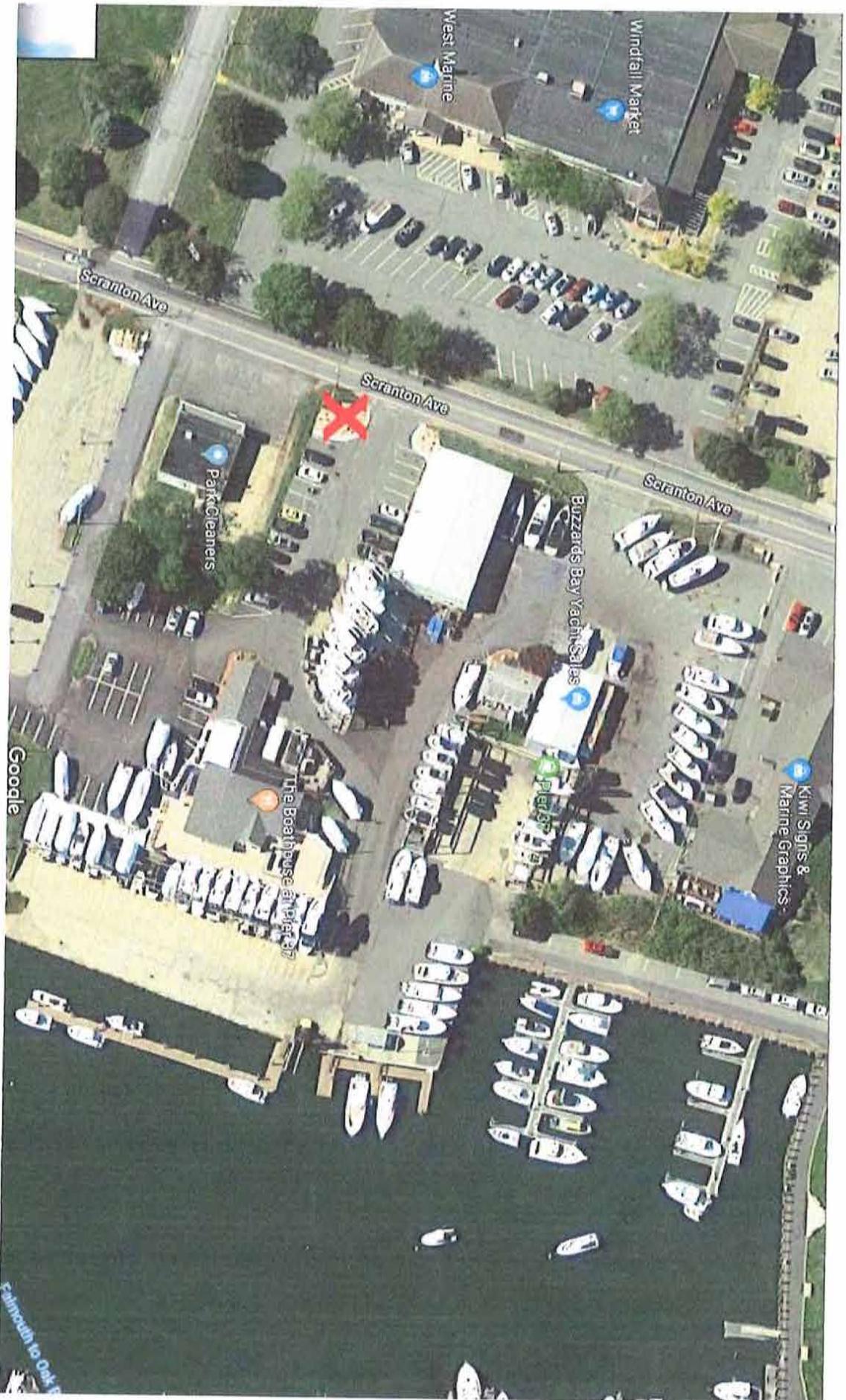
Proposed



KIWI SIGNS 508.444.8149 www.kiwisigns.com	Pier 37		
	DATE		
	DRAWN		
	SCALE		

Artwork may be purchased from Kiwi Signs & Marine Graphics

Sign Location.



KIWI SIGNS
 508.444.8149 www.kiwisigns.com

Pier 37

DATE	
DRAWN	
BY	
SCALE	

Artwork may be purchased from Kiwi Signs & Marine Graphics



Permit # 2019 025860

-0-

TO BOARD OF SELECTMEN

FROM Fresh Pond Holy Ghost Society 405 Carriage Shop Rd
DATE William R Valdeso President
2-13-19

We are seeking a variance for permission to place signs at the following locations For our
BUFFET BREAKFAST 762 Sandwich Rd 71 E Fal Hwy
931 E Fal Hwy 405 Carriage Shop Rd Rt 151 Cape Cod Fairgrounds

The signs will be placed on Monday and removed on Sunday
1st week of every month MAY TO NOV

We have obtained permission from each of the property owners,
which are all club members
We are advised that we need to obtain a variance. Attached please find a picture of what
is proposed.

We will obtain a permit if the Selectmen approves this application.

Thank you.
William R Valdeso
President

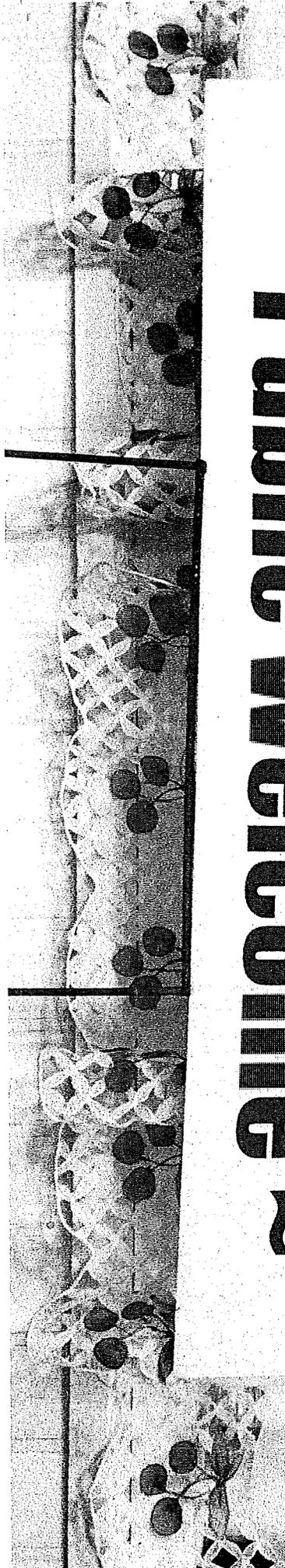
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SUN. 7-11:30 AM

FRESH POND HAI

~ Public Welcome ~



TO THE BOARD OF SELECTMEN 2-13-19

WE ARE HEREBY REQUESTING PERMISSION TO PLACE SIGN

AT CAPE COD FAIRGROUNDS at corner
of 1st and Clutter Rd.

FROM MAY 1st Sunday Every Month
UNTIL NOV 1-week before

FOR Fresh Pond Holy Ghost Society

THANK YOU.

Audrey Brown
General Manager
Dorchester County Agricultural Society

TO THE BOARD OF SELECTMEN 2-13-19

WE ARE HEREBY REQUESTING PERMISSION TO PLACE SIGN

AT 71 East Falmouth Hwy
E. Falmouth ma. 02536

Jeffery Silveira

FROM MAY 1st Sunday Every Month

UNTIL NOV. 1-week before

FOR Fresh Pond Holy Ghost Society

THANK YOU.

Jeffery Silveira

TO THE BOARD OF SELECTMEN 2-13-19

WE ARE HEREBY REQUESTING PERMISSION TO PLACE SIGN

AT M. DAVID SYLVESTER
762 SANDWICH RD
E FALMOUTH

FROM MAY 1ST Sunday Every Month

UNTIL NOV 1-week before

FOR Fresh Pond Holy Ghost Society

THANK YOU.

David Sylvester

TO THE BOARD OF SELECTMEN 2-13-19

WE ARE HEREBY REQUESTING PERMISSION TO PLACE SIGN

AT Martha Brant
931 East. Falm. Hwy.
East. Falmouth Ma. 02536

FROM MAY 1st Sunday Every Month
UNTIL NOV 1-week before

FOR Fresh Pond Holy Ghost Society

THANK YOU.

Martha Brant

SUGGESTIONS FOR BOS RECOMMENDATIONS

-Selected Town Mtg Articles April, 2019 TM
For BOS Consideration 2/25/19

Article 16: This is the long-anticipated Article allowing for the assessed improvements to Winthrop Drive and Captain Davis Lane to proceed and thereby to become public streets.

Suggested: Vote Article 16 as printed.

Article 20: This is a housekeeping Article brought forward by the Planning Board related to PB membership.

Suggested: Vote Article 20 as printed.

Article 21: This petition Article from Gerald Potamis relates to Zoning and the Accessory Apartment Bylaw and the Planning Board will have the primary recommendation.

Suggested: No action necessary, unless the Board prefers otherwise.

Article 22: This petition Article from John Banner relates to Zoning and the Accessory Apartment Bylaw; the Planning Board will have the primary recommendation.

Suggested: No action necessary, unless the Board prefers otherwise.

Article 23: This petition Article from Marc Finneran is similar to Article 22 and relates to Zoning and the Accessory Apartment Bylaw. The Planning Board will have the primary recommendation.

Suggested: No action necessary, unless the Board prefers otherwise.

Article 24: This petition Article from Michael Heylin deals with Substance Abuse Clinics in the Zoning Code. The Planning Board will have the primary recommendation.

Suggested: No action necessary, unless the Board prefers otherwise.

Article 25: This petition Article from Daniel Webb seeks to alter the Zoning Code as it relates to solar energy. Primary recommendation will be from the Planning Board.

Suggested: No action necessary, unless the Board prefers otherwise.

Article 26: This Article would rescind the existing Civil Service maximum age limitation on the hiring of Police Officers and Firefighters (32 years). It is recommended by both Police Chief Dunne and Fire Chief Small and would “expand the hiring options” available in both Police and Fire at a time when the universe of available, qualified candidates for these critical public safety positions continues to shrink. The Town Manager, as appointing authority for Police and Fire positions, also recommends favorable action on this Article.
Suggested: Vote Article 26 as printed.

Article 27: This Article would establish the position of “Program Coordinator” for the new Senior Center, setting a salary range for this new position, which is needed to support the expanded delivery of services for the new Senior Center. This position, subject to TM approval, is included in the FY20 budget beginning in January 2020.
Suggested: Vote Article 27 as printed.

Article 28: This Article would increase the local room excise tax already in place in Falmouth from the present 4% to 5%. The Town has the option of allowing the present 4% excise tax remain in place or to increase it to 5% or the maximum of 6% permitted by Statute. This modest increase would generate some additional, needed revenue while nonetheless maintaining Falmouth’s local room excise tax as among the lower rates on the Cape (as most municipalities have a 6% rate already established).
Suggested: Vote Article 28 as printed.

Article 29: This petition Article from Marc Finneran would allow the use of a second water meter strictly for properties within the Town sewer service areas. It is very similar to an earlier petition article from Mr. Finneran which was defeated at an earlier Town Meeting. There are considerably more cost-effective options to facilitate irrigation available to homeowners in these areas, particularly an irrigation well. This proposal has potential negative implications for existing wastewater revenues, which would therefore result in shifting an unnecessary financial burden to other residents who are served by the Town sewer system.
Suggested: Recommend Indefinite Postponement.

Article 30: Article 30 is a petition Article from Paul Dreyer which would set aside funding for implementing the first phase of proposed Trail Improvements adjacent to Shiverick's Pond. This proposal would begin the implementation of this long-planned recreational enhancement in coordination with Public Works planned resurfacing of Katherine Lee Bates Road. Unfortunately, this petition Article contains neither a proposed funding amount nor a funding source. Placing funding amounts/source in the Article would normally make the primary recommendation with the Finance Committee and not the BOS.

Suggested: Given the questions on funding amount and source, the Board may wish to defer action until the Finance Committee has reviewed, as this would be within their purview. When this is resolved, a recommendation from BOS could be placed on the Town Meeting floor at the time of deliberation.

Article 31: This petition Article from Ronald Zweig would seek to accelerate the existing process of water quality monitoring in Bourne's Pond related to the experimental shellfish nitrogen mitigation option. This is a process currently underway with the cooperation of Marine and Environmental Services and as overseen/monitored by the Water Quality Management Committee. It is anticipated that the Water Quality Management Committee will be taking a position on this proposed Article at an upcoming meeting in advance of April Town Meeting and that this recommendation will be presented on behalf of that responsible Committee.

Suggested: Recommend Indefinite Postponement (pending review/recommendation by the Water Quality Management Committee).

Presented in draft form for BOS consideration 2-22-19.

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: February 22, 2019

JMSuso

- The Board will convene in regular session at 7PM on Monday. We have a bit of a challenging agenda and have made every effort to facilitate items moving forward expeditiously.
- Selectmen will hold four separate public hearings – one related to a pier and boatlift, a second related to an aquaculture license and **two** related to requests for wastewater variances under the Flow Neutral Bylaw. The first of the two is for the (School) concession building (Ray Paltz Building) adjacent to Gus Canty to allow a wastewater connection related to the intent of the Falmouth Commodores to utilize this structure for seasonal concession purposes. The second is a request to allow a wastewater connection for the purpose of a planned expansion from *four to seven bedrooms* in a home in Woods Hole. With your Board packet we will include the Board's adopted "guidelines" for consideration of granting such a wastewater variance. Be advised that **none** of these guidelines apply to a residential property seeking to nearly double its number of bedrooms.
- Be advised that the Chair of each interested Committee has been invited to attend Monday's meeting to comment on the multiple items under consideration, update or report.
- We have been asked to address the multiple questions raised by the Preservation Alliance in the handout they presented to the Board during your recent site visit to the Marks Building. The responses to these several questions are included in your Board packet.
- On Monday evening, I am respectfully asking the Board for your voted direction related to the multiple issues related to the Marks Building. I greatly appreciate this clarification to allow us to move forward productively in the manner which Selectmen prefer. Those matters are also noted in your Board packet.
- Under separate cover with your Board packet, I am providing suggestions for BOS consideration on the multiple petition TM Articles which you had presented to you at your last regular meeting.