

TOWN OF FALMOUTH
BOARD OF SELECTMEN
REVISED AGENDA

MONDAY, MARCH 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
4. Recognition
5. Announcements – Open Meeting Law Training Session – March 28, 2019
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for a New Common Victualler License – Clam Shack, 227 Clinton Avenue, Falmouth
 - b. Application for Renewal of a Common Victualler License – Trade Center Bowl, 89 Spring Bars Road, Falmouth
 - c. Application for a Special One-Day Wine and Malt Liquor License, West Falmouth Library, 575 W. Falmouth Highway, West Falmouth – Saturday, 3/30/19
 - d. Application for a Special All Alcohol Liquor License – Compassionate Care ALS – Bourne Farm – Saturday, 5/18/19
 - e. Application for Special One-Day Wine and Malt Liquor License – Barnstable County Agricultural Society – Barnstable County Fair, 1220 Nathan Ellis Hwy. – 7/22/19 – 7/28/19
 - f. Application for a Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair, 1220 Nathan Ellis Hwy. – Sunday, 7/28/19
2. Administrative Orders
 - a. Acting as trustees of the FAHF vote to authorize payment of a sum of money related to water fees for the Little Pond Place, Spring Bars Road Affordable Housing Project
 - b. Authorize Town Manager to sign letter to MassHousing regarding project eligibility for 40B comprehensive permit application – Wild Harbor Condominium LLC, 213 N. Falmouth Highway
 - c. Vote to approve License Agreement for a water refill reuse station installation and maintenance in Marine Park on Water Street in Woods Hole by and between Marine Biological Lab and Town of Falmouth
 - d. Authorize Department of Public Works application to the MA DEP for recycling program grant

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 in Eel Pond, located at 53 Madeline Road, East Falmouth

7:45 p.m.

2. Wetland Hearing – Clowes Easterly Limited Partnership – Reconstruction and maintenance of a 136 foot long licensed timber pier in Vineyard Sound, located at 146 Nobska Road, Woods Hole

8:00 p.m.

3. Wetland Hearing – Robert Irving – Construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond, located at 358 Acapesket Road, East Falmouth

8:15 p.m.

4. Water Rate Hearing

8:45 p.m.

5. Fee Hearing – Zoning Board of Appeals – Proposed new fee for processing amendments: Amendment Fee: \$50.00

8:55 p.m. BUSINESS

1. Discussion on Senior Center Staffing
2. Final Report of Route 28 Citizens Advisory Committee
3. Falmouth Preservation Alliance Presentation on Poor House (Edward Marks Jr. Building)
4. Discussion and potential vote to authorize the application for CPC grant application by DPW for bikeway extension, as requested by the Friends of Falmouth Bikeways and the Falmouth Bikeways Committee
5. Vote to Approve Request for a Waiver of Special Event Permit Fee - Run Jack Run Family Fun Run/Walk
6. Request for Sign Variance – On Premise and Off Premise Promotional Signage – Molly’s Parking – 2019 Summer Season
7. Request for Sign Variance – Off-Premise Promotional Signs – Gosnold, Inc. – Rx Take Back Day – April 27, 2019
8. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores Baseball Clinics – mid-April to July 29, 2019
9. Request for Sign Variance – Promotional/Special Event Signs – Banners on Main Street Poles – Compassionate Care ALS for Fundraising Stroll & Roll Walk – Saturday 5/11/19 – Saturday, 5/18/19
10. Approve 2019 Annual/Seasonal License Renewals:

All Alcohol Restaurant License

Falmouth Raw Bar, 56 Scranton Ave., Falmouth
Falmouth Pier 37 Boathouse, 88 Scranton Ave., Falmouth
Landfall Restaurant, 9 Luscombe Ave., Woods Hole
Quicks Hole Taqueria, 6 Luscombe Ave., Woods Hole
Shuckers, 91 A Water St., Woods Hole

All Alcohol Club License

Seacoast Shores Association, 7 Fairview Lane, E. Falmouth

Common Victualler License

Florence Tea Room, 196 Crystal Springs Avenue, N. Falmouth

Lodging House License

Frederick William House, 594 Palmer Avenue, Falmouth
The Captain’s Manor Inn, 27 W. Main Street, Falmouth

11. Minutes of Meetings:
 - a. Public session – January 28, 2019; February 25, 2019; March 11, 2019
 - b. Executive session – December 11, 2017; March 11, 2019
Vote to release/not to release minutes of executive sessions
 - c. Review of executive session minutes and vote to release
12. Individual Selectmen’s reports
13. Town Manager’s report
14. Review and/or discuss correspondence received

Susan L. Moran, Chairman
Board of Selectmen

NOTICE
TRAINING SESSION
OPEN MEETING LAW
Thursday, March 28th from 7:00PM – 8:00PM

Town Counsel's Office will be holding a training session in the **Board of Selectmen's Meeting Room** at Town Hall. We strongly recommend staff of each committee/board and new committee/board members attend, as well as anyone who needs a refresher course.

Number:
2-SEA-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Clam Shack
James A Murray, Manager
227 Clinton Avenue
Falmouth MA 02540
is hereby granted this
Common Victualler License

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

Saturday & Sunday (weekends) 6:00 am - 9:00 pm beginning May 25, Memorial Day weekend through Columbus Day weekend, October 15, 2019. Seven days a week 6:00am - 9:00 pm, June 13 through September 3, 2019.

Valid from: April 1, 2019

Valid until: November 30, 2019

By order of The Falmouth Board of Selectmen

March 25, 2019

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

Number:
42-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Trade Center Bowl
(ED.B.A. Inc.)
Edward Ashbaugh, Manager
89 Spring Bars Road
Falmouth, MA 02540
is hereby granted this

Common Victualler's License

89 Spring Bars Road, Falmouth, MA 02540

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

Monday: 11 to 11. Tuesday: 9 to 11. Wednesday: 11 to 11.
Thursday: 9 to 11. Friday: 11 to 12. Saturday: 11 to 12.
Sunday: 9 to 10.

Valid from: January 1, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

March 25, 2019

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

2019

License Alcoholic Beverages

19-7-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 West Falmouth Library
Lois Hiller, Director

575 W Falmouth Highway
West Falmouth MA 02574

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 30th day of March 2019 until the 30th day of March 2019, unless earlier suspended, cancelled or revoked.

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

Saturday, March 30, 2019, from 6:30 p.m. - 8:30 p.m. - Murder Mystery Fundraiser.

1. Proof of Liquor Liability insurance required. 2. Servers-Bartenders must be TIPS (or equivalent) certified. 3. Plan showing area where alcohol will be sold & consumed required

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

Licensing Board

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

West Falmouth Library Presents

Swan Song at the Speakeasy

A Murder Mystery Event



6:30 PM Saturday
March 30th \$25

Join us at the speakeasy for an evening of music, murder, and mystery. Enjoy light appetizers and dessert. Wine, beer, and soft drinks will be available for purchase. Period costumes are encouraged but not required.

Tickets can be purchased online at www.westfalmouthlibrary.org
or reserved by calling the library at 508-548-4709

A Not My Monkeys Production Benefitting the West Falmouth Library
575 West Falmouth Highway 508-548-4709 www.westfalmouthlibrary.org

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Thursday, March 7, 2019 12:27 AM
To: Phyllis Downey; Reid Brian
Subject: RE: One-Day Wine & Malt License application W. Falmouth Library

Good morning,

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

Thanks,

Sean Doyle,
Lieutenant

From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Wednesday, March 06, 2019 1:43 PM
To: Reid Brian <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: One-Day Wine & Malt License application W. Falmouth Library

Hello Officers,

Attached please find an application for "Swan Song at the Speakeasy, A Murder Mystery Event" to be hosted at the West Falmouth Library at 575 W Falmouth Highway, West Falmouth on Saturday, March 30, 2019.

May we please request your recommendation by Thursday, March 21st? The BOS will review the application at their meeting on March 25th.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

2019

License Alcoholic Beverages

19-6-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 Compassionate Care ALS

Ron Hoffman

Bourne Farm

6 North Falmouth Highway
North Falmouth, MA 02556

On the following described premises:

Bourne Farm, 6 North Falmouth Hwy., North Falmouth, MA 02556

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 18th day of May 2019 until the 18th day of May 2019, unless earlier suspended, cancelled or revoked.

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

Date: Saturday, May 18, 2019. Hours: 11:00 a.m. - 4:00 p.m. Stroll & Roll for Compassionate Care ALS Fundraiser Walk Event.

CONDITIONS: 1. ROPE OFF THE AREA WHERE ALCOHOLIC BEVERAGES WILL BE SOLD AND CONSUMED. 2. PROOF OF LIQUOR LIABILITY INSURANCE REQUIRED.

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

Licensing Board

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

Diane Davidson

From: Brian Reid <breid@falmouthpolice.us>
Sent: Friday, March 22, 2019 3:07 PM
To: Diane Davidson; Sean Doyle
Subject: RE: One-Day Liquor Licenses and Sunday Entertainment

Good afternoon Diane,
This Department has no objection to the applications below.
Thank you,

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

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From: Diane Davidson [mailto:diane.davidson@falmouthma.gov]
Sent: Wednesday, March 13, 2019 2:52 PM
To: Reid Brian <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: One-Day Liquor Licenses and Sunday Entertainment

Capt. Reid,
Lt. Doyle,

Attached are two applications for special one-day liquor licenses and one application for Sunday entertainment license as follows:

1. One-day all alcohol liquor license for Compassionate Care ALS Stroll & Roll Fundraiser Walk – Bourne Farm – Saturday, May 18, 2019 (also attached is the approved special event permit and application for your reference).
2. One-day wine and malt liquor license (for 7 days) for Barnstable County Fair – Monday, July 22 – Sunday, July 28, 2019
3. Sunday entertainment license for Barnstable County Fair – Sunday, July 28, 2019

Please provide your recommendations to the Board of Selectmen by Thursday, March 21, 2019.

Thank you,

Diane

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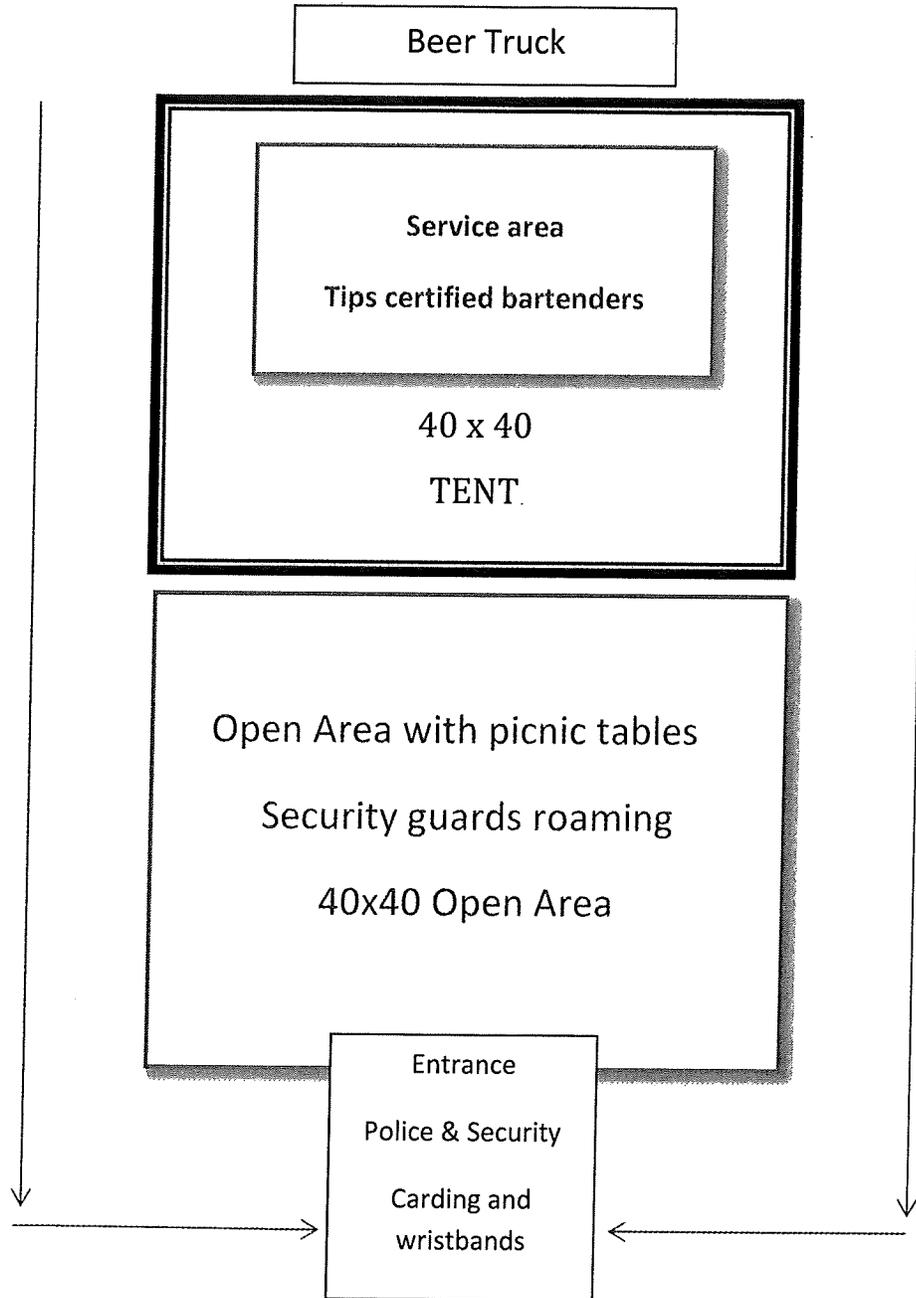
Please provide your recommendations to the Board of Selectmen by Thursday, March 21, 2019.

Thank you,

Diane

Barnstable County Fair

This layout and procedures were what we agreed upon with the Police Department



Arrows represent a fencing that is a 8 foot barrier so no beer can be passed. Security will card person who is drinking and they will be wristbanded and hand stamped. Person can only purchase one beer at a time. When person purchases beer his wristband will be hole punched. There is a two beverage maximum per person per day. The hand stamp will allow us to know that person has already been in.



Beer Tent
2017.
Same for
2018

Same
2019

Wallace's

SANTITAS

PIZZA

GRAND NEW

STEAK SANDWICH

CASHIER

CORN DOGS

Diane Davidson

From: Diane Davidson
Sent: Wednesday, March 13, 2019 2:52 PM
To: Brian Reid (breid@falmouthpolice.us); Sean Doyle (sdoyle@falmouthpolice.us)
Subject: One-Day Liquor Licenses and Sunday Entertainment
Attachments: 1-Day LL App-2019-CCALS.pdf; Permit-2019-Stroll & Roll CCALS.pdf; SE-2019-Stroll & Roll CCALS.pdf; 1-Day LL App-2019-Barnstable County Fair.pdf; Sunday Ent. App.-2019-Barnstable County Fair.pdf

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Please provide your recommendations to the Board of Selectmen by Thursday, March 21, 2019.

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*

THE COMMONWEALTH OF MASSACHUSETTS

State Fee, \$ 5.00
 Municipal Fee, \$ 10.00

Town OF Falmouth



LICENSE

For
 PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is BARNSTABLE COUNTY FAIR in or on the property at No. _____ (address)

The Licensee or Authorized representative, Wendy Brown in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
7/28/19	12pm-11pm	BAND - Association
7/28/19	12pm-11pm	COUNTY FAIR
7/28/19	12pm-11pm	Rockwell Amusements

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

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

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

Do not write in this box

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

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

Diane Davidson

From: Brian Reid <breid@falmouthpolice.us>
Sent: Friday, March 22, 2019 3:07 PM
To: Diane Davidson; Sean Doyle
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Please provide your recommendations to the Board of Selectmen by Thursday, March 21, 2019.

Thank you,

Diane

Spring Bars Road 40B - Water Main Connections Worksheet

		3/22/2019 10:03	quantity	units	unit price	extension	Comment
4" water service line							
	6" tapping sleeve, valve & gate box		1	each	\$ -	\$ -	Furnished by Contractor to Town
	6" DI pipe to property		10	LF	\$ 15.66	\$ 156.60	
	6" megalug		1	each	\$ 60.00	\$ 60.00	
	14' x 6' asphalt - 2 lifts - 4" thick		9.3	sq yard			
			1	ton	\$ 80.00	\$ 80.00	
	Processed Gravel pavement sub grade		1	ton	\$ 20.00	\$ 20.00	
					Material Cost	\$ 316.60	
8" Fire Service Line							
	8" tapping sleeve, valve & gate box		1	each	\$ -	\$ -	Furnished by Contractor to Town
	8" DI pipe to property		10	each	\$ 21.61	\$ 216.05	
	8" megalug		1	each	\$ 80.00	\$ 80.00	
	14' x 6' asphalt - 2 lifts - 4" thick		9.3	sq yard			
			1	ton	\$ 80.00	\$ 80.00	
			1	ton	\$ 20.00	\$ 20.00	
					Material Cost	\$ 396.05	
COST OF MATERIAL ONLY						\$ 712.65	
Equipment							
	Back hoe		1	8	\$ 113.00	\$ 904.00	Rates from LPWTP change order documentation
	10 wheel dump truck		1	8	\$ 82.00	\$ 656.00	
	tapping machine		1	8	\$ 10.00	\$ 80.00	
	Utility trucks		2	8	\$ 27.11	\$ 216.88	
	compressor		1	8	\$ 29.79	\$ 238.32	
					Equipment Cost	\$ 2,095.20	
Labor							
	Supervisor	count	hours	rate			Rates from 2019 budget documentation
			1	2	34.79	\$ 69.58	
	Crew Leader		1	8	\$ 26.61	\$ 212.88	
	Utility workers		3	8	\$ 20.48	\$ 491.52	
	Indirect cost at 35%				0.35	\$ 246.54	
					Labor Cost	\$ 1,020.52	
Subtotal Equipment and Labor						\$ 3,115.72	
Total project cost						\$ 3,828.37	
Fees							
	6 inch tapping fee					\$ 1,600.00	
	8 inch tapping fee					\$ 2,000.00	
	Project cost less fees					\$ 228.37	



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

March 4, 2019

Ms. Linda J. Clark, Director
Falmouth Housing Corp.
704 Main Street
Falmouth, MA 02540

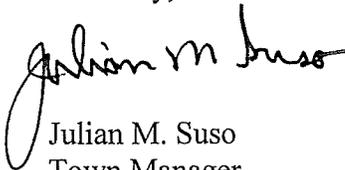
Dear Ms. Clark,

Subject: Request for Fee Waiver – Little Pond Place Affordable Housing Project

During its meeting on Monday, February 25, 2019, the Board of Selectmen approved your request for a waiver of the building permit fees, the sewer service application fee and the sidewalk application fee for the Little Pond Place affordable housing project.

Inspection fees and fees associated with direct service or material costs will not be waived.

Sincerely,



Julian M. Suso
Town Manager

cc: Inspectional Services Department
Engineering Department

DRAFT

March 20, 2019

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

RE: 213 North Falmouth Highway - Wild Harbor Condominium, LLC Site Approval Application

Dear Michael Busby:

The Town has reviewed an application for Site Approval and Project Eligibility for Wildharbor Condominium, LLC for the above address submitted by Gawdat Meawad. The proposal consists of a 16-unit duplex development, within eight buildings. Four owner-occupied units are proposed to be affordable, at 80% of the AMI. The proposed density is 3.42 units per acre. The proposed lot coverage by buildings is 12.6%, and lot coverage by buildings and paving is 26.5%; both of which are within the By-Law limits of 20% and 40% respectively.

The project was discussed at the Development Staff meeting on January 16, 2019. The "Brief Project Description," of the Project Eligibility Application, as well as Section 3 "Project Information" notes that all units will be two-story, 3-bedroom, and 2 ½ bath units. However in the "Narrative Description Site Characteristics and Constraints", buildings are described as "eight buildings proposed, all containing two bedrooms two and a half baths." Floor plans reflect the three bedroom units. The topography ranges from 38 feet at the street (west), to 92 feet, at the rear (east), presenting a development challenge, to manage the slope of the driveway, and siting dwellings without significant grading, including retaining walls. The Town of Falmouth offers the following comments, in the context of our recently adopted Falmouth Housing Production Plan (HPP). The HPP notes in the Priority Needs of the Town, rental housing is the most significant need and with respect to homeownership units, priority should be placed on units with fewer than three bedrooms are needed to provide more opportunities for seniors, singles and individuals just beginning a family. Units that are barrier-free and handicapped accessible, were also identified as a need. The Town does recognize the continued need for three-bedroom units and is aware of the State's guidance, that at least 10% of affordable units have three, or more, bedrooms. However, we have observed that the vast majority of new units produced under unrestricted and 40b comprehensive permits are in fact detached, three-bedroom units thus the greatest need is for smaller more affordable housing types.

The location of the development meets some of the preferences from the HPP, being down the street from North Falmouth Elementary School and proximate to Route 151, near Ballymeade. While the site is wooded and should remain so, to the extent possible, new structures should be situated in a way that maximizes their orientation for solar panels. Merely checking the box in Section 8 of the application as "energy star or equivalent", is a poor substitute for building dwellings with a lower (or better) HERS Rating. A better HERS Rating will provide cost savings for both market rate and affordable units, and will be substantially better for the community, and the planet, over the life of the homes.

This proposed abuts a 20.18-acre Town-owned parcel to the east, the Roskovics Parcel, which contains trails as described in the Conservation and Recreation Land Map published by the 300 Committee Land Trust. The developers should consider options for a trail connection to the existing open space trails.

Additionally, the existing house is within the North Falmouth Historic District, the orientation of these buildings and surrounding landscape should be sensitive to the District. The boundary is noted on the existing conditions and the concept plan but is not noted in the Project Eligibility Application, dated December 13, 2018. The proposal is within the MEP Wild Harbor Coastal Pond Overlay District identified as an impaired watershed of the coastal pond due to nutrient loading. The property is on the edge of a zoned Wildlife Corridor established to protect permanent and contiguous corridors and special areas for the feeding, breeding and normal home range movement of wildlife through the defined habitat areas. The easterly three-quarters of the lot is within the Search and Rescue District, a 3,000 ft. wide corridor used by helicopters from the USCG for distress calls during inclement weather.

There was some discussion on the site visit from the development team regarding locating more of the affordable units closer to the street. The Town position would be that the affordable units be distributed throughout the development.

We look forward to working with MassHousing and Messrs. Mirrione and Meawad of Wild Harbor Condominium, LLC to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Julian M. Suso
Town Manager



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WATER DIVISION

416 GIFFORD ST., FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

FAX (508) 548-1537



STEPHEN RAFFERTY
WATER SUPERINTENDENT
srafferty@falmouthmass.us

DATE: March 19, 2019
TO: MR. JULIAN SUSO – TOWN MANAGER
FROM: STEPHEN D. RAFFERTY – WATER SUPERINTENDENT
RE: REFILL REUSE STATION
LICENSE AGREEMENT WITH MBL

Accompanying this memo are three (3) copies of a license agreement between the Town of Falmouth and the Marine Biological Laboratory for the installation of a refill reuse water station in Marine Park.

I believe this needs to go on to the Board of Selectman's Agenda for their approval and signatures.

This is a continuation of the program that the Falmouth Water Stewards have been promoting where they raise funds and procure these water refill reuse stations and then gift them to the Town for installation at appropriate locations.

In Woods Hole the Falmouth Water Stewards worked with WHOI, MBL and the Woods Hole Associations on possible locations. The selected location is in the Marine Park, land owned by MBL. To install a Town water station at that location requires this license agreement.

Please contact me if additional information is required. I would expect a representative from the Falmouth Water Stewards to attend the meeting that this is scheduled at.

License Agreement

This is a License Agreement for a water refill reuse station installation and maintenance by and between:

Marine Biological Laboratory
7 MBL St.
Woods Hole, MA 02543

and

Town of Falmouth (Town)
59 Town Hall Square
Falmouth, MA 02540

The Town, acting through its Board of Selectman, has been accepting from the Falmouth Water Stewards gifts of water refill reuse stations to install and maintain at various locations in the Town of Falmouth to promote and encourage the use of refillable water bottles to reduce plastic bottle waste and to promote the quality of Falmouth's water. MBL has agreed to permit the Town to install and maintain a water fountain on its property in the Town of Falmouth. MBL and the Town agree upon the following:

1. MBL does hereby grant to the Town a revocable license to install and maintain one refill reuse water station with suitable foundation and support at the MBL's marine park located on Water Street in Woods Hole, Massachusetts. The water station will be an Aquafil Flexifountain 1500BF or equivalent and will include a subsurface water service from the Town's water main in Water Street, a meter pit, and a concrete support pad and drainage pit approximately 48" x 48".
2. This license is revocable by MBL at any time when MBL determines it is appropriate to revoke the same and revocation shall be accomplished by sending written notice of revocation to the Town. Upon such revocation the Town shall remove the water refill reuse station from MBL's property forthwith and restore the same to its original condition if necessary.
3. Until such revocation this License Agreement shall remain in force and effort.
4. The refill reuse stations may be used by any person for a drink of water or to refill a refillable water bottle or other use free of charge as set forth in M.G.L. ch. 21 § 17C, the so-called "recreational use statute."
5. The Town shall at all times and at its own expense obtain and maintain in force and effect general liability insurance for bodily injury and property damage for the same coverage limits applicable to water refill reuse stations owned and maintained by the Town on its own property. This coverage is presently: \$1 million/\$3 million general liability coverage.
6. The responsible officers of each party are:

For the Town: Town Manager
59 Town Hall Square, Falmouth, MA 02540; and

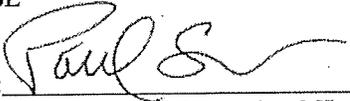
For MBL Paul Speer, Chief Operating Officer

7 MBL Street, Woods Hole, MA 02543

IN WITNESS WHEREOF, this License Agreement is entered into on the 15th day of March 2019 by Marine Biological Laboratory acting through its duly authorized manager and by the Town of Falmouth acting by its duly authorized Board of Selectmen.

MBL

By:



Paul Speer, Chief Operating Officer

Board of Selectmen
Town of Falmouth

Susan L. Moran, Chairman

Megan English Braga, Vice Chairman

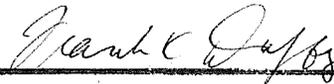
Douglas C. Brown

Doug Jones

Samuel H. Patterson

License Agreement No. C15xx

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM



3.18.19



Town of Falmouth

Department of Public Works

Peter M. McConarty, P.E., P.L.S.
Deputy Director of Public Works

416 Gifford Street
Falmouth, MA 02350
Cape Cod

Telephone: (508) 457-2543
Fax: (508) 548-1537
Email: pmcconarty@falmouthmass.us

Memo

Date: March 22, 2019

To: Julian Suso, Town Manager

From: Peter M. McConarty, Deputy Director, Public Works *P. M. M.*

Re: Authorize Department of Public Works Application to the MA DEP for a Recycling Program Grant

"Attached along with this memo is a Recycling IQ Kit guide that outlines the grant program that is offered by MassDEP.

If the Town is interested in pursuing the grant, Public Works will contact MassDEP to setup a meeting with the Town and Republic to go over the grant program. The grant program is 4 months long and must be acceptable to the Town and Republic in order for it to work. The grant program possibly includes a temporary recycling monitor that will walk a particular recycling route (route chosen by the Town) and place rejection or education materials on recycling containers. Rejection stickers will need to explain the reason why the recycling was not picked up. The recycling coordinator will compile the information into data spreadsheets and communicate with resident.

There is a fair amount of work to get the program started. At a previous SWAC meeting, it was discussed to have the possible grant period between August and November.

Recycling IQ Kit

Improving Your Recycling Program

A Step-By-Step Guide

If you are looking to promote recycling participation, want to educate your residents to recycle right, and have the ability to get out into your community to accomplish these goals, the Recycling IQ Kit might be for you.

We know this is no easy task! The Recycling IQ Kit has been designed to provide steps, tools, and resources to help you improve the Quality of your recycling program. It will require resources, planning, and time on your end, as well as a partnership with your MRF and hauler, but the benefits are many. Increasing the quantity and quality of the recycling stream can save on disposal fees, improve resident satisfaction with your program, and ensure the success and sustainability of the recycling system.

To get started, use this **ASSESSMENT TOOL** to make sure your community is ready to take on this challenge. Before starting this project you'll need to assess your budget, present your case to decision makers, and get buy-in from your city/town officials, your hauler and your MRF.

CURBSIDE



This toolkit includes:

- Guidance to help you broach this subject with your MRF and hauler
- Visual instructions and tools for targeted messages
- Tips to help you get the best results
- Tools to help you track and report results

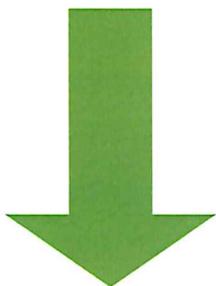


Brought to you by
the Massachusetts Department of Environmental Protection
and The Recycling Partnership

KICKSTART IMPROVED RECYCLING



This is not your typical education and outreach campaign. The tools in this kit were informed by pilot studies conducted in Holden, Lowell, Needham, and West Springfield, as well as the collective expertise of MassDEP and the Recycling Partnership. It focuses on dual, complementary strategies: education and direct feedback at the curb.



Overall contamination trended **downward**.

The most problematic contaminant, which was specifically targeted, trended **downward**.

The number of contaminated carts notably **decreased** over the life of the program.

In contrast to programs that launched the full kit, the pilot community that only implemented an education campaign did not see significant changes to overall contamination or the specifically targeted issue (bagged recyclables). This supports our belief that combining education and direct feedback at the curb is a best practice and will more likely achieve the best outcomes.

Implementing this kit will not only help kick-start a better quality material stream, it will allow you to isolate problem areas on your routes and target the carts that need attention. It provides a process to address the problem materials that create inefficiencies and added expenses in your program.

TIP

Some communities are concerned that telling residents “no” would discourage recycling. Results from the pilots produced no reduction in set-out rates nor additional complaint calls or emails.

ARE YOU READY? Use this **ASSESSMENT TOOL** to make sure your community is ready for the fight against contamination.

ASSESSMENT TOOL

click **LINKS**
for related documents

QUICK REFERENCE GUIDE: INCREASING QUANTITY AND IMPROVING QUALITY

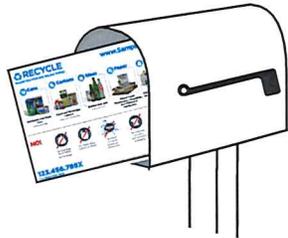


According to a 2015 MassDEP survey, most residents want to recycle right, but many don't know how. Use this kit and **CHECKLIST** to help recyclers do the right thing.



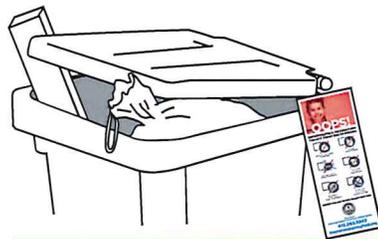
CORE TOOLS

Consistent messaging and direct feedback encourage better recycling.



ANNUAL INFO CARD

Residents need to know what you want, as well as what you don't. Mail this ANNUAL INFO CARD to give them an easy reference guide to your basic YES and NO lists.



CURBSIDE FEEDBACK

Direct feedback is extremely powerful in changing behavior. Train staff to use OOPS and THANK YOU tags.



TOP ISSUE MAILER

Target your most problematic contaminant by mailing residents this issue-specific card two collection cycles after the ANNUAL INFO CARD.



TOP ISSUE SIGNAGE

Post signage in the community to reinforce the message from the TOP ISSUE MAILER.

🏠 STEP 1 GATHER THE FACTS FROM YOUR MRF and HAULER



Open lines of communication with your MRF and hauler are critical. Speak with them to find out the biggest problem materials in your recycling stream.



WHAT YOU'LL NEED

MRF SURVEY

- Your recycling hauler contract
- Your MRF contract (if separate from hauling)

WHAT YOU'LL DO

Set up a meeting with your MRF and hauler:

- a** Use this **MRF SURVEY** to guide your discussion and narrow down the top five problem materials. (You'll highlight these in many of your communications tools.) This is also a good time to verify that the MRF accepts the items listed on your current outreach materials.
- b** Name the top contaminant. This will become the central focus of your work to improve quality.
- c** Ask the MRF to periodically assess your contamination rate. You will need to agree on the assessment method and the frequency. Get a baseline contamination rate so you can measure against it later and track your progress. (See **Step 5 – Track Results, Evaluate and Adjust**)
- d** Ask your hauler and MRF to help identify your most problematic routes in terms of contamination. Generally, 20% of your routes are likely creating the most issues.
- e** Identify what your hauler can and cannot do to assist with the effort.

TIP

Review your hauler and MRF contracts for relevant clauses. Material audits, education, and enforcement may already be built in for you to implement. Further, keep these **CONTRACT CONSIDERATIONS** in mind when your current contracts are up for renewal. Remember, written contracts are a fundamental best practice.

→ STEP 2 PREPARE YOUR COMMUNICATIONS



You've named your top contaminants. Now it's time to prep, print, and prepare to post.



WHAT YOU'LL NEED

- List of routes with the most contamination.
- Mailing addresses for every household you service on those routes.
- Your logo and preferred contact information.

ARTWORK

BUDGET SHEET

TIP

Your hauler or drivers should be able to identify worst routes without any research. If not, plan for 20 percent of your routes to be on this list.

WHAT YOU'LL DO

A consistent and clear message is important to ensure everyone across the Commonwealth understands their job as recyclers. Download [ARTWORK](#).



Annual info card mailer. Verify that the acceptable materials and top contaminants are accurate (or make adjustments), then print and mail these cards to every household on your most contaminated routes. Your GIS or Planning Department should be able to provide you with mailing addresses, and the local post office might be able to help through specific mail carrier routes.

Curbside feedback. Print Oops Tags to use on those routes. Make sure the top contaminants are clearly represented. Print enough for about half of the households on the target routes.

Top issue mailer. Prepare mailer. Distribute two collection cycles after the annual info card mailer goes out.

Top issue signage. Support the top issue mailer with these reminders, which you should put out when the mailers are sent and leave out for at least 6 collection cycles. A-frames, billboards, bus ads, and posters at local stores all work well, as do social media posts and ads.

→ STEP 2 PREPARE YOUR COMMUNICATIONS



Budget for deploying core tools – annual info card mailer, curbside feedback (including staffing), top issue mailer, and top issue signage.

Use this simple rule of thumb:

Multiply the total number of households you service in your community by \$0.35 if you can provide curbside feedback using volunteers or existing staff,

or \$0.65 if you need to hire temps or part time employees.

See detailed [BUDGET SHEET](#), and [see Step 3](#) for more on staffing.

Best Practices –

For a successful and sustainable program, your messaging must continue beyond this program. MassDEP expects that interested communities will adopt these best practices:

Website. Make sure your website is accurate and helpful in answering common questions from residents. Example: Create an FAQ page, a Recyclopeda, and/or upload an image of your annual info card to your website.

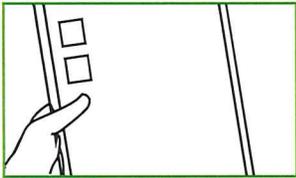
General promotions. Building a culture of recycling in your community is important. Use general promotion tools to raise awareness. The Recycling Partnership has developed several promotional ads to help you. Check their [website](#) or look at these [ARTWORK](#) files.

Social Media. Make use of social media sites and your website to remind your community how to recycle better. MassDEP has resources to help, but also reach out to your fellow recycling coordinators for ideas.

→ STEP 3 IDENTIFY and TRAIN STAFF



Resident education alone will not improve your recycling stream. Curbside feedback is key to improving quality because it reinforces the rules and helps recyclers know what they are doing wrong...and right!



WHAT YOU'LL NEED

- A meeting with your hauler.
- Staff to tip cart lids or peer into bins and tag.
- A training session for those staff.
- Standard Operating Procedures

SOPs

- Computer or TV suitable for showing the

TRAINING VIDEOS

TIP

Work with your hauler to get them involved. Chances are that drivers already know which households are the worst offenders. Closely examine your hauler contract, looking for anything about educating or enforcing. If drivers can tip lids and leave tags, that saves you from staffing and managing the task.

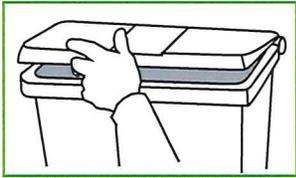
WHAT YOU'LL DO

- a First, develop a strategy and discuss with your hauler. Will you be rejecting carts the first time you tag them? The second time? How far is your municipality willing to go to enforce? Will you use Thank You Tags for those who fix the problem?
- b You'll need staff (aka Quality Inspectors) to tip cart lids or bins and tag for the items listed on your Oops Tags. To save on labor expenses, look to existing staff, volunteers, and your hauler first, followed by temp workers. Approximate 5 to 8 hours for one staffer to cover a standard 1,000 household curbside route.
- c Use these **TRAINING VIDEOS** to train staff and drivers on procedures. Be sure to set a standard for rejecting carts – do you draw the line at a single contaminant, or does it take a more notable amount? Also, decide when and how you will use Thank You tags. Consistency is the key.
- d Set procedures for staff to use Oops Tags at the curb. Here are some simple **SOPs** (Standard Operating Procedures) to help guide your team through easy-to-follow steps used by successful programs across the country. Beyond these, factor in community and route specifics.
- e Explore the possibility of your hauler fulfilling these duties, either now or once your contamination rate is under control. They could even play the role of backup, looking for anything that other quality inspectors missed. At very least, drivers should leave rejected carts at the curb.

→ STEP 4 DEPLOY CORE TOOLS



This toolkit is designed to help you give recycling the equivalent of a pool shock – hit it hard with everything you’ve got to clean the system. Keep it up for at least eight collection cycles, then scale back to a less intense quality control program to maintain results.



WHAT YOU’LL NEED

- Prelaunch meetings with hauler, MRF, and internal staff.

NOTE

Regular maintenance of curbside feedback won’t take much time, especially for drivers who are on the route anyway. On a 1,000 household route, it’s reasonable to assume that roughly 70 percent of the recycling containers will be out each collection day. It’s also reasonable to assume that after just a few weeks of this program only 2 percent of the households will need Oops Tags each collection day. That’s 14 homes. On average it will take a driver one minute to tag a bin or cart. That’s only 14 minutes per problematic route per collection day.

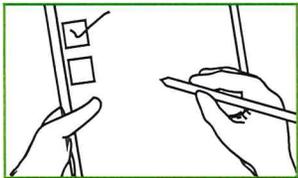
WHAT YOU’LL DO

- a Double check that your mailers are correct, orders have been placed, and your staff has been trained.
- b Tell your hauler and MRF your start date so that everyone is aware that you are ready to launch.
- c Inform decision makers and frontline staff about the details, in case there are any questions from residents.
- d Launch.
- e Prepare for the next phase – program maintenance – which should include continued dialogue with your MRF and hauler, regular and spot checking recycling containers, and semi-annual communication with residents about the most problematic materials.

→ STEP 5 TRACK RESULTS, EVALUATE, and ADJUST



There's only one way to measure success, and that is to collect accurate data.



WHAT YOU'LL NEED

- A spreadsheet, notebook, app, or other means of recording data.
- Clickers, tally counters, or tracking app.

[MRF TRACKING FORM](#)

[TRAINING VIDEO](#)

[TALLY SHEET](#)

TIP

A recovery rate (RR) study will help you identify how much trash is in your recycling, and how much recycling is in your trash. This is the best way to measure your progress and find opportunities for improvement. You can do your own RR study by taking 50 trash and recycling containers at random, sorting and weighing the contents, and doing the math. Or you can hire a specialized firm to do it.

WHAT YOU'LL DO

Track these basic metrics to monitor the effects of this program.

Contamination rate: Work with your MRF to get this on a regular basis. Use this [MRF TRACKING FORM](#) and protocol.

Curbside set-out rate: On each route, capture [SET-OUT RATES](#) (the number of households actually setting out recycling on a collection day divided by the total number of serviced households on that route).

Curbside tagging rate: On each route, record the number of Oops Tags you leave, as well as the number of households that receive Thank You Tags for fixing their recycling. Customize this [TALLY SHEET](#) to capture all of the pertinent details.

NOTE

If a specific route is consistently producing lots of contamination, look for clues in the field. For example, some cities have discovered some trash and recycling have ended up in the same truck. In Memphis, their contamination team realized several households had broken trash carts and were using recycling carts instead. Watch, listen, learn, and act.

→ CURBSIDE RECYCLING IQ KIT – QUICK LINKS



ARTWORK

Design files for both the CORE TOOLS and general promotion tools.

CONTRACT CONSIDERATIONS

Tips for smart curbside contracts.

SET-OUT VIDEO

Overview of the difference between set-out rate and participation rate and how to calculate.

ASSESSMENT TOOL

Are you ready to improve the quality of your recycling?

MRF SURVEY

Start improving quality by working with your MRF to identify issues and goals.

SOPs

Standard Operating Procedures lay out the roles, responsibilities, timeline and tracking.

BUDGET SHEET

Estimate your costs to run this curbside contamination kit.

MRF TRACKING FORM

Track contamination metrics.

TALLY SHEET

Track tagging to track progress.

CHECKLIST

Put the plan and the components to work.

PILOT RESULTS

Summary results from the 2016 Massachusetts Contamination Pilots.

TRAINING VIDEOS

Use these videos to get drivers and enforcement staff ready to provide curbside feedback.

To: Falmouth Board of Selectmen
From: Solid Waste Advisory Committee
Date: March 22, 2019

Re: Recommendation that the Town of Falmouth apply for the MADEP Recycling IQ Kit

The MA DEP in helping communities to reach Zero Waste through Smart Recycling makes available a Recycling IQ Kit.

This kit provides guidance, strategies, tools, visual instructions and the like to help promote smart recycling in which the residents, the hauler, the SWAC and the Falmouth DPW, participate.

The first step is to use the ASSESSMENT TOOL which helps determine if our community, Falmouth, has what it takes to utilize this program.

The SWAC strongly recommends that the Town of Falmouth take this first step.

Thank you.
Linda Davis, Chairman
Chris Poloni, Clerk
Ruth Brazier
Ginny Gregg
Marc Finneran
Alan Robinson
Amy Roth

Attached is some additional introductory information and a copy of the assessment tool.

Recycling IQ Kit

Improving Your Recycling Program

A Step-By-Step Guide

If you are looking to promote recycling participation, want to educate your residents to recycle right, and have the ability to get out into your community to accomplish these goals, the Recycling IQ Kit might be for you.

We know this is no easy task! The Recycling IQ Kit has been designed to provide steps, tools, and resources to help you Improve the Quality of your recycling program. It will require resources, planning, and time on your end, as well as a partnership with your MRF and hauler, but the benefits are many. Increasing the quality of the recycling stream can save on disposal fees, improve resident satisfaction with your program, and ensures the success and sustainability of the recycling system.

To get started, use this ASSESSMENT TOOL to make sure your community is ready to take on this challenge. Before starting this project you'll need to assess your budget, present your case to decision makers, and get buy-in from your city/town officials, your hauler and your MRF. Lastly, take advantage of what others have learned by reviewing this PRO TIPS PAGE.

CURBSIDE



This toolkit includes:

- Guidance to help you broach this subject with your MRF and hauler
- Visual instructions and tools for targeted messages
- Tips to help you get the best results
- Tools to help you track and report results



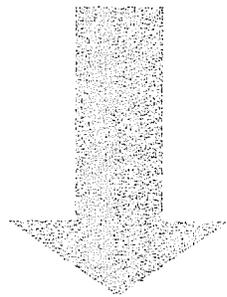
Brought to you by
the Massachusetts Department of Environmental Protection
and The Recycling Partnership

KICK-START IMPROVED RECYCLING



This is not your typical education and outreach campaign. The tools in this kit were developed through the collective expertise of MassDEP and The Recycling Partnership, and proven in communities across the Commonwealth of Massachusetts. It focuses on dual, complementary strategies: education and direct feedback at the curb.

Proven results from implementation of this kit have included:



Overall contamination trended *downward*.

The most problematic contaminant, which was specifically targeted, trended *downward*.

The number of contaminated carts notably *decreased* over the life of the program.

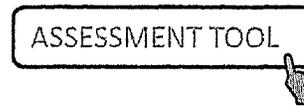
We tested our approach in our 2016 pilot program by implementing an education only campaign in one community. We saw no significant changes to overall contamination or the specifically targeted issue (bagged recyclables) in that community. This supports our belief that combining education and direct feedback at the curb is a best practice and will more likely achieve the best outcomes.

Implementing this kit will not only help kick-start a better quality material stream, it will allow you to isolate problem areas on your routes and target the carts that need attention. It provides a process to address the problem materials that create inefficiencies and added expenses in your program.

TIP

Some communities are concerned that telling residents “no” will result in a significant number of complaints from residents. Participating communities in 2016 and 2017 did not report this as an issue.

ARE YOU READY? Use this **ASSESSMENT TOOL** to make sure your community is ready for the fight against contamination.

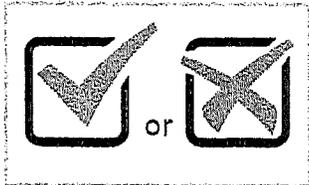


click [LINKS](#)
for related documents

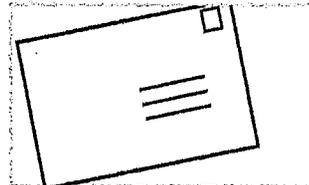
QUICK REFERENCE GUIDE: IMPROVING QUALITY



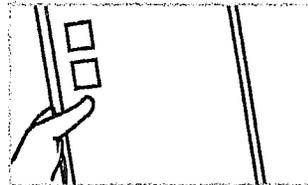
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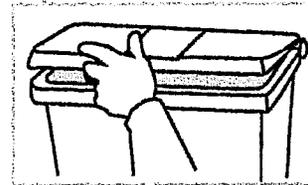
Gather Key Facts from your MRF and Hauler



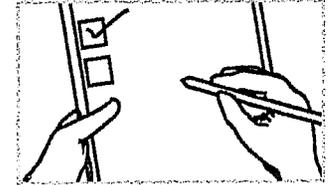
Prep Your Core Tools (shown below)



Identify and Train Staff



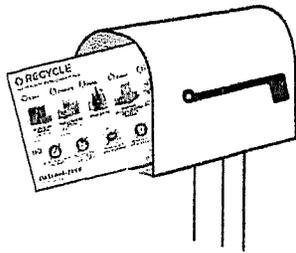
Deploy Core Tools and Provide Curbside Feedback



Track Results, Evaluate, and Adjust

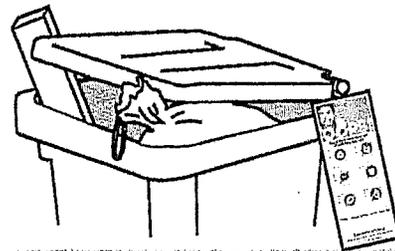
CORE TOOLS

Consistent messaging and direct feedback encourage better recycling.



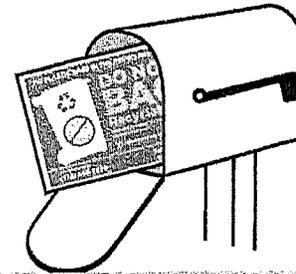
ANNUAL INFO CARD

Residents need to know what you want, as well as what you don't. Mail this ANNUAL INFO CARD to give them an easy reference guide to your basic YES and NO lists.



OOPS or THANK YOU TAG

Direct feedback is extremely powerful in changing behavior. Train staff to use OOPS and THANK YOU tags.



TARGET ISSUE-SPECIFIC CARD

Target your most problematic contaminant by mailing residents this issue-specific card two collection cycles after the ANNUAL INFO CARD.



TOP ISSUE SIGNAGE

Post signage in the community to reinforce the message from the TOP ISSUE MAILER.

Recycling IQ Kit Assessment Tool (PAGE 1 of 3)



Please answer the following questions regarding your state of readiness to fight contamination in your recycling stream using the Massachusetts Department of Environmental Protection's Recycling IQ Kit.

City Name: _____

GENERAL ASSESSMENT

Before applying for a quality improvement grant and/or deploying the full approach in the Recycling IQ Kit, you must be able to answer "Yes" to all of the following questions:

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Is increasing recycling participation and quality a priority for your community? | <input type="checkbox"/> | <input type="checkbox"/> |
| Why? _____

_____ | | |
| 2. Do you have buy-in from elected officials and department leadership? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are you ready to launch an intensive, three month, targeted program to decrease contamination? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are you ready to maintain subsequent quality control operating procedures – continuing dialog with your MRF and hauler, spot checking recycling containers, and communicating about the most problematic materials? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Do you have staff willing and able to enforce, communicate and reject at the curb or drop-off centers? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are you already working with your MRF on identifying and addressing quality issues? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. MEASUREMENT | | |
| Are you willing to work with your MRF to measure contamination? | <input type="checkbox"/> | <input type="checkbox"/> |
| Are you willing to measure other relevant metrics, possibly including set-out rates and tagging rates for curbside programs, or visitation/participation rates for drop-off centers? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. CURBSIDE PROGRAMS ONLY: | | |
| Do you have political will to enforce and reject carts at the curb? | <input type="checkbox"/> | <input type="checkbox"/> |
| Is your hauler willing to enforce, communicate and reject at the curb? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. DROP-OFF PROGRAMS ONLY: | | |
| Do you have political will to enforce and reject for contamination at the site? | <input type="checkbox"/> | <input type="checkbox"/> |



Please answer the following questions to the best of your ability. Your responses will inform the type and scale of your approach to fighting contamination.

1. What is your average program contamination rate? *(Talk to your MRF. Please provide a percentage or brief description.)* _____

2. Top prohibitive materials? *(Talk to your MRF; See page 5 of the MRF SURVEY.)*

- | | |
|---|--|
| <input type="checkbox"/> Plastic bags | <input type="checkbox"/> Tangles: hoses, wires, chains, or electronics |
| <input type="checkbox"/> Food or liquid | <input type="checkbox"/> Big Items: wood, plastic, furniture, or metal |
| <input type="checkbox"/> Clothing or linens | <input type="checkbox"/> Other _____ |

3. Does your contract with your hauler include language about material audits, education, and/or enforcement?

YES NO

If yes, please explain.

4. What are your goals in addressing contamination? **Prioritize these by marking your top goal with "1", your next most important goal with "2", third most important with "3", and least important with "4".**

- _____ Reduce weight of contaminants as a whole
- _____ Reduce a specific contaminant that is causing the MRF particular issues
- _____ Reduce number of households producing contaminated loads
- _____ Tightly define specific households that do not recycle properly, allowing for very targeted education or action

5. To date, have you taken any actions to address contamination? **Check all that apply.**

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Drivers check carts | <input type="checkbox"/> Education |
| <input type="checkbox"/> Enforcement Officers checking carts | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Tag and fine carts | |

6. How many households do you serve with your recycling program? _____

7. Type of recycling stream

- Single stream Dual stream Source separated



PROGRAM SPECIFICS CONT. (PAGE 3 of 3)

8. Type of recycling program:

- Curbside carts Curbside bins Curbside bags Drop-off center

9. **IF CURBSIDE:**

- Fully automated collection Semi-automated collection Private hauler Self-haul

of routes _____

Average number of homes on route _____

of heavily contaminated routes? *(Talk to your hauler and MRF.)* _____

10. **IF DROP-OFF:**

- Site takes MSW and recycling
 Fenced in and able to lock
 Always open to the public
 Staff on site
 Signage on each container

11. Annual residential recycling tonnage? _____

12. Annual MSW tonnage? _____

13. What is your annual outreach and education budget? _____

14. Briefly describe any recycling-related outreach you do annually. _____

15. **WEBSITE:**

When was the last time you updated your website? _____

Do you have the ability to edit the contents of your website? _____

16. How often do you talk to your hauler? _____

17. How often do you talk to your MRF? _____



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, March 25, 2019 at 7:30 p.m., continued from February 25, 2019) 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, March 8, 2019 and Friday, March 15, 2019 – Falmouth Enterprise

Copy to: Abutters

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

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Per Order of the
Board of Selectmen

March 8, 15, 2019

TOWN OF FALMOUTH
BOARD OF SELECTMEN



PAID
\$700

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

RECEIVED
JAN 24 2019
SELECTMEN'S OFFICE

To the Board of Selectmen
Falmouth, MA

FALMOUTH TOWN CLERK

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 SELECMEN'S OFFICE USE ONLY

*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 F - SHELLFISH SURVEY BY PAMELA NEUBERT

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ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of 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.

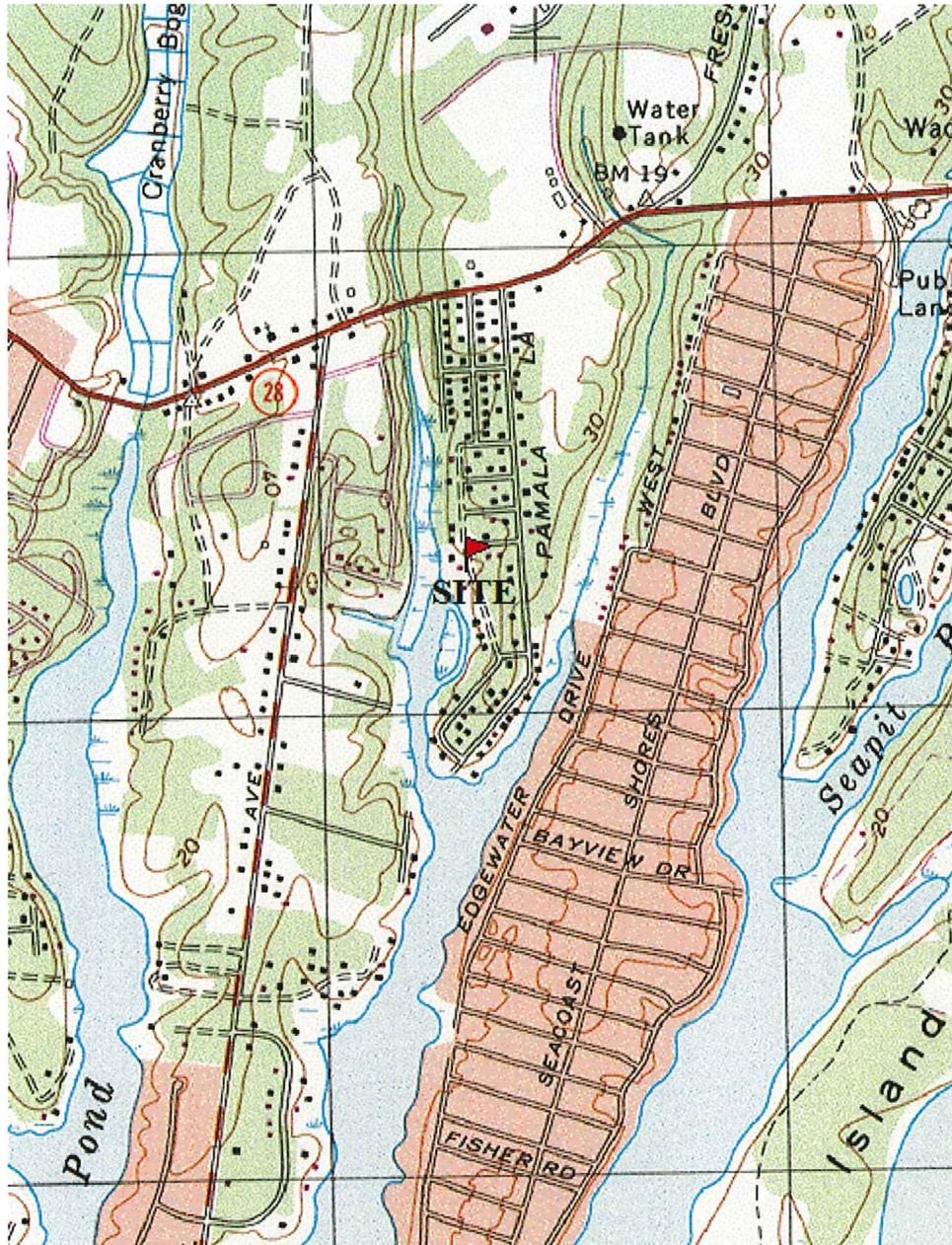
The proposed pier will maintain the access point on the upland end at the top of coastal bank in the same general location as the existing float. The pier will extend over the top of the existing timber bulkhead. The pier will extend into Eel Pond approximately 25 feet beyond mean high water to an area 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.



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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 favorably by the Conservation Commission.

ATTACHMENT B

CHAPTER 91 LICENSE 8336 AND PLAN

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).

(2)

M.R. BOOK PLAN PAGE 533 23+23

22 WHEELIE ROAD, FALMOUTH

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. -----

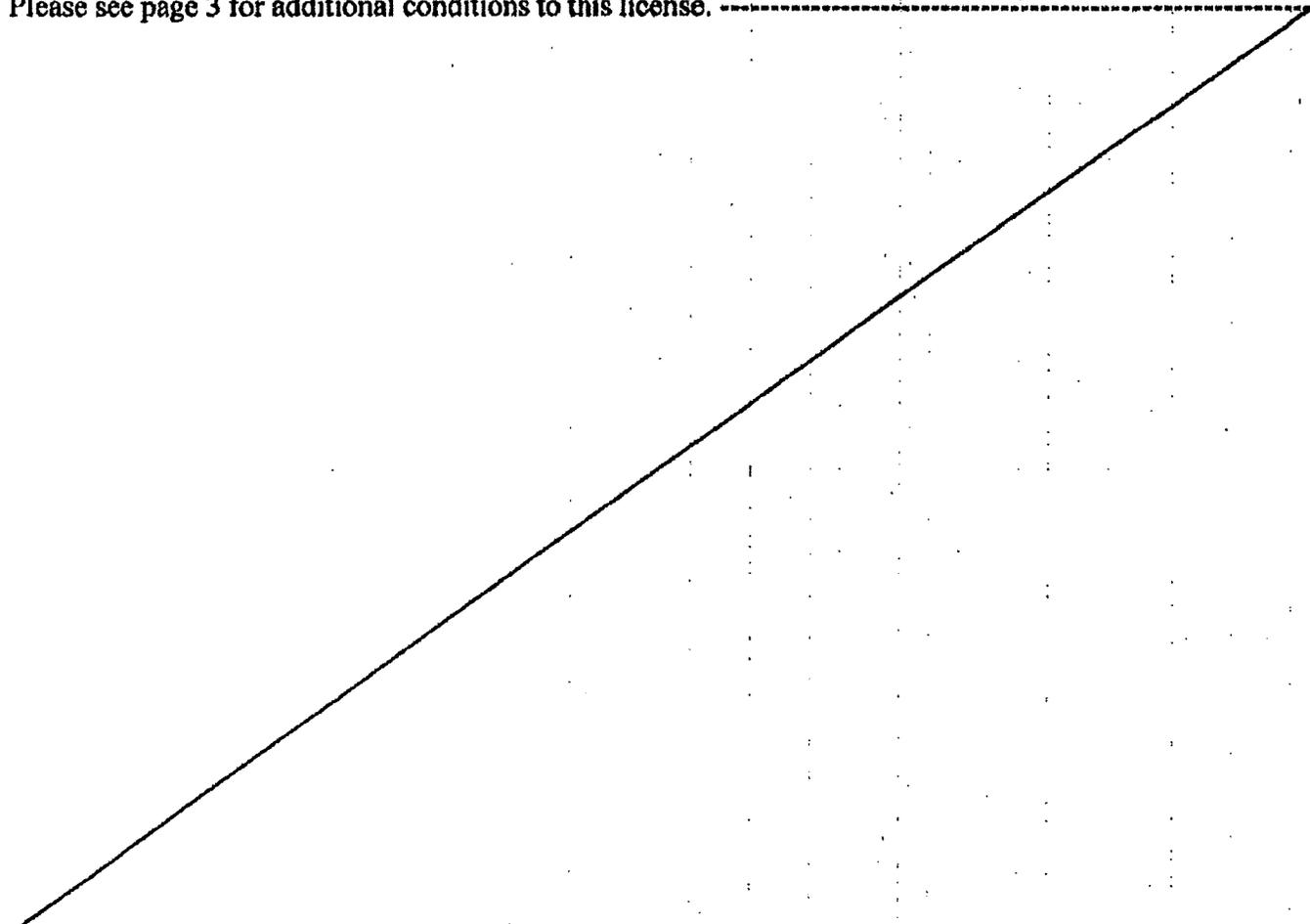
The project authorized herein has been completed in conformance with the accompanying License Plans. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19. -----

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. Kuchera 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.

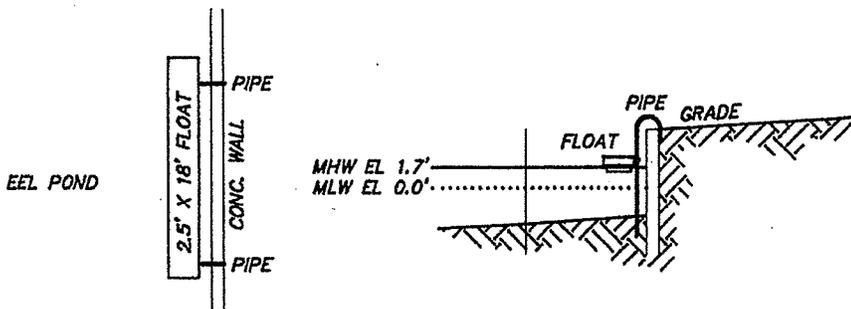
Mayor Paul Cell
Governor

"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.

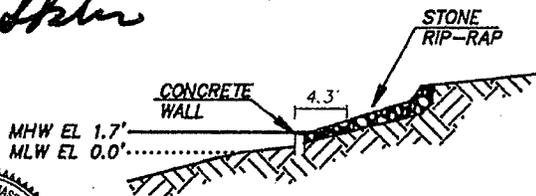


PLAN AND PROFILE OF EXISTING CONCRETE WALL AND WOOD FLOAT

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

SHEET 2 of 2

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.

LICENSE PLAN NO. 8336

Approved by [Signature] OCT 29 1999

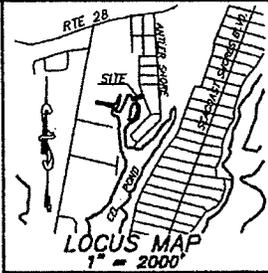
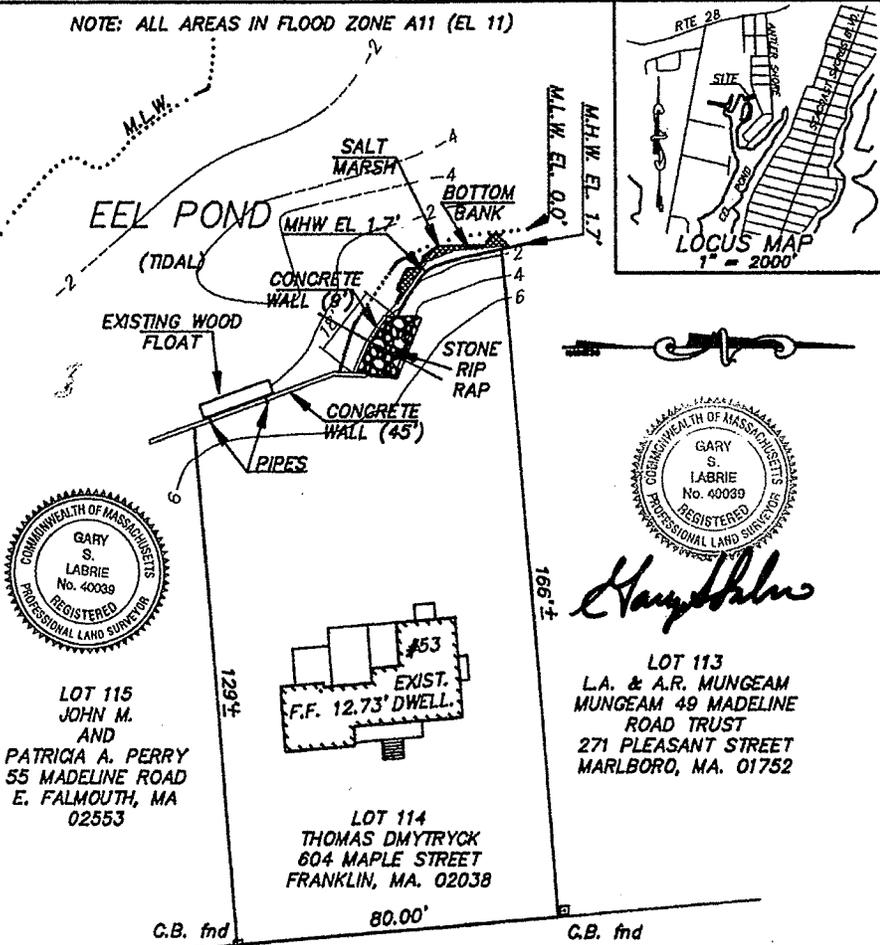
"I certify that this plan and survey were prepared in accordance to the procedural and technical standards for the practice of Land Surveying in the Commonwealth of Massachusetts."

Date: 6/17/99 Gary S. Labrie, 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."

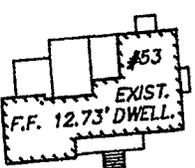
Date: 6/17/99 Gary S. Labrie, P.L.S.

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



Signature of Gary S. Labrie

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



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



1 inch = 30 ft.

" SITE PLAN " Accompanying Petition of THOMAS DMYTRYCK

SHEET 1 of 2

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

Signature of Elizabeth A. Koussheras and date stamp 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

8-14-18

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:
 a. First Name Thomas b. Last Name Dmytryck

c. Organization _____

d. Mailing Address 604 Maple St

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

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

c. Organization _____

d. Mailing Address _____

e. City/Town _____ f. State _____ g. Zip Code _____

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

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 #

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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:
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B. Findings (cont.)

Denied because:

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

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

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



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

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



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

Provided by MassDEP:
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 City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:
- | | |
|-----------------------|------------------------------|
| a. square feet of BVW | b. square feet of salt marsh |
|-----------------------|------------------------------|
24. Stream Crossing(s):
- | | |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided 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.



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

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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.



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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

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

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

<u>Falmouth Wetlands Bylaw</u>	<u>10.00</u>
1. Municipal Ordinance or Bylaw	2. Citation

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

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



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.



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

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
County Zoning

by hand delivery on

by certified mail, return receipt requested, on

10-3-18 Erica Bonelli
 Date

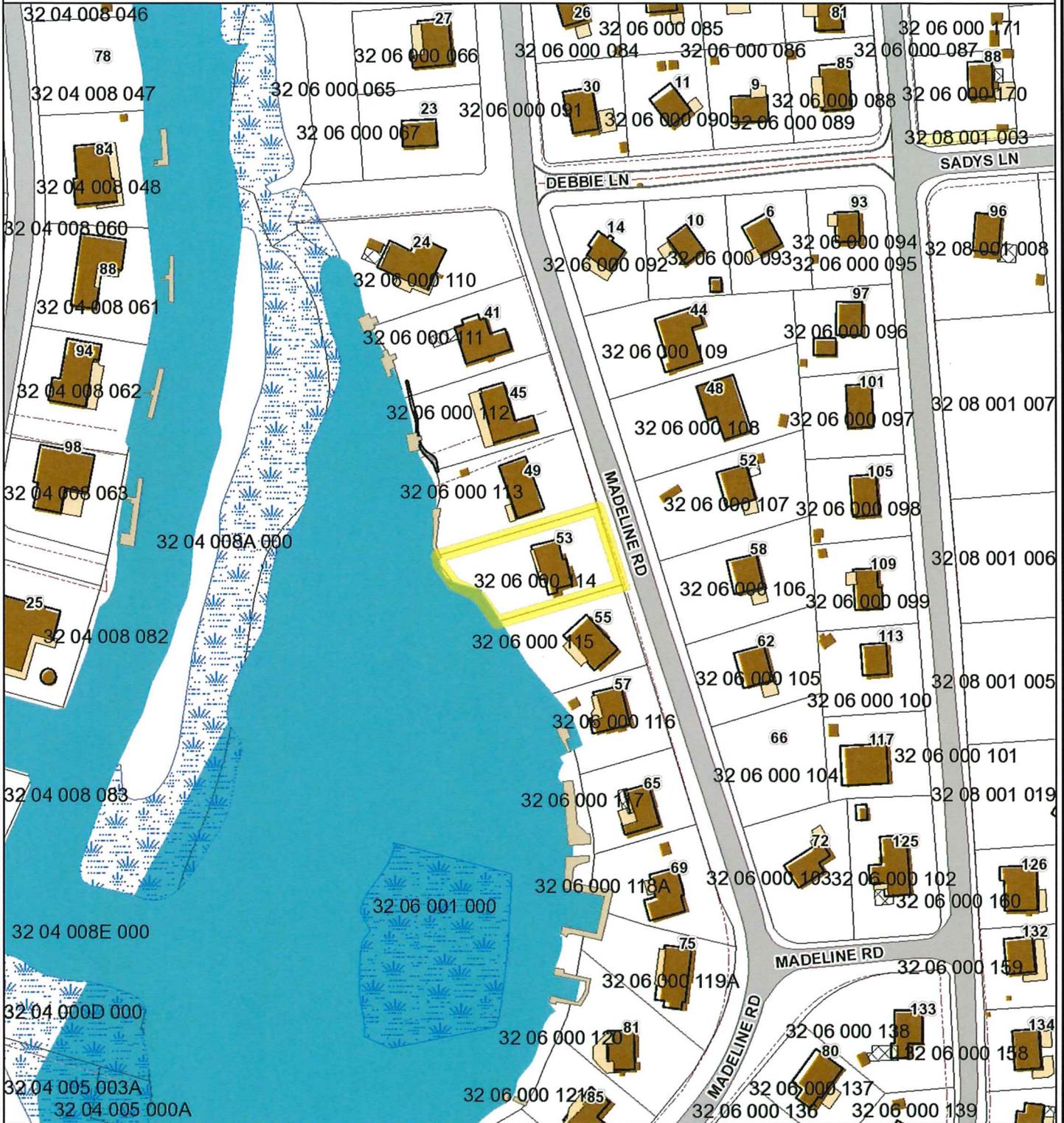
 Date

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.



1" = 141 ft



- | | | | |
|--|---|---|---|
| <p>Places of Interest</p> <ul style="list-style-type: none"> Police Fire Stations Golf Library Medical Municipal Buildings Other Schools Sports BEACHES BOAT RAMPS CCRTA Bus Stops Ferry Routes <ul style="list-style-type: none"> FALMOUTH-EDGARTOW FALMOUTH-OAK BLUFF WOODS HOLE-OAK BLU WOODS HOLE-VINEYAR | <p>CCRTA Bus Routes</p> <ul style="list-style-type: none"> Fal-Win-Spr WHOOSH Summer Bike Path <p>Road Surfaces</p> <ul style="list-style-type: none"> OTHER PAVED Cobblestone; Concrete; Ot Dirt; Gravel Shell <p>Coastal Structures</p> <ul style="list-style-type: none"> Coastal Wall DOCK Groins Jetty PIER Revetment WHARF | <p>Water Features</p> <ul style="list-style-type: none"> POND STREAM WETAREA <p>Other</p> <ul style="list-style-type: none"> Decks Patios Parcels <p>Road Ownership</p> <ul style="list-style-type: none"> COUNTY; TOWN PRIVATE STATE <p>Other</p> <ul style="list-style-type: none"> Easements Bldg Roof Prints Buildings 2005 | <p>Vegetation</p> <ul style="list-style-type: none"> BOG FIELD ORCHARD <p>Layers of Interest</p> <ul style="list-style-type: none"> Public Lands <ul style="list-style-type: none"> 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

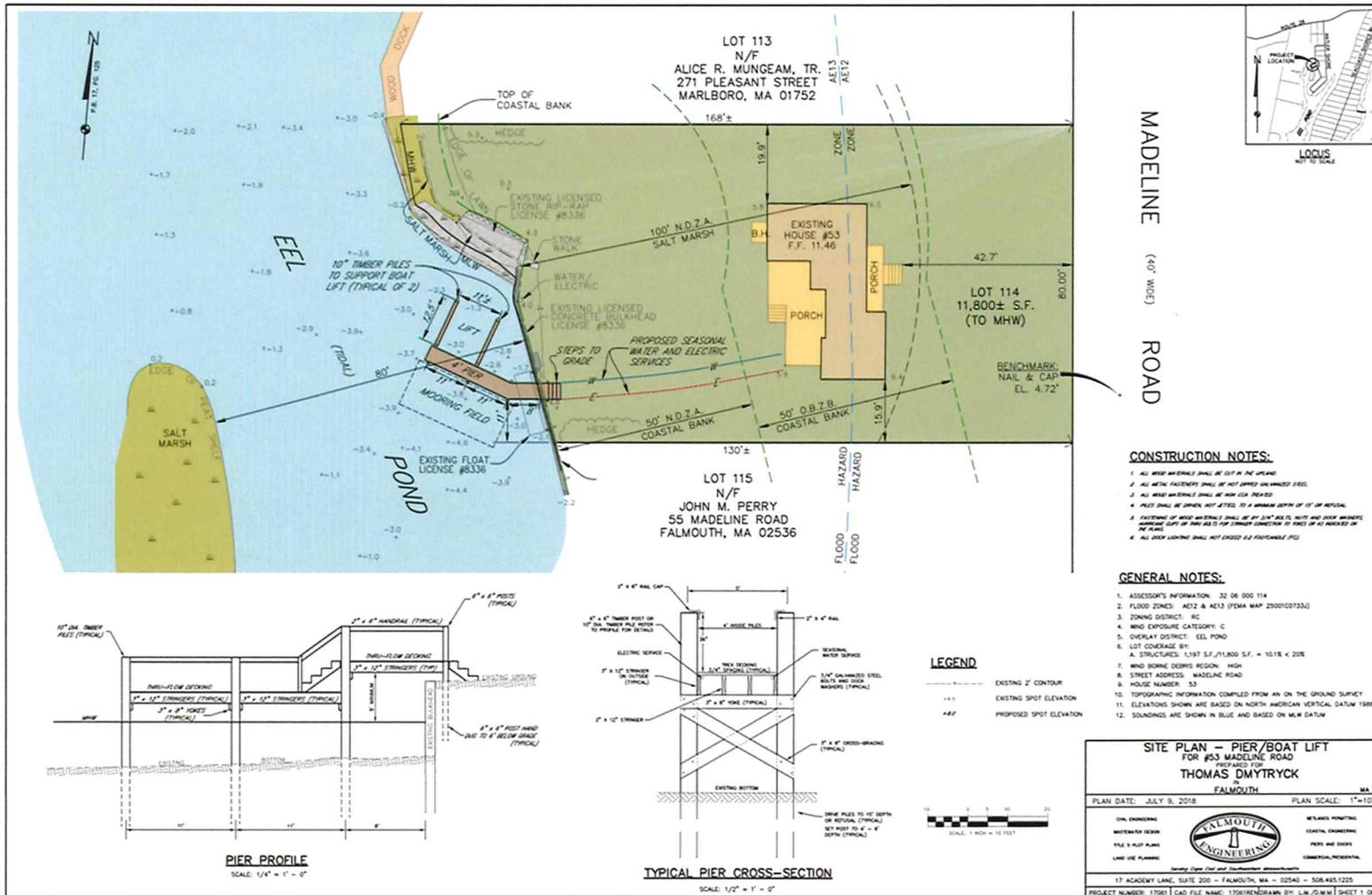
AECOM performed a shellfish survey following the FWR 10.34 recommendations and subsequently completed the required FWR 10.99 shellfish survey (SS) forms for a proposed pier project adjacent to the property at 53 Madeline Road in East Falmouth, Massachusetts. This shellfish study was performed in a scientifically 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 0.001ft² 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

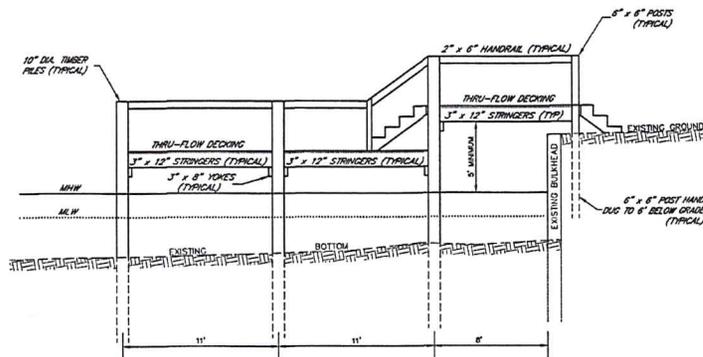


Date

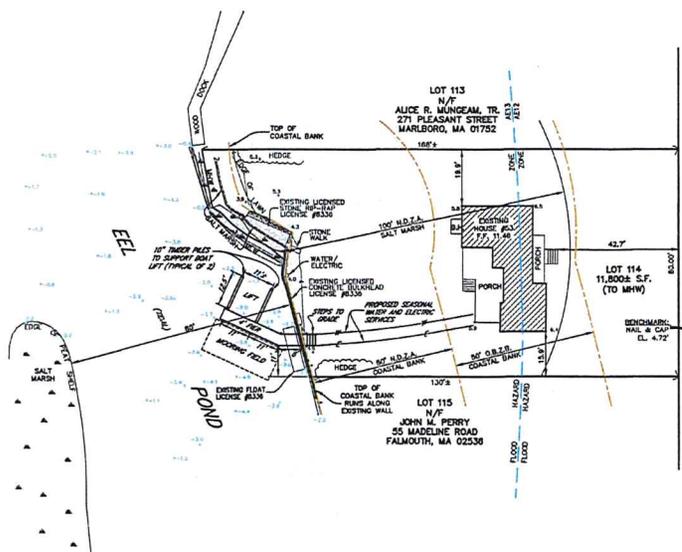
1/15/2019

ATTACHMENT G

PLAN OF PROPOSED PIER



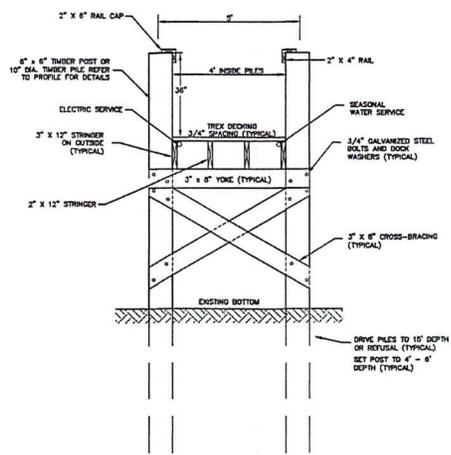
PIER PROFILE
SCALE: 1/4" = 1' - 0"



MADLINE ROAD

LEGEND

- EXISTING 2' CONTOUR
- +4.5 EXISTING SPOT ELEVATION
- #80 PROPOSED SPOT ELEVATION



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

CONSTRUCTION NOTES:

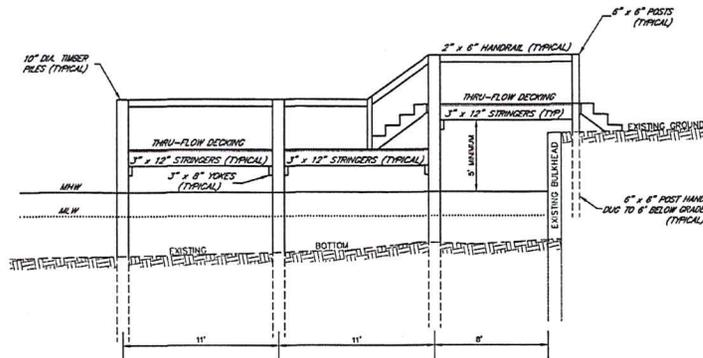
1. ALL WOOD MATERIALS SHALL BE CUT BY THE UPFLANK.
2. ALL METAL FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL.
3. ALL WOOD MATERIALS SHALL BE HIGH OCA TREATED.
4. PILES SHALL BE DRIVEN NOT SETTLER TO A MINIMUM DEPTH OF 15' OR REFUGAL.
5. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOOR WASHERS. METRIC CLIPS OR PIV BOLTS FOR STRINGER CONNECTION TO YOKES OF AS INDICATED ON THE PLANS.
6. ALL DOOR LIGHTING SHALL NOT EXCEED 8.3 FOOTCANDLES (FC).

GENERAL NOTES:

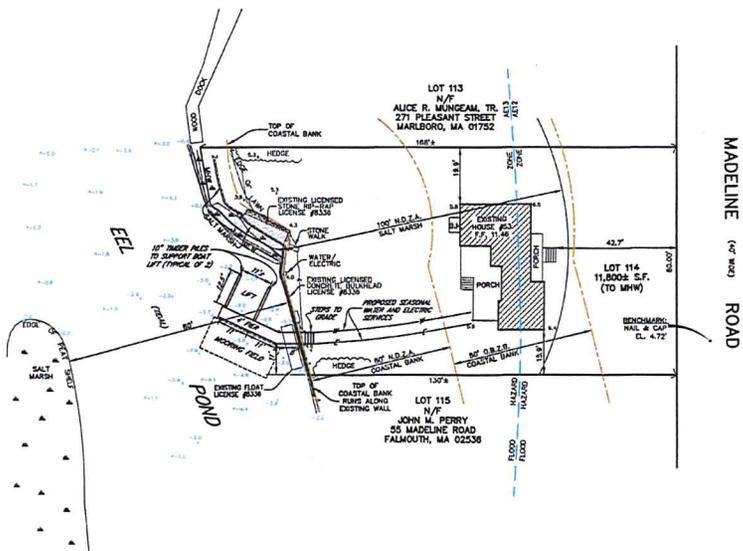
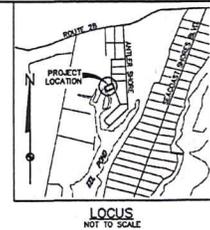
1. ASSESSOR'S INFORMATION: 32 06 000 114
2. FLOOD ZONES: AE12 & AE13 (FEMA MAP 25001C0733J)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: EEL POND
6. LOT COVERAGE BY:
 - A. STRUCTURES: 1,197 S.F./11,000 S.F. = 10.1% < 20%
 - B. STREET ADDRESS: MADLINE ROAD
 - C. HOUSE NUMBER: 53
7. WIND BORNE DEBRIS REGION: HIGH
8. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
9. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985.
10. SOUNDINGS ARE SHOWN IN BLUE AND BASED ON MLW DATUM



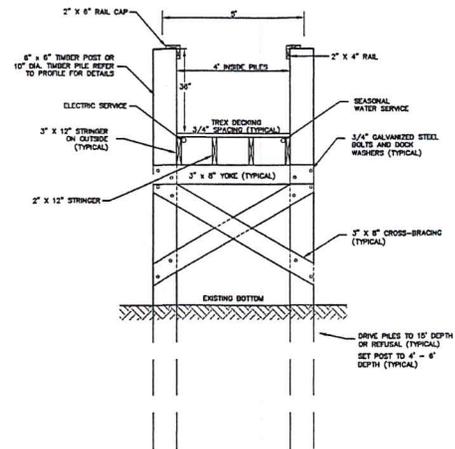
SITE PLAN - PIER/BOAT LIFT FOR #53 MADLINE ROAD PREPARED FOR THOMAS DMYTRYK FALMOUTH, MA	
PLAN DATE: JULY 9, 2018	PLAN SCALE: 1"=20'
CIVIL ENGINEERING WATERWATER DESIGN TITLE & PLOT PLANS LAND USE PLANNING	 FALMOUTH ENGINEERING Serving Cape Cod and Southeastern Massachusetts 17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 17001 CAD FILE NAME: 17001SP DRAWN BY: LM,/D.M.M. SHEET 1 OF 1
	NETLANDS PRINTING COASTAL ENGINEERING PIERS AND DOCKS COMMERCIAL/RESIDENTIAL



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



MADRELINE ROAD (cont. from sheet 17)



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

CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPWIND.
2. ALL METAL FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL.
3. ALL WOOD MATERIALS SHALL BE NON CCA TREATED.
4. PILES SHALL BE DRIVEN, NOT SETTED, TO A MINIMUM DEPTH OF 15' OR REFUSAL.
5. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND LOCK WASHERS. HANDRAIL CLIPS OF IRON BOLTS FOR STRINGER CONNECTION TO YOKES OR AS INDICATED ON THE PLANS.
6. ALL DOCK LIFTING SHALL NOT EXCEED 0.2 FOOT/CABLE (1%).

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 32 06 000 114
2. FLOOD ZONES: AE12 & AE13 (FEMA MAP 25001C0733J)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: EEL POND
6. LOT COVERAGE: 81%
A. STRUCTURES: 1,197 S.F./11,800 S.F. = 10.1% < 20%
7. WIND BORNE DEBRIS REGION: HIGH
8. STREET ADDRESS: MADRELINE ROAD
9. HOUSE NUMBER: 53
10. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985.
12. SOUNDINGS ARE SHOWN IN BLUE AND BASED ON MLW DATUM

LEGEND

- EXISTING 2' CONTOUR
- +4.5 EXISTING SPOT ELEVATION
- ##0 PROPOSED SPOT ELEVATION



SITE PLAN - PIER/BOAT LIFT FOR #53 MADRELINE ROAD PREPARED FOR THOMAS DMYTRYK FALMOUTH, MA	
PLAN DATE: JULY 9, 2018	PLAN SCALE: 1"=20'
CIVIL ENGINEERING WASTEWATER DESIGN SITE & FLOT PLANS LAND USE PLANNING	 <small>Serving Cape Cod and Southeastern Massachusetts</small>
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 17061 CAD FILE NAME: 17061SP DRAWN BY: L.M./D.M.M. SHEET 1 OF 1	

Diane Davidson

From: Erica Borselli <erica@falmouthengineering.com>
Sent: Thursday, February 21, 2019 12:45 PM
To: Diane Davidson
Subject: 53 Madeline Road - Dmytryck

Hi Diane,

We would like to request a continuance for the above referenced hearing which is scheduled for Feb. 25th. If possible, could we continue to March 25? One of the neighbors has some questions that we are working with him on so we'll need a little more time to do so. Please confirm that date when you can. Thank you.

Regards,

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

www.falmouthengineering.com

Diane Davidson

From: Diane Davidson
Sent: Monday, March 18, 2019 10:51 AM
To: Jennifer McKay (jennifer.mckay@falmouthma.gov); Gregg Fraser; Charles Martinsen
Cc: Amy Coughlin
Subject: FW: Wetland Hearing - 53 Madeline Road
Attachments: Wetland Hearing Application - 53 Madeline Road.pdf; Selectmen S.P. Application.pdf; 17061SP.pdf

To all,

This dock hearing has been continued from 2/25 to 3/25. If you have any comments to add, please forward to me by Thursday, 3/21.

Thank you,

Diane

From: Diane Davidson
Sent: Monday, February 11, 2019 3:47 PM
To: 'Jennifer McKay (jmckay@falmouthmass.us)' <jmckay@falmouthmass.us>; Gregg Fraser (gregg.fraser@falmouthmass.us) <gregg.fraser@falmouthmass.us>; Chuck Martinsen (cmartinsen@falmouthmass.us) <cmartinsen@falmouthmass.us>
Cc: Amy Coughlin <amy.coughlin@falmouthma.gov>
Subject: Wetland Hearing - 53 Madeline Road

Jennifer,
Gregg,
Chuck,

The Board of Selectmen has received the following wetland/dock application. The applicant has provided a copy of the Order of Conditions. Please provide any recommendations or additional documents you may have for the Board of Selectmen by Thursday, February 21, 2019.

The hearing is scheduled at the Board of Selectmen's meeting on Monday, February 25, 2019 at 7:30 p.m.

Applicant: Thomas Dmytryck
Location: 53 Madeline Road, East Falmouth
Proposed Work: Removal of the licensed float and installation of a new pile-supported pier and pile-supported boat lift.

Thank you,

Diane

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



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, March 25, 2019 at 7:45 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Clowes Easterly Limited Partnership for permission for the reconstruction and maintenance of a 136 foot long licensed timber pier in Vineyard Sound located at 146 Nobska Road, Woods Hole, MA. Body of water affected is Vineyard Sound. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the
Board of Selectmen

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

Copy to: Abutters

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 Bylaws of the Town of Falmouth on Monday, March 25, 2019 at 7:45 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Clowes Easterly Limited Partnership for permission for the reconstruction and maintenance of a 136 foot long licensed timber pier in Vineyard Sound located at 146 Nobska Road, Woods Hole, MA. Body of water affected is Vineyard Sound. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the
Board of Selectmen

March 8, 15, 2019

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

RECEIVED
FEB 13 2019



To the Board of Selectmen
Falmouth, Mass.

FALMOUTH TOWN CLERK February 8, 2019

PAID \$75.00

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: CLOWES EASTERLY LIMITED PARTNERSHIP; PO BOX 26, WOODS HOLE, MA 02543-0026
(full name) (address)

Agent: HOLMES AND MCGRATH, INC., 205 WORCESTER CT, STE A4, FALMOUTH, MA 02540
(full name) (address)

Applicant SAME AS OWNER
(full name) (address)

1. Location of Property: Map 51 Section 03 Parcel 000D Lot 004
Street Name and House Number #146 NOBSKA ROAD

2. Body of water, marsh or stream affected: VINEYARD SOUND

3. Description of property and project site: The property at #146 Nobska Road in Woods Hole, Falmouth, is a private, residentially developed parcel of land approximately 3.97 acres in area.. The property is developed with a main residence, a cottage, a greenhouse, tennis court, shed, driveway and landscaping. An existing licensed timber pier, originally licensed in 1929, extends into Vineyard Sound. The property is located within Flood Hazard Zones VE (Elev. 16) and AE (Elev. 14). Wetland resources found on or within 100 feet of the property include a freshwater pond and associated wetland, land under the ocean, a coastal beach, a coastal bank and land subject to coastal storm flowage.

a. Dimension, Acreage of total parcel: IRREGULARLY SHAPED; 3.97 ACRES

b. Length of water marsh frontage: 350 +/- FEET

c. Dimension of area to be dredged: NONE Depth: _____

d. Dimensions of area to be filled: NONE

e. Volume of dredging spoil to be removed: NONE

Disposition of Spoil: _____

APPLICATION FOR PERMIT TO DREDGE
SECTION 240-77, FILL OR OTHERWISE ALTER WETLANDS

- f. Describe proposed riprap or bulkheading, if any: NONE
- g. Other (docks, piers, and etc) _____
The proposed project is the reconstruction and maintenance of the existing licensed timber pier in Vineyard Sound.
All components of the existing structure will be removed. The pier will be constructed to current design standards and
elevated above mean high water. The pier will be constructed with approximately 18 fewer pilings than the existing pier.
The proposed pier begins with a 3.5 feet x 5 foot long ramp to a 3.5 feet wide x 109 feet long pier section with an additional
end section 4.5 feet wide x 22 feet long for total length of 136 feet.
- h. Method (equipment to be used) for proposed work: Work will take place from a floating barge
and by crane from the beach. Construction access is across the beach from Nobska Road and across the subject lot.
4. Purpose of proposed work: The existing and proposed pier provides a private recreational and water-dependent
use.
5. Zoning which governs area: AA
6. Date of application for permit to dredge or fill from the Commonwealth of
Mass: not yet filed Army Engineers: not yet filed
7. Has a permit ever been approved or refused for this location? By State,
Federal or Local Authority: Yes, DPW License 975, 12/26/1928
8.
Remarks _____
9. Project Summary for legal notice The proposed project is the reconstruction and maintenance of a
136 foot long licensed timber pier in Vineyard Sound at #146 Nobska Road.

Owner: <u>Clowes Easterly Limited Partnership</u>	Agent: <u>Holmes and McGrath, Inc.</u>
<u>PO Box 26</u>	<u>205 Worcester Ct, Suite A4</u>
<u>Woods Hole, MA 02543-0026</u>	<u>Falmouth, MA 02540</u>
(name and address)	(name and address)
Tel. # <u>785-727-8734</u>	Tel. # <u>508-548-3564</u>

Edith W Clowes, CELP,
Owner's Signature Managing Partner Agent's Signature
Feb. 3, 2019

Applicant: Same as owner
400 Altamont Cir., Charlottesville VA
(name and address)
Tel. # 785-727-8734

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





1" = 281 ft



- Places of Interest**
- Police
 - Fire Stations
 - Golf
 - Library
 - Medical
 - 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
 - Revetment
 - WHARF

- Water Features**
- POND
 - STREAM
 - WETAREA
 - Decks
 - Patios
 - Parcels
- Road Ownership**
- COUNTY; TOWN
 - PRIVATE
 - STATE
 - Easements
 - 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.



1950



1960



2001



2018

PROJECT DESCRIPTION
prepared for
CLOWES EASTERLY LIMITED PARTNERSHIP
#146 Nobska Road, Woods Hole, Falmouth
Job Number 218167

Site Description and Background

The property at #146 Nobska Road in Woods Hole, Falmouth, is a private, residentially developed parcel of land approximately 3.97 acres in area.. The property is developed with a main residence, a cottage, a greenhouse, tennis court, shed, driveway and landscaping. An existing licensed timber pier, originally licensed in 1929, extends into Vineyard Sound. Town of Falmouth records indicate the construction of the existing buildings in 1926. The property is located within Flood Hazard Zones VE (Elev. 16) and AE (Elev. 14) as indicated on the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Wetland resources found on or within 100 feet of the property include a freshwater pond and associated wetland, land under the ocean, a coastal beach, a coastal bank and land subject to coastal storm flowage.

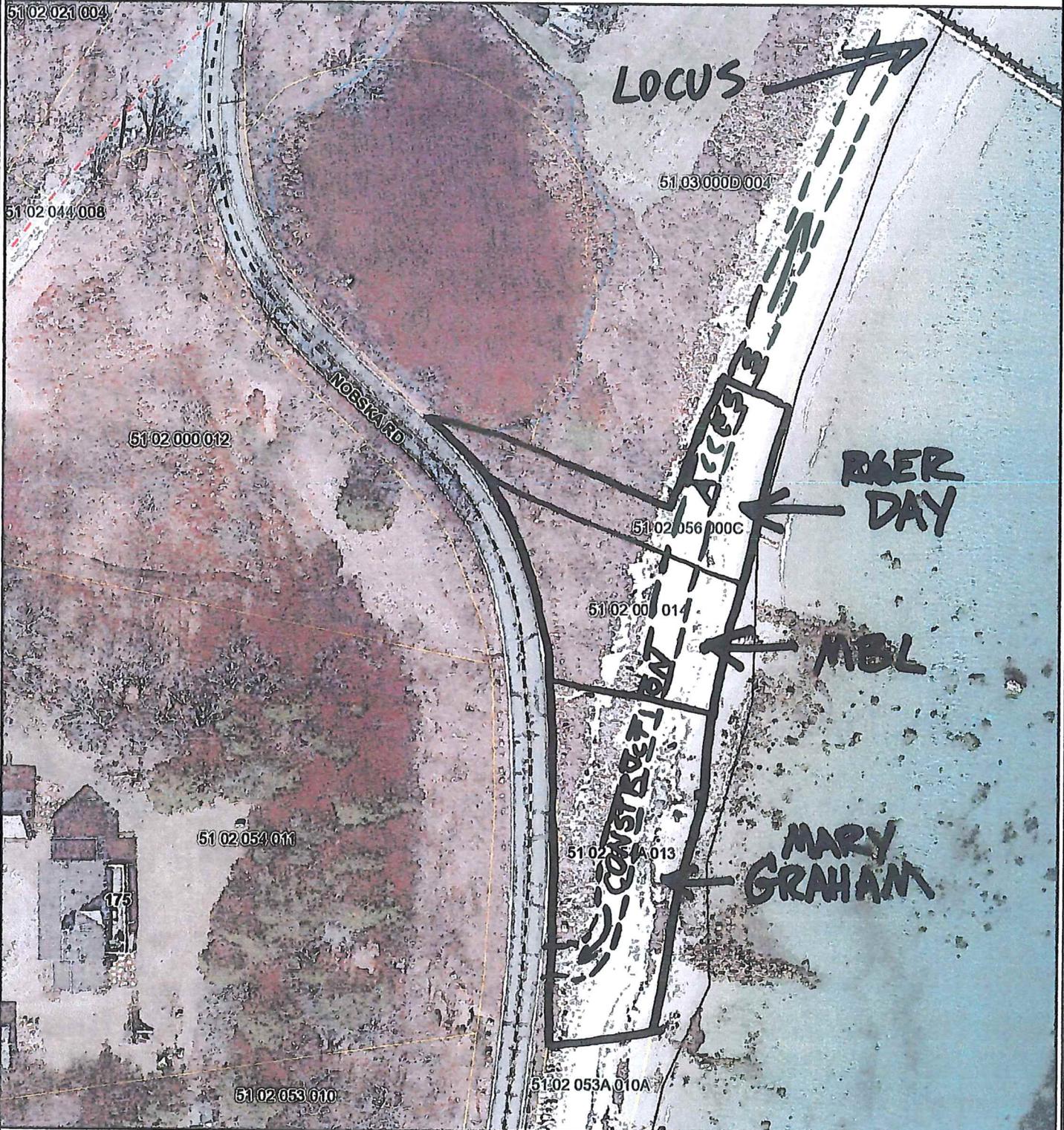
Project Description

The proposed project is the reconstruction and maintenance of the existing licensed timber pier. The existing pier is located within the same footprint of the pier shown on the license plan, but is significantly shorter and narrower than what was licensed. The elevation of the existing pier decking is at or just above mean high water. Constructed with decking parallel to its length, the existing piling bents are set 7 to 10 feet apart.

Using a more standard design, the pier will be reconstructed with approximately 18 fewer pilings and sufficiently elevated above mean high water.

The proposed work will be performed by a combination of a floating barge and from the beach. Construction access for the landward construction work will cross over the beach on adjacent properties from a narrow access point at Nobska Road as shown on the plan. Written permission from the adjacent property owners has been obtained. Additionally, some construction access will occur from the existing driveway, across the existing lawn and over an existing stone wall to the beach on the subject property.

The proposed project is a repair/ reconstruction of an existing licensed pier originally constructed decades before the adoption of the Wetlands Protection Act or the Falmouth Wetlands Protection Bylaw. The Falmouth Wetland Regulations prohibit the construction of new piers or extensions to of existing piers in velocity zones. The proposed work is not a new pier nor is it an extension of an existing pier. It is the repair/ reconstruction of an existing licensed pier.



1" = 70 ft



- Parcels
- Road Ownership <all other values>
 - COUNTY; TOWN
 - PRIVATE
 - STATE
- Water Features
 - POND
 - STREAM
- Town Boundary

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.



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:
25-4438

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information

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

1. From: Falmouth
Conservation Commission

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

3. To: Applicant:

a. First Name Clowes Easterly Limited Partnership b. Last Name _____
c. Organization PO Box 26
d. Mailing Address Woods Hole MA 02543
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:

146 Nobska Rd Falmouth
a. Street Address b. City/Town
51 03 000D 004
c. Assessors Map/Plat Number d. Parcel/Lot Number

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

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





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:

25-4438

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information (cont.)

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

Barnstable

a. County

12264

c. Book

b. Certificate Number (if registered land)

147

d. Page

7. Dates: 12/26/2018 1/16/19 2/00/2019
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):

Plan of Proposed Pier Reconstruction Prepared for Clowes Easterly Limited Partnership, 146 Nobska Rd in Woods Hole, Falmouth, MA

Holmes & McGrath

Michael P McGrath, P.E., P.L.S.

b. Prepared By

c. Signed and Stamped by

12/21/2018

1"=20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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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



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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4438

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BWV

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 02/06/2022 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4438

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4438 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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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 Conservation Commission hereby finds (check one that applies):

- 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: Clowes Easterly Limited Partnership
Address: 146 Nobska Road, Falmouth, MA
DEP OR FCC: #25-4438

FINDINGS:

1. The applicant proposes to reconstruct the existing pier in a shorter footprint and with 18 less pilings than is currently licensed. The existing pier was licensed in January 1929.
2. The pier is located in a FEMA Velocity zone. The applicant has agreed that there will be no mooring/docking of boats on the pier.
3. Construction access will either be over the subject property or over the coastal beach to the south. Permission has been obtained from the three (3) property owners to the south for construction access.
4. Resource areas onsite or within 100 feet of the proposed project include Land Under Ocean, Coastal Beach, Coastal Bank, Land Containing Shellfish, Land Subject to Coastal Storm Flowage (LSCSF), and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Clowes Easterly Limited Partnership at 146 Nobska Rd, Woods Hole, to construct and maintain a pier according to the narrative and plans by Holmes and McGrath, Inc., dated December 21, 2018 and entitled "Plan of Proposed Pier Repair" subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.

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

- f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas 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 certified in writing 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 construction debris shall be removed off-site to an approved upland disposal site.
21. 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.
22. 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.

23. Water lines and attached hoses shall have nozzles attached.
24. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
25. 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.
26. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
27. 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.
28. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. All piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.
2. The Conservation Department and the Department of Marine and Environmental Services shall be notified of the date and time of construction activities utilizing a barge.
3. The mooring and/or docking of boats to the pier is prohibited.
4. There shall be no storage of construction equipment on the coastal beach overnight.
5. Special Condition # 3 shall be written into the COC and registered with and ongoing with the deed.



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4438

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

E. Signatures

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

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

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.

2/06/2019

1. Date of Issuance

5

2. Number of Signers

Signatures:

Maureen Alexander
Peter R. White
Karen F. O'Brien

Stephen D. Cotton
Elizabeth H. Gault

by hand delivery on

Karen F. O'Brien
Date

by certified mail, return receipt requested, on

Date

F. Appeals

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

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

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

out the word "one-third" and inserting in place thereof the word "one-thirtieth." Thereupon the three shares previously outstanding representing the entire beneficial interest were surrendered by the holders thereof and were cancelled, and in place thereof the thirty new shares authorized were issued to the old shareholders in the proportion of ten shares for each old share.

George E Littlefield
Trustee of The High Head Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

May 23, 1929.

Then personally appeared the above named George E. Littlefield and made oath to the truth of the foregoing statement by him subscribed, before me

Ada E. Murray Notary Public

Barnstable, ss. Received July 17, 1929, and is recorded.

COMMONWEALTH OF MASSACHUSETTS.
Land Court.

To All Whom It May Concern:

I, William A. Thibodeau, of 50 St. Paul St., Brookline, Norfolk County, Massachusetts, hereby give notice that, on the 17th day of July 1929, filed a petition in said Court to have the title to certain land therein described, registered and confirmed pursuant to Chapter 185 of the General Laws. Said land is situate in Barnstable (Wianno) in the County of Barnstable and said Commonwealth, and bounded, and described as follows: Parcel 1. Bounded Northerly by Sea View Avenue; Easterly by Edna B. Tweedy; Southerly by Nantucket Sound; Westerly by Channing M. Wells. Parcel a. Bounded Northerly by Washington Avenue; Easterly by Edward W. Gould; Southerly by Sea View Avenue; Westerly by Channing M. Wells. Parcel 3. Bounded Northerly and Westerly by Mildred C. Sawyer; Easterly by Edward W. Gould; Southerly by First Street.

William A Thibodeau
by his atty Paul M Swift

Barnstable, ss. Received July 17, 1929, and is recorded.

The Commonwealth of Massachusetts
Department of Public Works

No. 975.

WHEREAS, George H. A. Clowes, of Falmouth, in the County of Barnstable and Commonwealth aforesaid, has applied to the Department of Public Works for license to build and maintain a timber pier in Falmouth Harbor at his property at Woods Hole in the town of Falmouth, 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 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 and Council, authorizes and licenses the said George H. A. Clowes, subject to the provisions of the ninety-first chapter of the

See Plan filed in Plan File both 38 Page 125

General Laws, and of all laws which are or may be in force applicable thereto, to build and maintain a timber pier in Falmouth Harbor at his property at Woods Hole in the town of Falmouth, in conformity with the accompanying plan No. 975. Said timber pier may be built and maintained on lines described as follows: Beginning at a point marked A on said plan, in the mean high water line and 25 feet southwesterly from the northeasterly boundary line of property of the licensee, and running southeasterly 158 feet to a point marked B; thence running northeasterly, at right angles with said line A-B, 5 feet to a point marked D; thence running southeasterly, at right angles with said line B-D, 17 feet to a point marked E; thence running southwesterly, at right angles with said line D-E, 18 feet to a point marked F; thence running northwesterly, parallel with said line D-E, 17 feet to a point marked G; thence running northeasterly, at right angles with said line F-G, 5 feet to a point marked H; thence running northwesterly, parallel with said line A-B, 158 feet, more or less, to a point marked I in the mean high water line; thence running northeasterly in the line of mean high water to A, the point of beginning. This license is granted subject to the laws of the United States. The plan of said work, numbered 975, is on file in the office of said Department, and duplicate of said plan accompanies this license, and is to be referred to as a part hereof. 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 one year from the date hereof, in the Registry of Deeds for the County of Barnstable. IN WITNESS WHEREOF, said Department of Public Works have hereunto set their hands this twenty-sixth day of December, in the year nineteen hundred and twenty-eight.

F E Lyman	}	Department
Richard K Hale		
	}	of
		Public Works.

THE COMMONWEALTH OF MASSACHUSETTS

Boston, July 2, 1929

Approved by the Governor and Council.

William L. Reed
Executive Secretary.

Barnstable, ss. Received July 17, 1929, and is recorded.

War Department

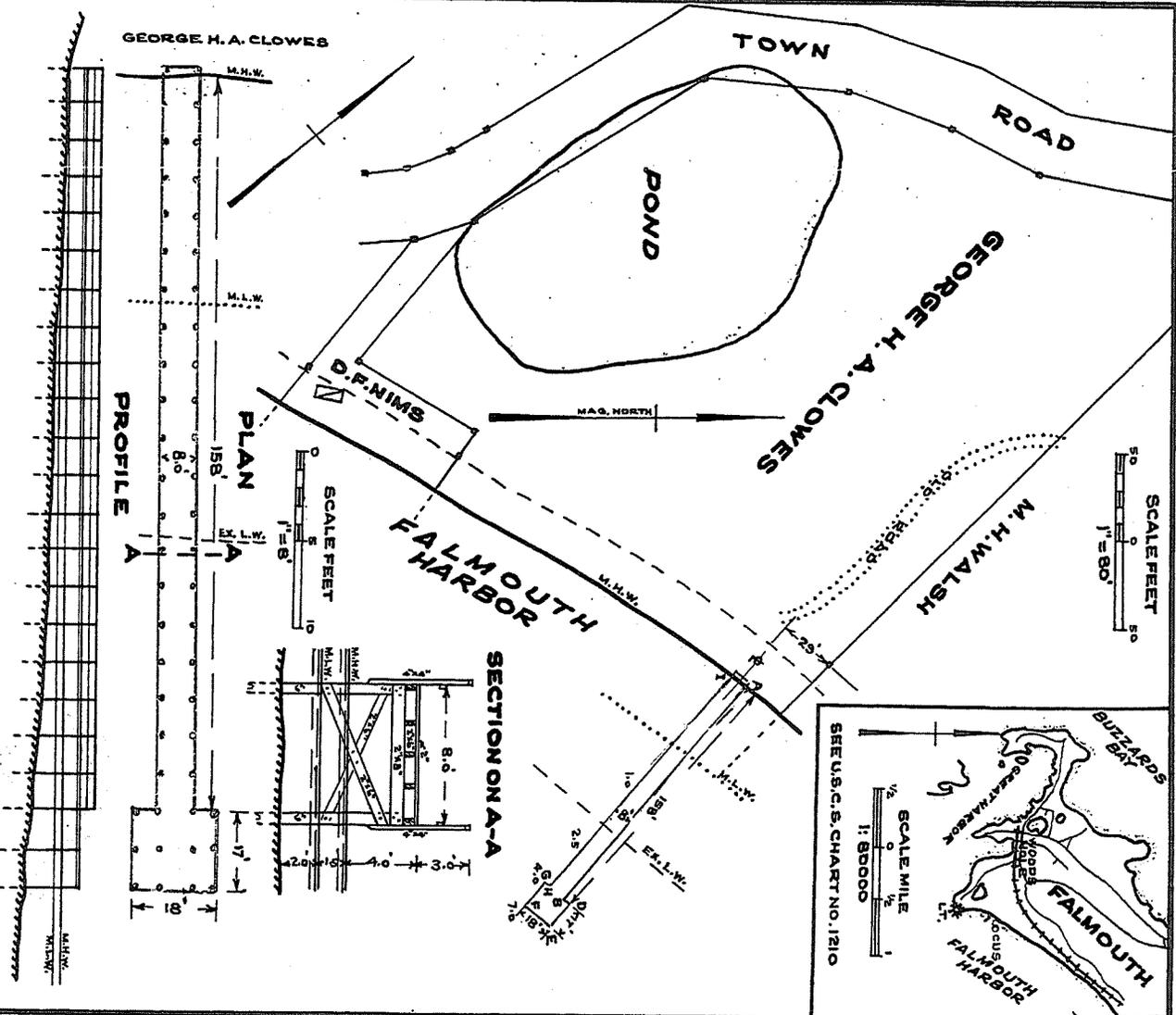
Note.- It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. It merely expresses the assent

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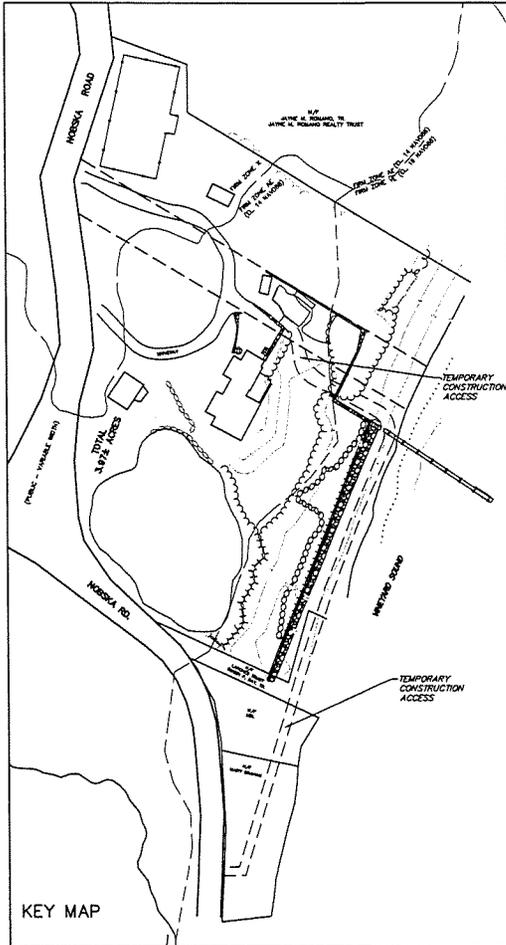
PLAN ACCOMPANYING PETITION OF
GEORGE H.A. CLOWES
 TO BUILD A TIMBER PIER IN
FALMOUTH HARBOR
 FALMOUTH
 1928

NO. 975
 APPROVED BY DEPARTMENT OF PUBLIC WORKS
 DECEMBER 26, 1928

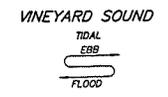
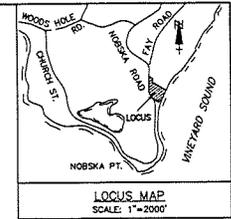
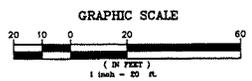
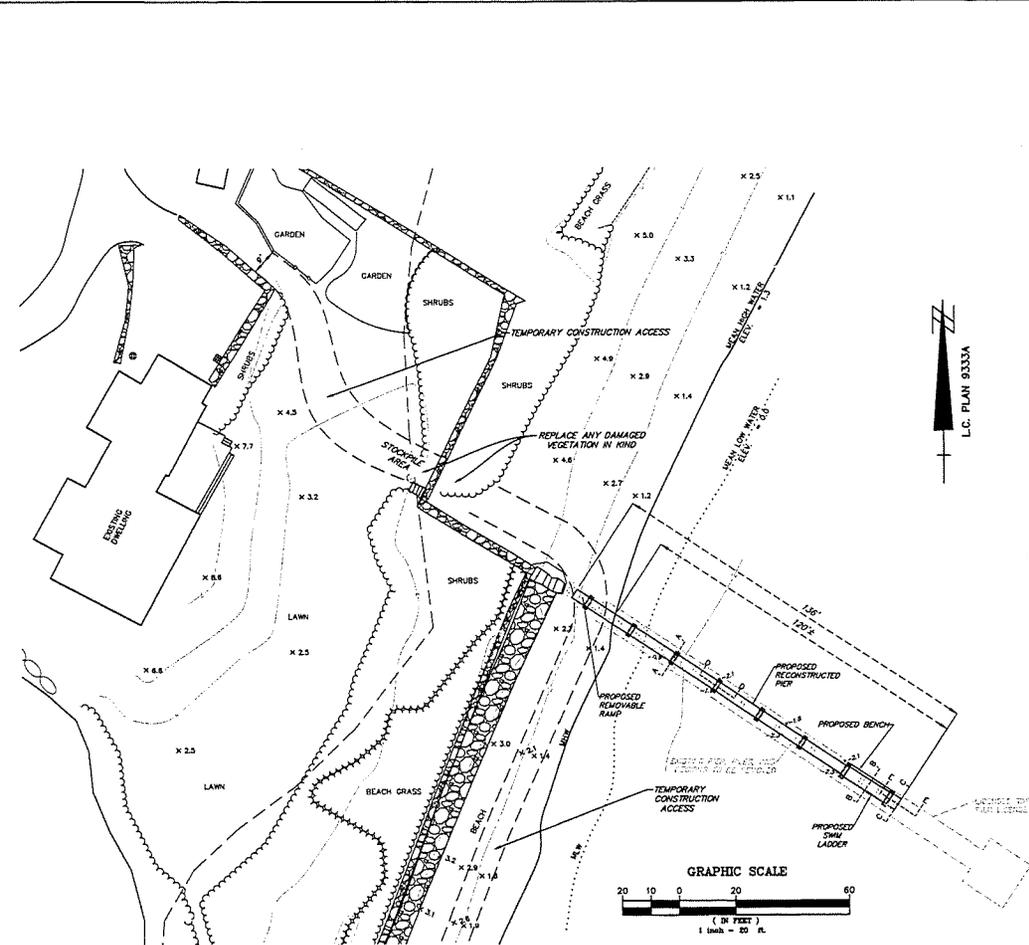
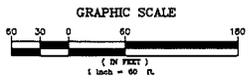
William H. ...
 COMMISSIONER OF PUBLIC WORKS
 ASSOCIATE COMMISSIONERS



Plan-13 of 38 Page 125



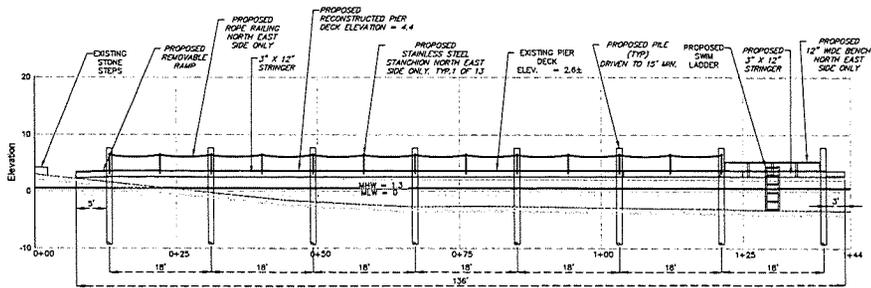
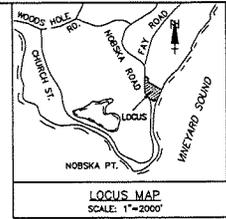
KEY MAP



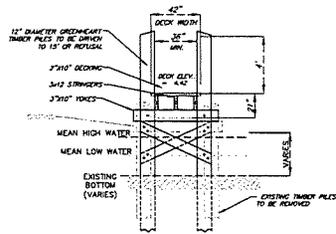
- NOTES**
- HOUSE NUMBER: 148
 - ASSESSOR'S NUMBER: S1 03 0000004
 - ZONING DISTRICT: RESIDENCE AA
 - FLOOD HAZARD ZONES: ZONE X, AE (EL.14), VE (EL.16)
 - REFERENCE: LAND COURT PLAN 12650-D
 - THIS PROPERTY IS LOCATED WITHIN THE WIND BORNE DEBRIS REGION.
 - WIND EXPOSURE CATEGORY: C
 - ELEVATIONS SHOWN ABOVE MEAN HIGH WATER ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). ELEVATIONS SHOWN AT MEAN HIGH WATER AND BELOW ARE BASED ON MEAN LOW WATER DATUM (MLW).

NOTICE
 Unless one will suit here on the original (real) stamp of the responsible Professional Engineer, or Professional Land Surveyor, copies of this plan.
 (A) No portion or portions, including any drawings or other public officials, may rely upon the information contained herein; and
 (B) This plan remains the property of Holmes & McGrath, Inc.

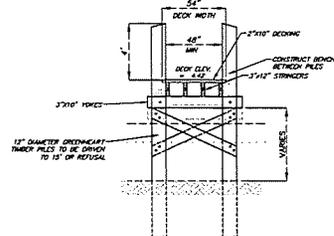
DATE	DESCRIPTION	Drawn	Checked
REVISIONS			
PLAN OF PROPOSED PIER REPAIR PREPARED FOR CLOWES EASTERLY LIMITED PARTNERSHIP FOR #148 NOBSKA ROAD IN WOODS HOLE FALMOUTH, MA			
SCALE: 1" = 20'		DATE: DEC. 21, 2016	
holmes and mcgrath, inc. <small>civil engineers and land surveyors 205 worcester court, suite 401, falmouth, ma 02540 508-848-3324, www.holmesandmcgrath.com</small>			
DRAWN: P.R. CHS, SEV	CHECKED:		
JOB NO: 218167	DWC. NO.: 71-3-256	SHEET 1 OF 2	



TRANSECT Pier
Scale: 1" = 10'

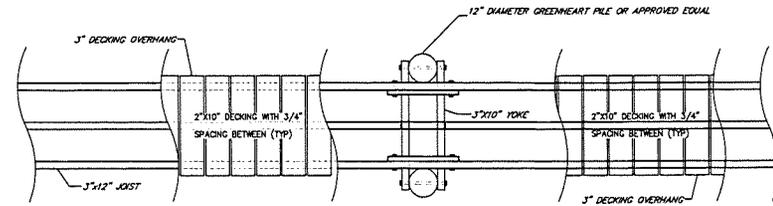


TYPICAL SECTION
A-A

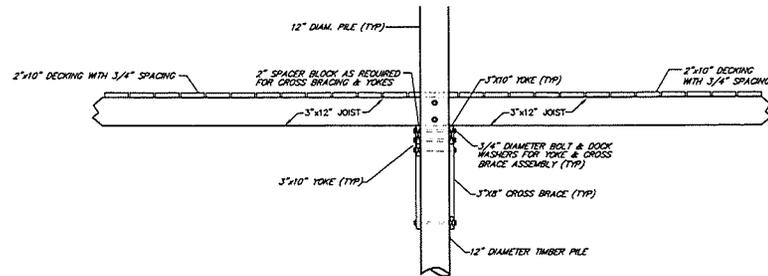


TYPICAL SECTION
B-B

PROPOSED PIER SECTIONS
SCALE: 1/4" = 1'-0"



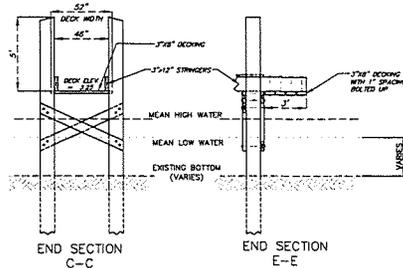
PIER - PLAN VIEW
SCALE: 1/2" = 1'-0"



PROPOSED PIER SECTION D-D
SCALE: 1/2" = 1'-0"

CONSTRUCTION NOTES:

1. ALL METAL FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL.
2. ALL BENTS SHALL BE FASTENED WITH 3/4" DIA. THROUGH BOLTS WITH A DOCK WASHER ON EACH END.
3. ALL PILES SHALL BE GREENHEART TIMBER OR APPROVED EQUAL. ALL PILES SHALL BE DOUBLE BANDED WITH 1 1/4" STAINLESS STEEL BAND WITHIN 12" OF TOP OF PILE.
4. ALL STRINGERS, YOKES AND CROSS BRACING SHALL BE GREENHEART TIMBER OR NON-CCA APPROVED EQUAL.
5. ALL DECKING AND STRINGERS SHALL BE IPE TIMBER OR NON-CCA APPROVED EQUAL.
6. ALL PILES SHALL HAVE A 10" DIAMETER MINIMUM BUTT MEASURED 3' FROM SNELL.
7. EXCEPT AS NOTED, THE CONTRACTOR SHALL INSTALL THE PILES AS SHOWN, DRIVE PILES TO A MINIMUM DEPTH OF 15' OR UNTIL REFUSAL.



PROPOSED PIER END SECTIONS
SCALE: 1/4" = 1'-0"

NOTICE
I hereby and each each the original (and) stamp of the responsible Professional Engineer, or Professional Land Surveyor, hereby on this plan.
(A) No person or persons, including any contractor or other subcontractor, may use the information contained herein, and (B) this plan remains the property of Holmes & Mcgrath, Inc.

DATE	DESCRIPTION	Drawn	Checked
REVISIONS			
PLAN OF PROPOSED PIER REPAIR PREPARED FOR CLOWES EASTERLY LIMITED PARTNERSHIP FOR #146 NOBSKA ROAD WOODS HOLE FALMOUTH, MA			
SCALE: VARIES	DATE: DEC. 21, 2018		
holmes and mcgrath, inc. civil engineers and land surveyors 205 westchester court suite 401 falmouth, ma 02540 508-548-3504 www.holmesandmcgrath.com			
DRAWN: SEH, CWB	CHECKED: JML		
208 WC, 2/18/17	DWG. NO.: 71-3-258		SHEET 2 OF 2

Diane Davidson

From: Diane Davidson
Sent: Monday, March 18, 2019 10:34 AM
To: Jennifer McKay (jennifer.mckay@falmouthma.gov); Gregg Fraser; Charles Martinsen
Subject: 146 Nobska Road - Clowes Easterly Limited Partnership
Attachments: Wetland-Dock Hearing-146 Nobska-Clowes.pdf

Jennifer,
Gregg,
Chuck,

The Board of Selectmen has received the following wetland/dock application. The applicant has provided a copy of the Order of Conditions. Please provide any recommendations or additional documents you may have for the Board of Selectmen by Thursday, March 21, 2019.

The hearing is scheduled at the Board of Selectmen's meeting on Monday, March 25, 2019 at 7:45 p.m.

Applicant: Clowes Easterly Limited Partnership
Location: 146 Nobska Road, Woods Hole
Proposed Work: Reconstruction and maintenance of a 136 foot long licensed timber pier in Vineyard Sound.

Thank you,

Diane

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



TOWN OF FALMOUTH

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, March 25, 2019 at 8:00 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Robert Irving for permission to construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond and located at 358 Acapesket Road, East Falmouth, MA. Body of water affected is Green 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, March 8, 2019 and Friday, March 15, 2019 – Falmouth Enterprise

Copy to: Abutters

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 Bylaws of the Town of Falmouth on Monday, March 25, 2019 at 8:00 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Robert Irving for permission to construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond and located at 358 Acapesket Road, East Falmouth, MA. Body of water affected is Green Pond. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the
Board of Selectmen

March 8, 15, 2019

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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



To the Board of Selectmen
Falmouth, MA

RECEIVED

PAID 75.00

FEB 27 2019

Date: February 22, 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: Robert Irving 3580 Charleston Ln. Beaumont, TX 77706
(full name) (address)

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

APPLICANT: Robert Irving 3580 Charlston Ln. Beaumont, TX 77706
(full name) (address)

1. Location of Property: Map 40 Section 06 Parcel 006 Lot 222

Street Name and House Number 358 Acapescet Rd.

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

3. Description of property and project site: Approximately 24,000 S.F. of land in a densely developed area of East Falmouth. A single family residence occupies the central portion of the lot.

a. Dimensions, Acreage of total parcel: 24,000 S.F.

b. Length of water marsh frontage: 104'

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.) 64' Main walkway w/ a 6' x 16' "Tee" section

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

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

5. Zoning which governs area: RB

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? Conservation Commission

8. Remarks Order of Conditions DEP File No. 25-4428

9. Project Summary for legal notice: Robert Irving, the owner of 358 Acapesket Rd. in East Falmouth proposes to construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond.

Owner: Robert Irving

Agent: Falmouth Engineering, Inc.

3580 Charleston Lane

17 Academy lane, Ste. 2

Beaumont, TX 77706

Falmouth, MA 02540

(Name & Address)

(Name & Address)

TEL #:

TEL #:

Applicant: Same as owner

(Name & Address)

TEL #:

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

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

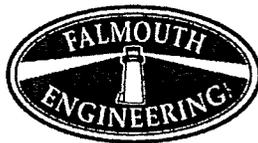
Filing Under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law

*PIER CONSTRUCTION
358 ACAPESKET ROAD
EAST FALMOUTH, MASSACHUSETTS*

Prepared for:

Robert & Emelie Irving

Prepared by:



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

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ATTACHMENT B – DRIVING DIRECTIONS TO SITE

ATTACHMENT C – HARBORMASTER COMMENTS

ATTACHMENT D - ORDER OF CONDITIONS 25-4428

ATTACHMENT E - PLAN OF PROPOSED PIER

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Robert Irving, the owner of 358 Acapesket Rd. in East Falmouth and the applicant. The Applicant proposes to construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond.

Included in this construction project is the placement of twelve (12) 10-inch diameter piles, ten (10) 6" by 6" posts, support timbers, decking, and railings. The pier will consist of a main walkway, with a 6' by 16' "Tee" section at its seaward end. The project meets or exceeds all performance standards, applicable under the state Wetlands Protection Act and Falmouth Wetlands Protection Bylaw.

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).

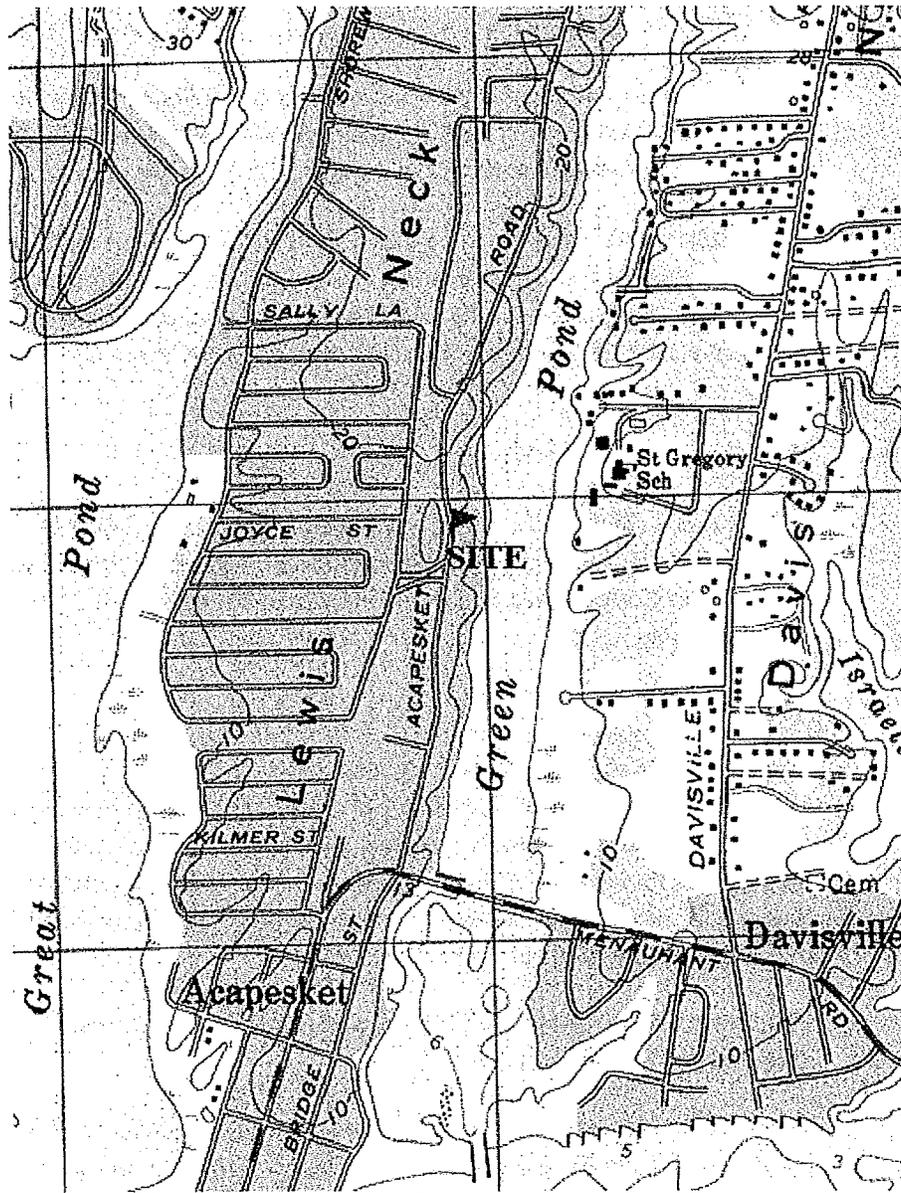
2.0 Existing Conditions

The lot consists of approximately 24,000± 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.

Green Pond is located directly east of the site. A moderately sloping coastal bank rises up to a lawn area at the top of the coastal bank. A recently reconstructed single family dwelling exists in the upland area of the property as shown on the plans.

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 (Green 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.



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

FIGURE 1- SITE LOCATION MAP

358 ACAPESKET ROAD

EAST FALMOUTH, MA

2.2 *Shellfish Habitat*

Pamela Neubert performed a shellfish survey in Green Pond to gather data relative to the existing densities of shellfish species specified at FWR 10.34 (2) (b), and to determine sediment characteristics in the area adjacent to the proposed pier.

The results of the shellfish survey indicate that the proposed mooring field is not located within 35 feet of an area that is significant to shellfish as defined at FWR 10.34 (3). The detailed results of the survey are provided in the Shellfish Survey Report prepared for The Applicant and is provided as an attachment to this Notice of Intent.

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 dock construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

3.0 Proposed Project

The project involves the construction of a pier in Green Pond. Included in this construction project is the placement of twelve (12) 10-inch diameter piles, ten (10) 6" by 6" posts, support timbers, decking, and railings. The pier will consist of a main walkway, with a 6' by 16' "L" section at its seaward end. The project meets or exceeds all performance standards, applicable under the state Wetlands Protection Act and Falmouth Wetlands Protection Bylaw.

All pilings will be driven by a barge supported pile driver. The barge will float at all times during the pier construction.

Pier construction will take place in and above land containing shellfish, land under the ocean, salt marsh, and coastal bank. The pier will be constructed using a barge that will operate from Green Pond. All staging, cutting, and prep work will be done on the barge.

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The proposed pier occupies a total area of approximately 450 square feet, of which approximately 330 square feet is seaward of mean high water. The potential impacts anticipated include those resulting from degradation of habitat as a result of shading and/or construction impacts.

The pier is proposed as an elevated structure with direct contact with the substrate only at the pile installation points. All of the proposed 10-inch diameter timber piles will be installed in land under the ocean. The pier has been designed to be installed bridge 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 seven (7) square feet of land under the ocean.

Proposed Mitigation

The pier bridges the salt marsh, Land Containing Shellfish and Land Under the Ocean. To prevent shading impacts, the pier will be constructed using a decking to allow 50% ambient light penetration in areas spanning these wetland resource areas. The structure will also be elevated 5' above these wetland resource areas ensure that the potential shading impacts are effectively mitigated. The 5' elevation will also allow for public access.

A portion of the proposed pier is within an area containing significant densities of shellfish in the nearshore areas (Area B). Area B is in excess of 35 feet from the mooring field. Densities of shellfish in Area A are less than 1 shellfish per 9 square feet. No impacts to areas of significant shellfish are anticipated. Since there are significant densities of shellfish more than 35', but within 50' of the proposed mooring field, shellfish mitigation is required and is proposed. A contribution to the Town of Falmouth shellfish mitigation fund in an appropriate amount will be provided and is expected to be a condition within the Order of Conditions for the proposed project.

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 64 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 "L" section at the end of the proposed pier measures 6'- 3" by 16' for a total area of 100 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 a minimum 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 40' from the extension of the northerly and southerly 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 coastal bank, over the wetland resources. No disturbance to any wetland vegetation is proposed. 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;*

Thru-flow decking will be used in all areas. Thru-flow decking allows for 50% sunlight penetration. 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.*

No portion of the site is designated by FEMA as being within a velocity zone. Therefore the proposed pier complies with this performance standard.

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).*

A shellfish survey has been conducted Pamela Neubert. The results of the survey indicate that there are no significant quantities of shell fish within 35 feet of the mooring field, therefore the proposed pier complies with this performance standard.

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 shellfishing, or has potential for shellfishing, or the sediments provide a viable habitat for shellfishing, the applicant shall provide a shellfish mitigation plan.*

The shellfish survey performed by Pamela Neubert determined that there are areas containing significant densities of shellfish within 50' if the mooring field. Therefore, mitigation is required and proposed.

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 construction project have been fully documented in the Notice of Intent submission. The project meets or exceeds all applicable performance standards and should therefore be reviewed favorably by the Falmouth Conservation Commission.

ATTACHMENT C

HARBORMASTER COMMENTS

Mike Borselli

From: Gregg Fraser <gregg.fraser@falmouthmass.us>
Sent: Monday, November 26, 2018 1:05 PM
To: Mike Borselli
Cc: Gregg2
Subject: RE: Proposed pier reconstruction - 358 Acapesket Road

Hi Mike,

I reviewed these documents and have no navigational or moorings issues with this project.

Gregg

From: Mike Borselli <mike@falmouthengineering.com>
Sent: Tuesday, November 20, 2018 2:04 PM
To: gfraser@falmouthmass.us
Subject: Proposed pier reconstruction - 358 Acapesket Road

Hi Greg,

Attached is a site plan showing a new pier to replace the existing pier, an aerial photo showing the waterfront and two photos taken showing the waterfront.

We intend to file an application to rebuild the pier on Wednesday, November 21.

There are no moorings near the proposed pier, there are no existing docks in close proximity to the pier. The closest pier is to the north on an abutting property and poses no conflicts.

If possible can you review the attachments and comment in writing, as requested by Conservation Commission so I can attach your comments to my application.

I am happy to review the plans or meet you on site.

Thank you.

Michael J. Borselli, P.E.
President
Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA 02540
508.495.1225

mike@falmouthengineering.com
www.falmouthengineering.com

ATTACHMENT D

ORDER OF CONDITIONS 25-4428



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:
25-4428

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 208455 (lot 222 plan 314E, sheet 4)
a. County b. Certificate Number (if registered land)

c. Book d. Page

7. Dates: 11/28/2018 1/9/2019 1-30-19
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):

Dock Plan

a. Plan Title

Falmouth Engineering Michael J. Borselli, P.E., Gary S. Labrie,

b. Prepared By R.L.S.

12/28/2018 1"=20'

d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4428

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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



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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 11/30/2022 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 25-4428 "
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 Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

Falmouth Wetlands Bylaw

10.00

1. Municipal Ordinance or Bylaw

2. Citation

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

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



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E. Signatures

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

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

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.

1/30/2019

1. Date of Issuance

5

2. Number of Signers

Signatures:

Nancy Hays
Rita White
Mary Edmunds

Kevin F. O'Brien
James L. Walker

by hand delivery on

by certified mail, return receipt requested, on

1/30/2019 *Euca Baselle*

Date FALMOUTH ENGINEERING, INC 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:

FALMOUTH
Conservation Commission

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

358 ACAPESKET RD.
Project Location

25-4428
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:

1-30-2019
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

~~Doc # 1,363,745 02-06-2019 9:09~~
BARNSTABLE LAND COURT REGISTRY

Signature of Applicant



Falmouth Conservation Commission

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

Name: Robert & Emelie Irving
Address: 358 Acapesket Rd, East Falmouth, MA
DEP OR FCC: 25-4428

FINDINGS:

1. The applicant construct a new dock/pier, install an associated seasonal water service and electric service, install native vegetation along the top of the bank, construct beach access stairs of the new dock, and remove existing dock.
2. Resource areas onsite or within 100 feet of the proposed project include Land Under Ocean, Salt Marsh, Land Subject to Tidal Action, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted Robert Irving, 358 Acapesket Rd, to construct and maintain a dock/pier according to the plans and narrative submitted by Falmouth Engineering, dated September 24, 2018 and revised December 28, 2018 and entitled "Dock Plan" subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any

grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas 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 certified in writing 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 and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
33. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

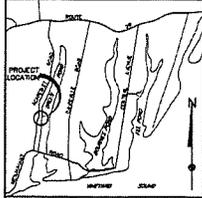
1. Prior to the construction of the dock and with the ten day start work notice a check payable to the Town of Falmouth, in the amount of \$375.00 shall be submitted to the Conservation Department. The payment will be used to purchase shellfish seed under the direction of the Shellfish Warden to mitigate for the loss of shellfish habitat.
2. The Conservation Department and the Department of Maine and Environmental Services shall

be notified of the date and time of construction activities utilizing a barge.

3. 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.
4. No trees shall be removed on the coastal bank or within the buffer to the coastal bank for the creation of the path depicted on the plan of reference.
5. Special Condition # 3 shall be written into the COC and registered with and ongoing with the deed.
6. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
7. All cuttings/debris, etc. are to be kept out of the Resource Areas.
8. The construction site is to be cleaned daily to remove any loose debris.
9. No Certificate of Compliance will be issued until the entire project, including installation of plantings, is completed.

ATTACHMENT E

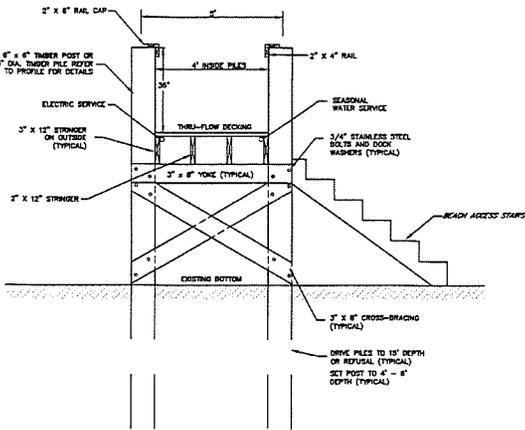
PLAN OF PROPOSED PIER



GENERAL NOTES:

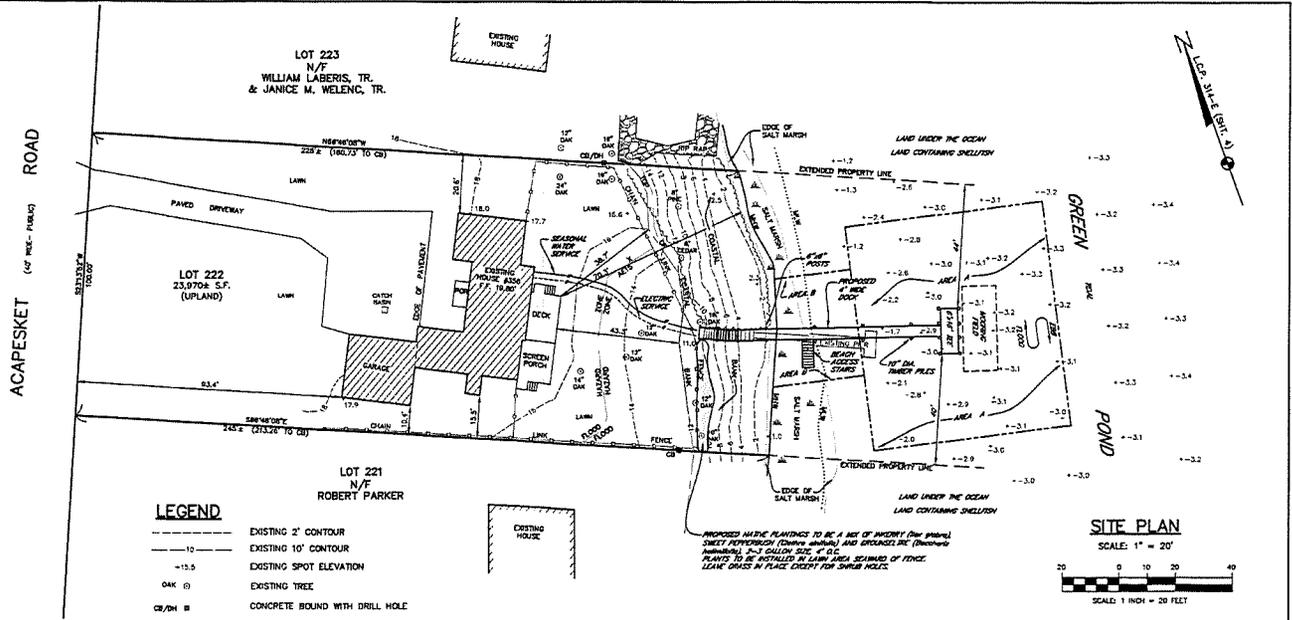
- ASSESSOR'S INFORMATION: 40 06 006 222
- FLOOD ZONES: X & ACIS (FEMA MAP 2500100737A)
- ZONING DISTRICT: R1
- WIND EXPOSURE CATEGORY: B
- OVERLAY DISTRICT: GREEN POND
- LOT COVERAGE BY:
 - STRUCTURES: 2,510 S.F./23,970 S.F. = 10.5% < 20%
 - STRUCTURES/PARKING/PAVING: 5,070 S.F./23,970 S.F. = 21.2% < 40%
- WIND Borne DEBRIS REGION: HIGH
- STREET ADDRESS: ACAPESKET ROAD
- HOUSE NUMBER: 358
- TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
- ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
- SOUNDINGS SHOWN ARE IN FEET AND TENTHS AND BASED ON A MEAN LOW WATER DATUM.

LOCUS
NOT TO SCALE



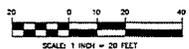
TYPICAL PIER CROSS-SECTION

SCALE: 1/2" = 1' - 0"



SITE PLAN

SCALE: 1" = 20'

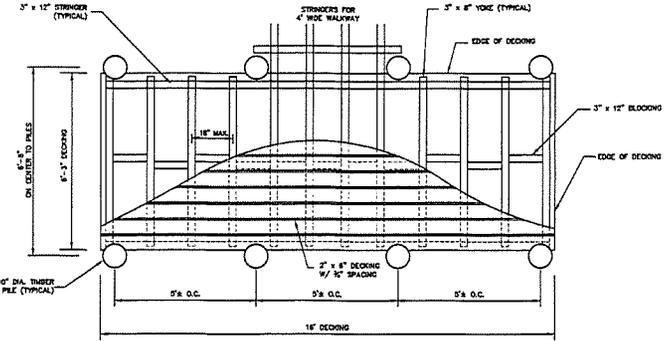


LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- 15.5 EXISTING SPOT ELEVATION
- OAK ○ EXISTING TREE
- CB/DM ■ CONCRETE BOUND WITH DRILL HOLE

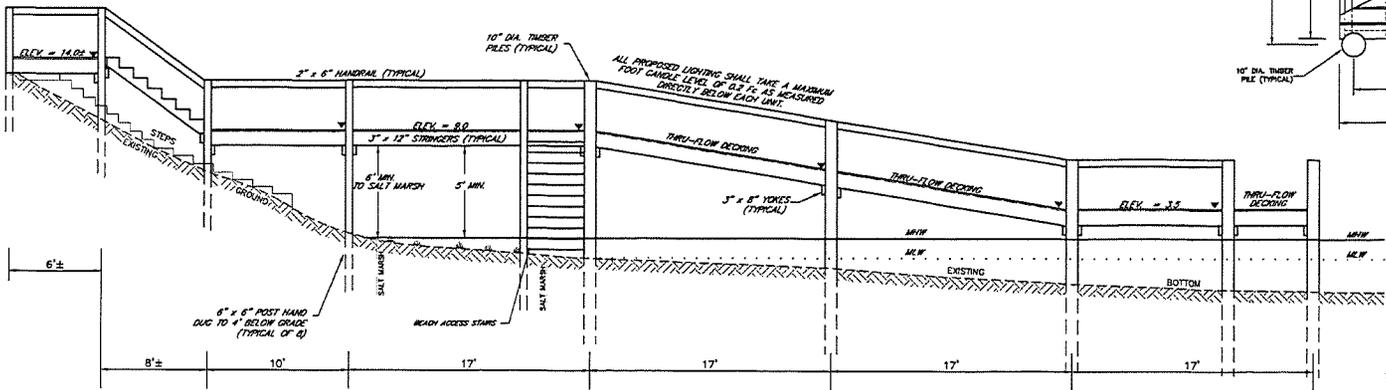
CONSTRUCTION NOTES:

- ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
- ALL WOOD MATERIALS SHALL BE NON OCA TREATED.
- PILES SHALL BE DRIVEN NOT JETTED, TO A MINIMUM DEPTH OF 15' OR REFUSAL.
- FASTENING OF WOOD MATERIALS SHALL BE BY 1/4" BOLTS, NUTS AND DOOK WASHERS. HISTORICAL CLIPS OR THRU BOLTS FOR STRINGER CONNECTION TO YOKES OR AS INDICATED ON THE PLANS.
- ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOTCANDLE (FC).



LAYOUT OF PIER TEE

SCALE: 1/2" = 1' - 0"



PIER PROFILE

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

12/28/18	REVISION	REVISE PROFILE, CHANGE ELL TO TEE, ADD PLANTINGS & MOORING FIELD.
DATE	REVISION	
DOCK PLAN FOR #358 ACAPESKET ROAD PREPARED FOR ROBERT IRVING OF FALMOUTH MA		
PLAN DATE: SEPTEMBER 24, 2018	PLAN SCALE: 1"=20'	
CIVIL ENGINEERING	WATERCATER DESIGN	WETLANDS PERMITTING
TRAIL & PLOT PLANS	LAND USE PLANNING	COASTAL ENGINEERING
		PIERS AND DOCKS
		COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 18013 CAD FILE NAME: 18013DP DRAWN BY: LM.		
		SHEET 1 OF 1

Diane Davidson

From: Diane Davidson
Sent: Monday, March 18, 2019 10:48 AM
To: Jennifer McKay (jennifer.mckay@falmouthma.gov); Gregg Fraser; Charles Martinsen
Subject: 358 Acapesket Road - Irving
Attachments: Wetland-Dock Hearing-358 Acapesket-Irving.pdf

Jennifer,
Gregg,
Chuck,

The Board of Selectmen has received the following wetland/dock application. The applicant has provided a copy of the Order of Conditions. Please provide any recommendations or additional documents you may have for the Board of Selectmen by Thursday, March 21, 2019.

The hearing is scheduled at the Board of Selectmen's meeting on Monday, March 25, 2019 at 8:00 p.m.

Applicant: Robert Irving
Location: 358 Acapesket Road
Proposed Work: Construct a fixed pier that will extend approximately 64 feet beyond mean high water into Green Pond.

Thank you,

Diane

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

**TOWN OF FALMOUTH
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

As provided under Chapter 119, Section 1, of the Code of Falmouth, a Public Hearing will be held in the Selectmen's Meeting Room, Town Hall, on Monday March 25, 2019 at 8.15 p.m. to increase the water service rates in the Town of Falmouth.

Susan L. Moran, Chairman
Board of Selectmen

Publication Date: Friday, March 15, 2019 – Falmouth Enterprise

Account #: 2056



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543

MEMORANDUM

TO: Board of Selectmen

FROM: Stephen Rafferty and Amy Lowell, Water and Wastewater Superintendents

CC: Town Manager, Finance Director, Public Works Director

DATE: 3/22/19

RE: Water and Sewer Rate Recommendations for FY 20, FY 21 and FY 22

At the last rate hearing in 2016, we requested and the Board of Selectmen voted a 17.2% increase in the water rate and a 10% increase in the sewer rate. Those rate increases were based on projected increases in the cost of operations associated with both the Long Pond Water Treatment Plant and the Little Pond Sewer Service Area.

We indicated at that time that we would evaluate the actual cost impacts of those projects and would likely return to the Board for a future rate adjustment.

We have evaluated water and wastewater division existing and projected costs and revenues, and we recommend the following water and sewer rates for FY 20-FY 22:

Water rate recommendation: Increase 2% per year in each of the next three fiscal years.
Sewer rate recommendation: NO CHANGE ANTICIPATED for the next three fiscal years.

Background regarding these recommendations is provided on the following pages, first on the water rate then on the sewer rate.

In addition, because the issue may arise in the context of the rate discussion, an Appendix is included which explains our recommendation regarding the citizen's petition related to Irrigation Meters.

WATER RATE RECOMMENDATION BACKGROUND

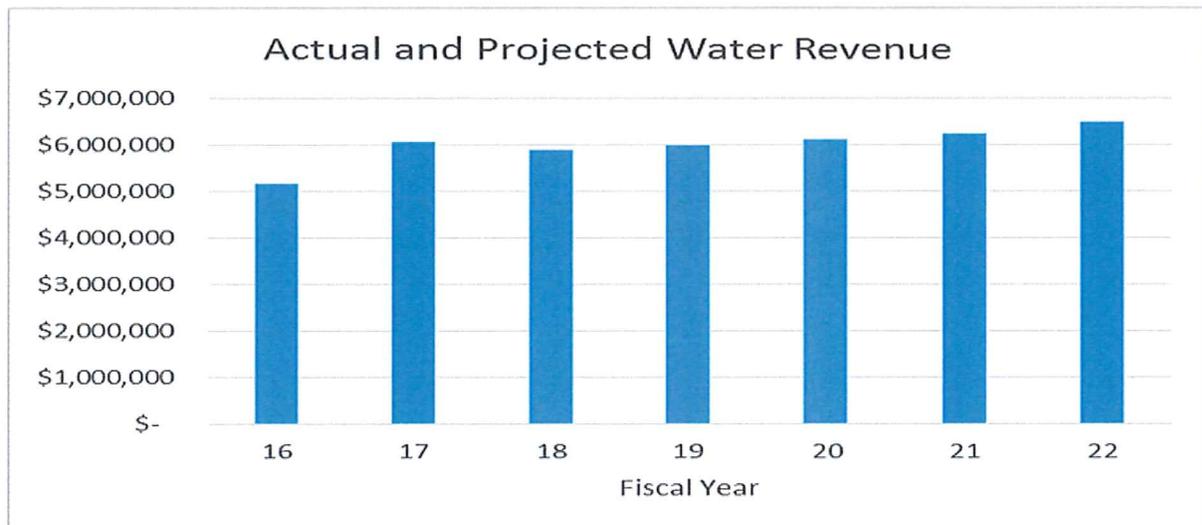
A water rate increase of approximately 2% per year is recommended for each of the next three years.

The current goal of the rate structure is to generate revenue that covers the department's direct costs, indirect costs, and a portion of the incurred debt for the water plant. Direct costs include personnel/labor and material/operating costs for items such as electricity, chemicals and ongoing maintenance of the distribution system and treatment facility. The indirect costs include the cost of insurance, fuel, vehicles, accounting, collection and IT support.

Three years ago in 2016 at the last rate hearing, we requested, and the BOS voted a 17.2% water rate increase. That increase was based on a revenue projection to recover \$1.3M per year of the anticipated debt for the new plant and the projected operating cost of the new treatment plant.

We can report that our estimate of the cost of operation of the new facility was accurate. However, our actual revenue has been lower than projected by approximately \$500,000 and water rates are only funding approximately \$800,000 of the debt obligation.

The 2% annual increase will gradually close the revenue gap.



The chart shows actual revenue for FY 16, 17 and 18. The impact of the last rate increase is seen in FY17. The proposed rate increase is shown for FY 20, 21 and 22.

A proposed motion for the Board's consideration with precise rates and percentages is on the following page.

Motion that effective Monday June 3, 2019
the water rate structure shall be as follows:

From June 3, 2019 to May 31, 2020

Meter Size	Semi Annual Billing	Quarterly Annual Billing	% increase
5/8 inch	\$ 59.00		1.72%
3/4 inch	\$ 71.00		1.43%
1.0 Inch	\$ 113.00		1.80%
1-1/2 inch		\$ 99.00	2.06%
2.0 inch		\$ 142.00	2.16%
3.0 inch		\$ 235.00	2.17%
4.0 inch		\$ 282.50	1.99%
6.0 inch		\$ 425.00	2.16%
8.0 inch		\$ 562.50	1.90%

Excess Rate is \$3.37/HCF, a 2.00% increase

From June 1, 2020 to May 30, 2021

Meter Size	Semi Annual Billing	Quarterly Annual Billing	% increase
5/8 inch	\$ 60.00		1.72%
3/4 inch	\$ 73.00		2.86%
1.0 inch	\$ 115.00		1.80%
1-1/2 inch		\$ 101.00	2.06%
2.0 Inch		\$ 144.50	1.80%
3.0 inch		\$ 239.50	1.96%
4.0 inch		\$ 288.00	1.99%
6.0 inch		\$ 433.00	1.92%
8.0 inch		\$ 575.00	2.26%

Excess Rate is \$3.43/HCF, a 2.00% increase

From May 31, 2021 to June 6, 2022

Meter Size	Semi Annual Billing	Quarterly Annual Billing	% increase
5/8 inch	\$ 62.00		3.45%
3/4 inch	\$ 74.00		1.43%
1.0 inch	\$118.00		2.70%
1-1/2 inch		\$ 103.00	2.06%
2.0 inch		\$ 147.50	2.16%
3.0 inch		\$ 244.00	1.96%
4.0 inch		\$ 294.00	2.17%
6.0 inch		\$ 441.50	2.04%
8.0 inch		\$ 589.00	1.99%

Excess Rate is \$3.50/HCF, a 2.00% increase

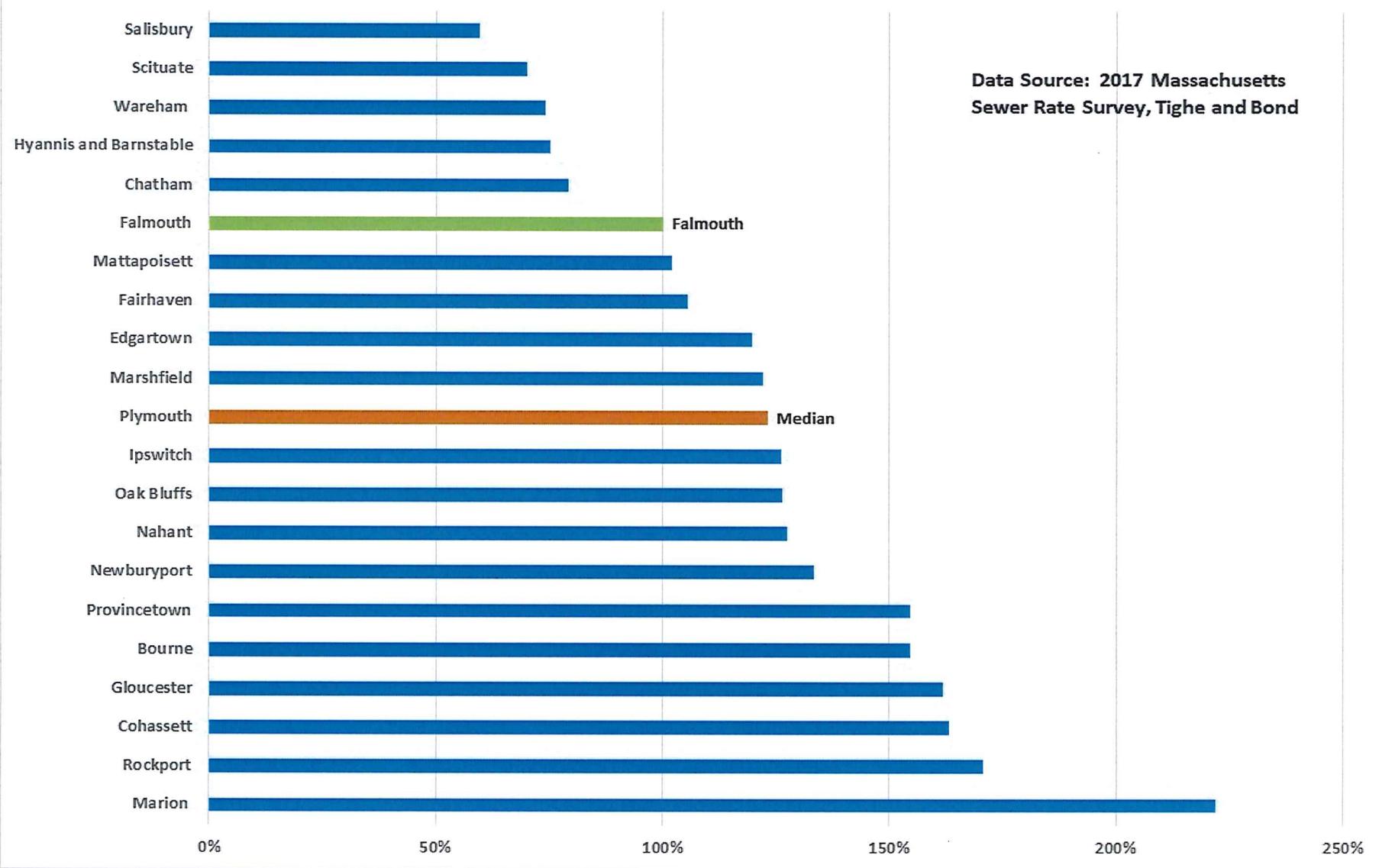
SEWER RATE RECOMMENDATION BACKGROUND

Approximately 1400 property owners have recently been charged for sewer use for the first time for their Little Pond Sewer Service Area (LPSSA) property. Approximately 1000 other property owners were previously connected to the sewer system and have been paying the same sewer rate now paid by the LPSSA property owners.

Because sewer charges are a new expense for LPSSA property owners, and perhaps because the Wastewater Division did not do an adequate job of communicating ahead of time about what to expect, there has been some concern about the cost of sewer bills. This is the same billing structure that existing sewer customers have historically paid. Due to concern about cost to new sewer customers, it has even been suggested that the Town consider decreasing the sewer rate. Instead, it is recommended that the sewer rate be maintained as-is through FY 22 for the following reasons:

- 1) We have reviewed Wastewater Division revenue and operating cost over the years since the last rate increase and can report that at the current sewer rate, the Wastewater Division's revenue covers its annual operating budget, as projected. If the sewer rate were decreased, funds would need to be raised elsewhere, or less funding would be available for Town needs.
- 2) Falmouth's sewer rate is a reasonable rate. A customer that uses 150 gallons of water per day will be charged approximately \$490 per year for sewer and \$226 per year for water. This amounts to about \$40 per month for sewer and \$20 per month for water. In fact, 79% of LPSSA sewer customers use less than 150 gallons of water per day and so, pay less than \$40/month for sewer service. The figure on the next page shows sewer cost for a typical homeowner in other comparable Massachusetts towns (i.e. coastal small-to-medium communities) compared to sewer cost for a typical homeowner in Falmouth. A Falmouth homeowner's annual sewer cost is about **25% less than** the median annual sewer cost among these comparable towns. In other words, homeowners in most coastal communities pay more for sewer than homeowners in Falmouth do. This review is based on data provided in Tighe and Bond's 2017 Massachusetts Sewer Rate Survey.
- 3) The sewer rate was last increased (10%) three years ago in FY 16. It is recommended that the Board not increase the sewer rate in FY 20, FY 21 or FY 22. Maintaining the sewer rate at its current level until FY 23 would grant sewer customers 6 years in a row without a sewer rate increase.
- 4) Residential water and sewer customers are currently billed semi-annually. Most utilities (electric, gas, cable, etc.) bill monthly, which divides the customers' annual cost into 12 bills instead of 2. After the Town switches from its very old billing system (TopGun) to its new billing system (Vadar), the Town will be able to change to quarterly billing for all water and sewer accounts. This change from semi-annual to quarterly billing will help distribute the cost more evenly over the year.

Homeowner Sewer Cost in Other Coastal MA Towns Compared to Falmouth Homeowner Sewer Cost (%)



**APPENDIX - IRRIGATION METER RECOMMENDATION
(SUPPLEMENTAL BACKGROUND INFORMATION, NOT FOR 3/25/19
PRESENTATION TO BOARD OF SELECTMEN)**

A Petitioner's Article has again been submitted for April 2019 Town Meeting proposing that property owners be permitted to install separate irrigation meters in order to reduce water/sewer bill cost. That proposal should again be rejected for the reasons summarized below:

Allowing separate irrigation meters (and decreasing the cost of irrigation) is contrary to the goal of encouraging water conservation.

- Treated water is a precious and expensive resource; the Town just constructed a forty million dollar drinking water treatment plant.
- Irrigation is a discretionary water use.
- The Commonwealth's DEP permitting of water under the water resource management act is based on no more than 65 gallons per capita per day usage.
- The Town's calculated rate in 2017 was 67 gallons per capita per day.
- As a community we need to reduce irrigation usage to come back in line with the DEP target before we would be allowed to develop any new water sources.
- There are ways of reducing irrigation water use and thereby decreasing cost: subsurface (drip) irrigation, plants that require less water.
- The state is applying increasing pressure on Towns to reduce per capita water consumption.
- Many Towns, including Mashpee, have banned spray irrigation.
- Most Towns that do allow separate meters for irrigation *charge more* per gallon for water that goes through the irrigation meter, because Towns wish to encourage conservation.

Installing an irrigation meter would not be as simple or as inexpensive as petitioners have described.

- To avoid the risk of intentional or accidental plumbing from the irrigation meter to sewer water uses, a new separate water service would be required for an irrigation meter.
- In addition, a meter pit, backflow preventer and new piping to the irrigation system would be needed, at the property owner's expense.
- Customers would be charged the minimum charge each billing period for both meters.

Allowing irrigation meters would *redistribute* water and sewer costs among customers.

- If high irrigation water users put in second meters, that would decrease sewer revenue.
- The cost of running the sewer system will remain the same; if the sewer revenue decreases, the sewer rate will have to increase to recover the lost revenue.
- If customers with irrigation meters pay less for sewer usage, then others would have to "make up the difference." The result would be to increase the sewer bill for those who do not irrigate.

For customers that do use a substantial amount of water for irrigation and wish to reduce their cost of irrigation, an irrigation well is a much better option.

- Installing an irrigation well would cost approximately \$3,500, which is likely more than the cost of the additional water service and meter pit required for an irrigation meter, but the property owner would thereafter pay nothing for water used for irrigation.
- The Board of Health recently modified regulations to reduce the irrigation well set-back requirement to 10 feet from the property line in sewer areas.

- This would reduce peak demand on the water system. Currently, landscape irrigation during summer mornings is contributing to the Town's peak water supply challenges.
- Irrigation with well water could help "clean up" groundwater; vegetation could help uptake nutrients remaining in groundwater from fertilizer and from historic septic systems.
- Irrigation with groundwater would avoid the use of highly treated drinking water for landscape watering.

**TOWN OF FALMOUTH
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on MONDAY, MARCH 25, 2019 at 8:45 PM to establish and promulgate fees, which are EFFECTIVE AS OF MARCH 26, 2019, to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

Susan L. Moran, Chairman
BOARD OF SELECTMEN

The proposed changes in fees are listed below:

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED NEW FEE</u>
<u>ZONING BOARD OF APPEALS</u>		
Amendment Fee	None	\$50.00

And such further changes as proposed at the meeting.

*Falmouth Enterprise: Friday, March 15, 2019
Account #: 2056*



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

MEMORANDUM

To: Julian M. Suso, Town Manager
From: Noreen H. Stockman, Zoning Administrator
Re: Fee review request
Date: February 1, 2019

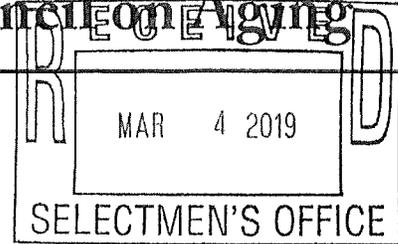
The purpose of this memorandum is to request that the Board of Selectmen kindly consider instituting a suggested \$50. fee, for processing amendments to approved plan requests, for the Zoning Board of Appeals (“Amendment fee”).

The Zoning Board of Appeals has received several requests for amendments, or modifications to a Decision, which was previously issued by the Board. For these informal reviews, the Board looks at the amended plans at a scheduled hearing, and discusses the proposed change(s). If the Board feels that the requested change is within the scope of the original Decision, and therefore not significant, the Board will vote to approve the change. Subsequently, documents must be prepared to memorialize the details of the amendment, be filed with the Town Clerk, and lastly, filed with the Registry of Deeds.

The Board has been very accommodating regarding these requests, often taking them at the beginning of a hearing, as a courtesy. However, these requests necessitate additional Board and staff time, substantially similar to the processing of a new application.



Town of Falmouth Council on Aging



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

March 1, 2019

Dear Chairman Moran,

This is an exciting time for the Falmouth Council On Aging. Construction of the new building is progressing and we anticipate opening on schedule. We believe the initial transition period is critical for making that important first impression with the community.

We recognize that there will be a period of growth for enhancing our existing programs, as well as for new initiatives. However, we do feel that it is vital to have adequate staffing right from the start, and probably even before entering the new building. To that end, we are very pleased to see that a full-time Program Coordinator position will be created at the April Town Meeting and funded for the second half of 2020. Advance staffing of this position will greatly benefit the transition to the new facility.

Additionally, we understand that a receptionist position and custodial staff will be added. Funding for these positions are to be considered at the November Town Meeting. The custodial position is one that we would like to provide some comment on. It would seem logical that a person be assigned to the new building before the actual opening. There will be a period where the contractor and project manager will test the mechanical systems and provide training in the operation and maintenance of the building. Having the custodial position filled at that time would shorten the learning curve.

We also anticipate a need to provide staffing to perform some functions that go beyond the typical custodial duties. These would include setting up and breaking down tables, chairs, and operating equipment for various programs. Throughout the day, an individual room might be used for several different groups and require specific configurations. Presently, at the existing building, this is a constant process performed by the director, receptionist, outreach coordinator, and anyone else available. In an expanded building it is not reasonable to expect this will be possible. This could potentially be a person that could "float" between the various buildings on the expanded campus.

We hope that in the coming months we can work with the administration to continue to fine-tune the staff requirements and their job descriptions for this new facility.

Respectfully,

James A. Vieira
Chairman, Falmouth Council on Aging

**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.

Town of Falmouth
Route 28 Citizens Advisory Committee

The Falmouth Board of Selectmen is seeking candidates for the Route 28 Citizens Advisory Committee. The purpose of this committee is to evaluate design options for the third phase of the proposed Main Street Corridor Project which includes Route 28 from the Sandwich Rd. intersection to the Oxbow Rd. intersection. The committee will review design alternatives prepared by staff and consulting engineers and provide input in further developing these designs. The committee is charged with soliciting citizen input and providing the Board of Selectmen with its design recommendations by April 5, 2019.

The Route 28 Citizens Advisory Committee shall be comprised of 9 members of which 6 shall be at-large members, 1 Planning Board designee, 1 Bikeways Committee designee and 1 Disability Commission designee. Town Moderator and State Representative David Vieira shall serve as a non-voting ex officio member.

The Board of Selectmen will conduct interviews on December 10 and vote appointments on December 17.

Abutters and non-abutters are welcome to apply. Abutters must submit a conflict of interest disclosure form.

Applications must be received by 4:30 p.m. on Wednesday, December 5, 2018, in the Office of the Board of Selectmen.

Applications are available in the Office of the Board of Selectmen, 59 Town Hall Square and on the Board of Selectmen's page on the Town website at www.falmouthmass.us.

On Request of Chairman
Susan L. Moran

Publication Date: Friday, November 23, 2018

Mr. Patterson was present for the CPC meeting and they did move to recommend. Mr. Suso noted an email came in later today.

Mr. Suso provided a note sent today, recommended expenditure vote 6-1.

Public Comment:

Marc Finneran, Precinct 6, asked if other residences along the route will be able to access Open Cape and at what cost. Chair Moran responded that they can forward that question to Open Cape.

Carla Feroni, Falmouth Housing Coordinator, explained how the working group reviewed the application. This project started in 2009 with a comprehensive permit. 100% affordable led to the working group being pleased with the application, they reviewed the numbers with Laura Shufelt, it is difficult for developer to make these projects work and unlikely it would be able to move forward without these types of subsidies. This project is worthy of the full ask amount of the funding.

**Mr. Patterson motion to approve and read the motion in the packet. Second Ms. English Braga.
Vote: Yes-5. No-0.**

5. Consideration of Motion "To proceed with design on the Main Street Corridor project from Palmer Avenue to Sandwich Road and investigate potential alternative options along Route 28 from Sandwich Road to Oxbow Road".

Ray Jack, DPW Director, asked the BOS to move forward with design and evaluate potential options for the area east of sandwich road. Water main project and Route 28 transportation projects are separate projects. Water main project will begin this spring, summertime exclusion. Corridor project would be on the heels of the water main project. They have received letter from State for up to \$10 million for the corridor project, they can move forward with planning and funding project, then go in front of the Cape Cod MPO. He would like to initiate this project on that funding platform this year so they redevelop the program around April. Would go in for the year 2024, as they move through design, at 25% the BOS has to approve the project. Important for the Town to advance the project into that process he is hoping it will be at 25% by late Spring and then it would come back to the BOS. The plan would have to be acceptable by the BOS.

Mr. Suso provided an overview of the outreach to date on this project, including 3 public meetings in June, two this Fall. Accepted public comment and provided information to the consulting engineers for input. Discussions prior to that that go back over 2 years on proposal to joint meeting of the BOS and Planning Board, design consultant made initial proposal to the Main Street corridor that resulted in the current process.

Mr. Patterson asked to what extent does the water main design depend on the road layout? According to Mr. Jack, the major benefit was the surveying which was done for the two projects. Layout is not problematic. State is onboard with the water main project.

Chair Moran noted the major step that occurred during outreach is it is broken into 3 sections, Sections 1 and 2 encompassed in the BOS motion today and then section 3 would be the last.

Mr. Jack outlined phases Palmer Avenue to Falmouth Heights Road is section 1. Section 2 is Falmouth Heights Road to the School Administration Building, and section 3 is Sandwich Road to Oxbow Road. Most important is section 1 and 2 at this time, then take time to look at section 3. The utility companies will take the lead in design of underground utilities and are working on ideas.

Mr. Jack noted that at this time they will try to determine what will appear on the 25% design, looking at the roundabout, light, changing Sandwich Road and Route 28 merger.

Mr. Jones commented that potential the money from the state may be available earlier, could the road project be on the heels of the water main project and Mr. Jack believes it will be.

The BOS discussed committees for all project sections. It was determined that sections 1 and 2 have less residential impact and those interested may comment to the Section 3 committee or directly to the BOS.

The DPW has also met on site with those who had questions and this has been successful. The businesses have the Chamber of Commerce to advocate for them, those conversations are ongoing.

The BOS discussed a Transportation Committee and charge to look at this part of the project, however there has been an outcry from citizens for input committee for this project and its work needs to be done in short time.

Mr. Brown agrees with BOS committee for section 3, should there be a Town Manager ad hoc committee for sections 1 and 2. Chair Moran is satisfied with the DPW response on sections 1 and 2.

Mr. Jack noted that section 2 does not involve widening of the road.

According to Attorney Duffy, no other consideration for the BOS to form this committee. They have a purpose, limit of authority, and the BOS may want to determine when they would like the final report back.

Ray Jack noted the committee's written report by the first week in April 2019, with alternative options for Section 3.

The BOS decided to have application deadline for the committee vacancies due by 12/5/2018, interviews to be held on 12/17/18. Chair Moran noted precinct members and village associations should be sent an email regarding the accelerated deadline.

Attorney Duffy described the conflict of interest and need to designate committee members as Special Municipal Employees; they are working less than 16 hours per week and do not get paid. Abutters have a personal financial interest and the State Ethics Commission affirmed that they would have a conflict of interest. So abutters must apply to the BOS for an exemption. In an open meeting, the BOS must vote the exemption for each individual. The abutter application will be provided at the time of the application to the committee.

Public comment:

Mark Finneran, Precinct 6, suggested a survey and quantify it. Mr. Jack noted potential \$10 million, but it is for the entire cape. Chair Moran explained it is competitive process that is reviewed by a board that reviews only these types of projects, it rotates year by year. The BOS noted the information and research done by state representatives indicates we have a good chance to get the \$10 million.

Joe Lemay, Precinct 9, noted abutters are easy to identify, but everyone in Town is close to be an abutter, that needs to be incorporated into the committee. A single point of contact for the public would be helpful, he believes it should be one committee for all sections, emphasis on section 3 but if someone is concerned about another section, that one committee should be contacted. The BOS noted the BOS should be contacted.

Mr. Patterson wants to also consider the needs of the community as well as abutters.

Mr. Jones motion to move forward with the Main Street Corridor sections 1 and 2 and determine the options for section 3. Second Mr. Patterson. Vote: Yes-5. No-0.

6. Vote Route 28 Citizen Committee(s)

Ms. English Braga motion to have the BOS select a committee to review Section 3 portion of the project to include 9 members selected by the BOS to section 3 portion of the project, and look to do waiver of abutters but not entirety of the committee. Committee membership will be one representative from the Planning Board, Bikeways Committee, Commission on Disabilities, and 6 members at large. Representative David Vieira will be the ex officio position and nonvoting member on the committee. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair Moran asked Peter McConarty for a sense of how most design and construction goes. Mr. McConarty explained that in the past they have worked with property owners if they are affected directly. This is different because it is a state project as well. Go through these meetings, they come back with 25%, approved with state, then move to 75%.

Chair Moran asked from section 2 there were some who live in sec 2, how would the DPW interact with them? The DPW has been doing this with comments coming in, they go to DPW and then forward to traffic consultant. Same with business owners in roundabout areas, too.

7. Approve 2018 Annual License Renewals

ALL ALCOHOL RESTAURANT

41-70, 71 Water St
Bear in Boots, 285 Main St
British Beer Company, 263 Grand Ave
Bucatino Restaurant, 7 Nathan Ellis Hwy
C Salt, 75 Davis Straits
Casa Vallarta, 70 Davis Straits
Celestino's Restaurant, 448 N Falmouth Hwy
DJ's Famous Wings, 872 Main St
Falmouth Country Club, 630 Carriage Shop Rd
Josh's at Davisville, 339 E Falmouth Hwy
Liam Maguire's, 273 Main St
New Peking Palace, 452 Main St
Osteria la Civetta, 133 Main St
Paul's Pizza, 37 Elain Ave.
Pickle Jar Kitchen, 170 Main St
Quarterdeck Restaurant, 164 Main St
Quick's Hole Tavern, 29 Railroad Ave
Simply Divine Pizza, 271 Main St.
TGC at Sacconnesset, 132 Falmouth Woods Rd
The Flying Bridge, 220 Scranton Ave
The Golden Swan, 323 Main St
Water Street Kitchen, 656 Water St
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

AA CLUB

Falmouth Yacht Club, 290 Clinton Ave
Cape Cod Curling Club, 37 Highfield Rd
Falmouth Lodge #2380, 140 Palmer Ave
Falmouth Rod & Gun, 203 Carriage House Rd
Midway Trap & Skeet, 284 Old Meetinghouse Rd
Woods Hole Golf Club, 130 Quissett Ave
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

AA INHOLDER

Sea Crest Beach Hotel, 350 Quaker Rd
Coonamessett Inn, 311 Gifford St
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

INNHOLDER W, M & CORDIALS

Palmer House Inn, 81 Palmer Ave
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

AA PACKAGE STORE

Falmouth Food Mart & Liq., 414 Main St
Falmouth Wine & Spirits, 322 Palmer Ave
John's Liquors, 729 Main St.
Kappy's, 21 Spring Bars Rd
North Falmouth Liquors, 362 N Falmouth Hwy
RJ's Variety & Liquor, 174 Sandwich Rd
Teaticket Market, 125 Teaticket Hwy
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

WINE & MALT CLUB

St. Anthony's, 28 Brick Kiln Rd
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

WM RESTAURANT

Bangkok Thai Cuisine, 291 Main St
Crabapples, 553 Palmer Ave
Crêpe Cod, 649 Main St
Homeport Sushi, 316 Gifford St
Martha's Eats, 281 Main St
New Golden Dynasty, 25 Davis Straits
Pizza 1 & Subs 2, 735 E Falmouth Hwy
Seafood Sam's, 913 W Falmouth Hwy
Steve's Pizzeria & More, 374 Main St
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

WINE, MALT, CORDIAL RESTAURANT

Country Fare, 319 Main St
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

WM PAKCAGE

Holly Park Variety, 580A N Falmouth Hwy.
Intergas, 607 Main St
Jack & the Beanstalk, 800 Gifford St. Ext.
Wild Harbor General Store, 200 Old Main Rd
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

BREWERY

Aquatic Brewing, 661 Main St.
Bad Martha's, 876 E Falmouth Hwy
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

WINERY

Cape Cod Winery, 4 Oxbow Rd
**Mr. Jones motion to approve. Second Ms. English
Braga. Vote: Yes-5. No-0.**

COMMON VICUALLER

41-70, 71 Water St
Bangkok Thai Cuisine, 291 Main St
Bear in Boots, 285 Main St
British Beer Company, 263 Grand Ave
Bucatino Restaurant, 7 Nathan Ellis Hwy
C Salt, 75 Davis Straits
Casa Vallarta, 70 Davis Straits
Celestino's Restaurant, 448 N Falmouth Hwy
Coonamessett Farm, 277 Hatchville Rd
Country Fare, 319 Main St
Crabapples, 553 Palmer Ave
Crêpe Cod, 649 Main St
DJ's Famous Wings, 872 Main St
Eat Your Heart Out Café & Gourmet Market, 587 Main St
Falmouth Country Club, 630 Carriage Shop Rd
Falmouth Lodge #2380, 140 Palmer Ave
Falmouth Pery's Place, LLC, 40 N Main St

Julian Suso

From: Frank Duffy
Sent: Friday, February 22, 2019 3:40 PM
To: Julian Suso; Peter Johnson Staub
Cc: Corey Pacheco; Jennifer Petit; Ray Jack; Thomas Bott; Phyllis Downey
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

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Diane Davidson

From: Diane Davidson
Sent: Tuesday, March 19, 2019 2:50 PM
To: 'Phil Nehro'
Cc: Barbara Weyand <bweyand@comcast.net> (bweyand@comcast.net); ehad2@netscape.net; susan@whdb.net
Subject: RE: Re Falmouth Preservation Alliance - Selectmen Agenda on 3/25/2019

Phil,

I forwarded your email to Chairman of the Board of Selectmen with a copy to the Town Manager for approval of your request for placement on an upcoming Board of Selectmen's agenda (this is the procedure).

The Falmouth Preservation Alliance presentation on the Poor House has been scheduled on the Monday, March 25, 2019 agenda. Your topic is scheduled under the "Business" portion of the meeting, which begins at 8:55 p.m.

Diane

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

From: Phil Nehro [mailto:pnehro@msn.com]
Sent: Tuesday, March 19, 2019 2:29 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Barbara Weyand <bweyand@comcast.net> (bweyand@comcast.net) <bweyand@comcast.net>; ehad2@netscape.net; susan@whdb.net
Subject: Re Falmouth Preservation Alliance - Selectmen Agenda on 3/25/2019

Hi Diane,

I'm following up on my email message below sent last Thursday.

It is important to please let me know as soon as possible if the Alliance Poor House presentation is on the Selectmen agenda on 3/25/2019.

Thanks,

Phil Nehro

From: pnehro@msn.com
Sent: Thursday, March 14, 2019 4:11 PM
To: 'diane.davidson@falmouthma.gov'
Cc: Barbara Weyand <bweyand@comcast.net> (bweyand@comcast.net); ehad2@netscape.net; susan@whdb.net
Subject: Selectmen Agenda - 3/25/2019

Hi Diane,

The Falmouth Preservation Alliance would like to be on the 3/25/2019 Selectmen agenda to make a presentation regarding the Poor House.

Is the Poor House already on the 3/25 agenda, and is the topic open for public discussion?

Please let me know as soon as possible regarding our request.

Thank you,

Phil Nehro

Philip Nehro
President
Falmouth Preservation Alliance
P. O. Box 682
Falmouth, MA 02541
917 374-8849

Diane Davidson

From: Tim <tmyshea@aol.com>
Sent: Wednesday, March 20, 2019 6:31 PM
To: Diane Davidson
Cc: Phyllis Downey; lwjohnson2@comcast.net; slindell@whoi.edu
Subject: Pix for 3/25 BikewayCom Presentation to Selectmen
Attachments: IMG_1738.JPG; IMG_1740.JPG; IMG_1766.JPG

Diane,
Attached are three pix to go with the map that Patty J has sent you for the Subject presentation. The content of the Pix are as follows:

1738 Double rail tracks heading North from County Rd, approx 200yds
1740 Bridge over North Main St
1766 Looking North along rail line towards Bourne Town Line

Call me if any questions. I appreciate your help on this. I'm afraid to tell you how many years its been since I've put together a power point presentation.

Tim Shea
508 259 4967

AN ENCLOSURE FOR YOUR MARCH 25 MEETING PACKET
LOCUS MAP OF MASSDOT PROPERTY
COUNTY RD NORTH FALMOUTH TO BOURNE TOWN LINE

Town of Falmouth

March 19, 2019







SING





Raymond A. Jack
Director

Town of Falmouth
Department of Public Works

Cape Cod, Massachusetts



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

DATE: MARCH 20, 2019

TO: JUILAN SUSO – TOWN MANAGER

FROM: RAYMOND A. JACK – DIRECTOR, PUBLIC WORKS

RE: BIKEWAYS CPC REQUEST

In January 2019, the BOS approved submission of a Letter of Support for the Town of Bourne's application for a grant opportunity through the Department of Conservation and Resources under the Mass Trails program for Phase I design of a shared-use trail adjacent to the railroad. Phase I is approximately one mile proceeding south from the canal through Bourne and is one of five phases (approx.. 6 miles) that would ultimately extend to the Falmouth town line.

The Falmouth Bikeways Committee is now seeking CPC funding to initiate design from the terminus of our existing bikeway to the Bourne town line – a distance of approximately $\frac{3}{4}$ of a mile. Please consider the following:

- Public Works was not aware of this initiative (design and / or subsequent construction). Thus, it is not part of our capital planning effort.
- It seems premature to initiate design for the Falmouth segment until more information becomes available from the Bourne initiative.
 - The Bourne initiative will need to move through all five phases which will be a multi-year undertaking.
 - At its conclusion, it will provide significantly more information including construction costs and identifying funding sources.

If it appears that the project is viable and fundable as design proceeds through the Bourne phases, then it would seem logical for Falmouth to request grants funds under the same state program to design Falmouth's segment. This would provide continuity in design and avoid working from both ends to the middle.

It also provides the BOS the opportunity to be more fully aware of the project's scope and costs prior to committing design funds.



Town of Falmouth

Department of Public Works

Peter M. McConarty, P.E., P.L.S.
Deputy Director of Public Works

416 Gifford Street
Falmouth, MA 02350
Cape Cod

Telephone: (508) 457-2543
Fax: (508) 548-1537
Email: pmcconarty@falmouthmass.us

Memo

Date: March 21, 2019

To: Julian Suso, Town Manager

From: Peter M. McConarty, Deputy Director, Public Works *P.M.M.*

Re: Bikeways CPC Request for Extension of Bike Path to the Bourne Town Line

In addition to a memo from Raymond A. Jack, Public Works Director to you dated March 21, 2019 outlining the history and details of the bikeways CPC request, I would also like to point out that the section of railroad right-of-way for which the CPC funds are being requested is under ownership of the Commonwealth of Massachusetts and controlled by the Division of Capital Asset Management (DCAM). The Town of Falmouth does not have any property fee ownership, nor does it have any leases, licenses or easements at this time to perform any design or construction work within the railroad right-of-way.

Currently, the Town does have a 99-year lease over a portion of the railroad right-of-way beginning at Simpson Lane (Depot Avenue parking lot) to the southern sideline of County Road in North Falmouth. Any work performed within the right-of-way north of County Road would require permission rights through the Commonwealth of Massachusetts.

March 25, 2019

Jack's PACT – Request for Waiver of Special Events Permit Fee

Run Jack Run Family Fun Run/Walk – 7/4/19

Special Event Permit Fee: \$150.00

History:

- a. The 7/4/18 Special Event Permit Fee was waived by the Board of Selectmen on 4/23/18.
- b. The 7/4/17 Special Event Permit Fee was waived by the Board of Selectmen on 5/22/17.

**Board of Selectmen
Fee Waiver Policy
-Adopted February 11, 2016**

I. General Fee Waiver Policy (excluding Special Events Fees)

It is the policy of the Town of Falmouth to consistently and equitably implement the annual schedule of fees; however, there may arise from time-to-time unique circumstances in which fees may be waived.

Fee Waivers shall be granted by the Town Manager only as follows:

- **Municipal and School Projects:** Town Projects in which the procurement and solicitation documents clearly indicate in the bidding process prior to the opening of the price proposals that fees shall be waived.

Private non-profit agencies presenting a case for a unique public benefit may seek a waiver of fees subject to staff review and approval by the Board of Selectmen. These agencies should contemplate up to a two-month review and approval period. To be eligible for a waiver of fees, the private non-profit shall exhibit that it offers a unique public benefit at no charge to the public or provides a service to the Town Residents, particularly the neediest of our residents. Affordable Housing projects that are required to prepare a development pro forma to receive permits or grants will not be considered unless they provide 100% affordable housing and the development fees and profit are limited to below 20% of the project cost.

Inspection fees and fees associated with direct service or material costs will not be waived.

II. Special Events Fees and Use Charges Policy

Public amenities in the Town of Falmouth such as parks, facilities, special open spaces and public ways have been developed for the use and enjoyment of the public. Special events fees and use charges have been established with an understanding that these fees and charges relate to the cost of supporting the facility for such events. Special events may limit access to the public, may only be available to the public willing to pay a fee for the use and enjoyment of the facility/event, and for some events the general public may be prohibited from accessing the facility during the approved Special event.

BOS Fee Waiver Policy (continued)

Daily Fees:

The daily fee established shall be charged for each day the Special event has been granted use and enjoyment of the facility. Set up and break down days will be charged the daily fee.

Recurring Events:

Recurring one-day events (more often than four times a year) will be charged the full fee for at least the first and the last day of the scheduled event. Any consideration for a waiver is as described below.

Fee Waivers:

The Town will waive daily fees for special events sponsored by established Village associations, the Falmouth Fireworks Committee, the Falmouth Chamber of Commerce, Falmouth VIPs, Falmouth Public Schools, Falmouth Academy, or the Town of Falmouth. With the exception of School or Town events, fees will not be waived for any events that have limited public access or charge an admission fee.

Fee waivers can also be granted, upon request, by the Town Manger under the following conditions:

- An event providing broad community benefit and sponsored for charitable purposes may request a fee waiver. The Sponsor must present a letter of request including financial documentation verifying that all net event fees collected will be directed to a specific charitable purpose.

Any recurring events may be granted a discount up to 75% of the daily charge (excluding the required first and last days) upon application to the Board of Selectmen. The Board will consider the cost of maintenance of the facility, the public benefit of the event, and the public disruption caused by the event.

All events will carry any necessary insurance and supply bonds as required for the event.



March 10, 2019

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

Dear Mr. Julian Suso and Board of Selectmen,

We are gratefully requesting a fee waiver for the 8th Annual 'Run Jack Run' Family Fun Run/Walk to take place Thursday, July 4th, 2019 as the single fundraiser for Jack's PACT (Positive Alternative for Community & Teens). This event—as well as Jack's PACT—has a "broad community benefit" as we aim to reduce drunk driving and educate youth and adults about the power of positive choices as well as substance abuse prevention. Jack's PACT is a grassroots 100% volunteer organization under the umbrella of Falmouth Together We Can, Inc.'s 501c3. Net proceeds each year from Run Jack Run are awarded as scholarships. The fewer the expenses, the more we can give back to kids! A small portion of these profits also covers materials and food for our pro-social activities and Peer Mentoring programs, including supplying snacks, pizza, and soda weekly for the Falmouth Recreation Center's Youth Nights, youth dances, and after school programs.

My family and our Jack's PACT group are so grateful for the Town's support of this event over the years that allows us to offer memorial scholarships in my brother's name to graduating high school seniors from Falmouth who have committed not to drive while under the influence of drugs or alcohol. Since Run Jack Run began in 2012, Jack's PACT has given away over \$45,000 in scholarships with funds raised solely from Run Jack Run each year. Each year, these recipients stand out among their peers as leaders, role models, and true difference-makers in our community. *They have all signed our "PACT" pledging not to drive while under the influence of alcohol or drugs and encourage others to join them in their commitment.*

Run Jack Run was established to remember and celebrate the life of Jack Pearsall who was tragically hit and killed by a drunk driver. Jack was a 16-year-old FHS student-athlete who loved playing soccer and running in our town. July 4, 2019 marks 8 years since losing Jack. He would be turning 25 this summer! My family and our Jack's PACT community use this annual event to build awareness about the severity of drunk driving and encourage all Run Jack Run participants to sign Jack's "PACT" pledging not to drive while under the influence of drugs or alcohol. To date over 2,000 individuals have made this important pledge.

Thank you again for your support and considering this request.


Samantha Pearsall Mueller
Jack's PACT President & Youth Advisor
Samantha@jackspact.org

BE THE CHANGE. THINK & SIGN. DON'T DRINK & DRIVE.

2018 'RUN JACK RUN' EVENT ACCOUNTING

EVENT EXPENSES		
Item/Service	Amount	Details
Permit from Town	\$0.00	Town of Falmouth – fee waived by Selectmen
Deposit to Town	\$0.00	\$300 refundable
Application for hosting event	\$10.00	Town of Falmouth, paid by Sam
Bouse House at FINISH	\$100.00	In Kind, Mike Paid
Bouse House at START	\$50.00	In kind, Mike paid
Police detail	\$0.00	Lt. Brian Kinsella of PFD donated his time
Fire Dept/Paramedic detail	\$0.00	volunteers from FFRD
Entertainment & A/V equip.	\$0.00	Cheryl Atherton & Tony Sciarillo, volunteers
Compost / trash collection	\$0.00	Compost With Me (Mary Ryther, volunteer)
Tables and chairs	In Kind	Taylor Rental donated
National anthem singers	\$0.00	Soulfege a cappella group, teen volunteers
Facepainting and activities	\$0.00	Teen volunteers, Art Honors Society students
RJR T-Shirts	\$2,659.53	405 shirts discounted - Image 76/Dan Sawyer
RJR signage	\$0.00	None needed this year
XmasTree/Dollar Store	in kind	table cloths, flags, decorations (Sam purchased)
Fruit for post-race	in kind	donated by Jack in the Beanstalk
Granola bars for post-race	in kind	Donated by Shaw's and Stop & Shop
Bottled water	In kind	donated by Murphy's Package Store
Prizes for Logo Design Winners	\$200.00	1- \$100, 1- \$50, 2- \$25 Amazon gift cards
Coffee for volunteers	In kind	Coffee Obsession donated
Bagels and cream cheese	In kind	Cape Cod Bagel donated
Signage /posterboard	In Kind	Sam purchased
Decorations, facepaints, tie dye and other supplies	In Kind	Mueller/Pearsall Families
TOTAL EVENT EXPENSES	\$3,019.53	
FUNDRAISING		
Sponsorships & Donations	\$5125	47 total
Registration Online	\$1330	63 registered individuals at Active.com
Registration by Mail or on Race Day	\$2,550	102 registered individuals/families
TOTAL RAISED	\$9,005	
2018 NET PROFIT	\$5,985.47	<i>\$5,000 to be awarded as scholarships in June 2019 to several graduating Falmouth seniors, all who have committed not to drink/drug and drive and volunteered countless hours with Jack's PACT</i>



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 8th Annual Run Jack Run

NAME Samantha Pearsall Mueller, Jack's PACT President

MAILING ADDRESS P.O. Box 232, Falmouth, MA 02541

EVENT DAY & DATE Thursday, July 4, 2019

RAIN DATE None.

EVENT LOCATION Trotting Park Soccer Field and Track

EVENT TYPE Family fun run/walk to benefit Jack Pearsall Memorial Scholarship

SET-UP/BREAK DOWN 7:00 a.m./10:00 a.m. EVENT HOURS 9:00 a.m. – 10:00 a.m.

NUMBER OF ATTENDEES 250-300 # OF VEHICLES 100

ADDITIONAL DETAILS Entire event and one mile trail race at Trotting Park fields. Music. Parking at Trotting Park fields.

CONDITIONS:

1. Contact Detail Sergeant, Police Department, one month before event for any public safety requirements.
2. Contact Health Department 30 days prior to event for food service permit and inspections.
3. Race organizers to check the fields following the event to remove any litter or debris.

PERMIT FEE \$150.00 FILING FEE: \$10.00

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

BOARD OF SELECTMEN:

[Signature]
[Signature]
[Signature]

Samuel H. Patterson
[Signature]

Molly's Parking:

Temporary Hand-Held Sign

A hand-held sign directing people to Molly's Parking Lot on Depot Avenue with the following conditions:

1. A sign permit is required by the Building Department.
2. The sign is approved for one season—the 2019 summer season.
3. The sign holder will act courteously.
4. The sign holder will stand only on Palmer Avenue.
5. The hand-held sign will only be used when the Palmer Avenue Steamship Authority lot is closed.
6. The sign holder will not interfere with the flow of traffic or with pedestrian traffic.

Temporary Off-Premise Signs

An off-premise sandwich board sign, measuring 2' x 5', to be placed at the corner of Depot Avenue and No. Main Street.

and

A temporary on-premise sign, measuring 3' x 4', with the following conditions:

1. A sign permit is required by the Building Department.
2. The signs are approved for one season—the 2019 summer season.

TO BOARD OF SELECTMEN

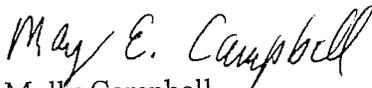
FROM Molly Campbell

DATE

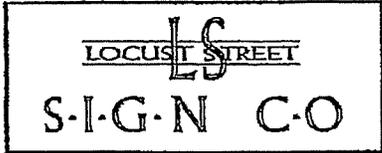
I am seeking a variance for permission to place Promotional Signage as follows (a) 12 sq. ft. on "Parking...Mollys" to be placed on premise (29 Depot Avenue, Falmouth, MA) (b) 2 x 5 sandwich board sign to be placed at the corner of Depot Avenue and North Main Street "Park at Mollys for Island" and (c) 2 sq. ft. handheld sign "Molly's Parking Overnight Parking" to be used when the Palmer Avenue Steamship Authority lot is closed. The sign holder will stand only on Palmer Avenue and will not interfere with the flow of traffic or pedestrian traffic. This variance has been sought and allowed by the Board of Selectmen for several years. Please see attached for dates and placement and image of proposed signs.

A permit will be sought if a variance is granted.

Thank you.



Molly Campbell
29 Depot Avenue
Falmouth, MA 02540

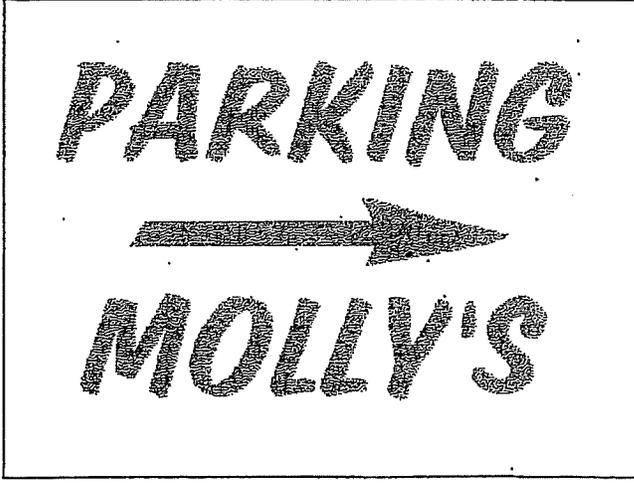


Michael McGowan
121 LOCUST STREET
FALMOUTH, MA
508-457-1777
508-457-1277
FAX

Project Location: 29 Depot Ave

Main Sign ON PREMISE

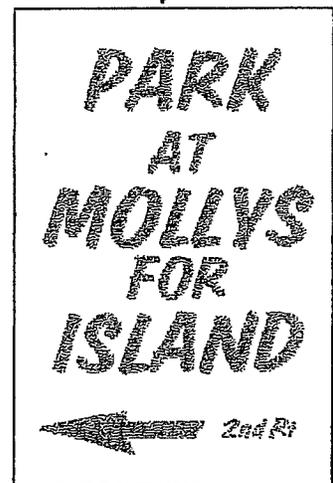
3' x 4'
7.9 FT.



36.000"

OFF PREMISE

2' x 5'
10.59 FT.



36.000"

36.000"

Handheld



Public sidewalk
Palmer Ave

1' x 2'

A Frame

Depot Ave corner
+
No. MAIN ST.

Gosnold:

Request for temporary off-premise promotional signs for National Rx Drug Take Back Day, April 27, 2019.

Locations:

1. Homeport (Gifford Street entrance)
2. Police Department, 750 Main St.
3. Fire Department, 399 Main St.
4. Senior Center, Dillingham Ave.
5. Hospital, corner of Ter Heun Dr. and Rt. 28
6. CVS, Davis Straits
7. Jack and the Beanstalk, Gifford St.
8. Gosnold, Ter Heun Dr.
9. Intersection of Rt. 28 and Jones Rd.
10. Gus Canty Recreation Center (in front)

Size: 24" x 36" (6 sq. ft.) (within sign code)

Length of time displayed: 4/17/19 through 4/27/19 (11 days)

Town of Falmouth Sign Permit Application (rev. 9/10)

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

edelaacoura@gosnold.org

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under §184-30 are no charge) – please submit the required fee to the Building Department along with the completed sign permit application.

DATE: 02/20/19

STREET ADDRESS FOR PROPOSED SIGN(S): see attached list

APPLICANT NAME: Gosnold, Inc. PHONE: 508.540.6550 ext. 5460

MAILING ADDRESS: 350 Gifford Street, Suite W-10 TOWN/STATE/ZIP: Falmouth, MA 02540

BUSINESS NAME: Gosnold, Inc.

BUSINESS OWNER: _____ ADDRESS/PHONE: 508.540.6550

PROPERTY OWNER: _____ ADDRESS/PHONE: _____

CONTRACTOR / SIGN COMPANY: e-signs

ASSESSOR'S PARCEL ID: _____ ZONING DISTRICT: _____

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

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

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

List number and sizes of each sign that presently exist for each street frontage: 10 24" by 36" signs

Area of proposed standing sign is: _____ x _____ = _____ square feet.

Do the frames, borders, etc. exceed 8 square feet in area? Y / N

The proposed standing sign will be set back from _____ street line _____ feet.

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

List number and sizes of each wall and roof sign that presently exist on building: _____

Size of proposed wall sign is: _____ x _____ = _____ square feet.

The lineal frontage of the wall supporting the sign is: _____ lineal feet.

The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37

List number and sizes of each wall and roof sign that presently exist on building: _____

Size of proposed roof sign is: _____ x _____ = _____ square feet.

The wall that the sign will be above is: _____ lineal feet.

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

Size of proposed sign is: 24" x 36" = _____ 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

2/28/19 Date

RX Take Back Day

Historic District Commission Date

or

Design Review Committee Date

With the following conditions: _____

Building Commissioner/Inspector Date

With the following conditions: _____

Yard Sign Locations for Rx Take back Day, April 27, 2019

1. Homeport (Gifford Street entrance)
2. Police Dept. 750 Main Street
3. Fire Dept. 399 Main Street
4. Senior Center, Dillingham Avenue
5. Hospital-Corner of Ter Heun and Rt 28
6. CVS on Davis Straits
7. Jack and the Beanstalk—Gifford Street
8. Gosnold—Ter Heun Drive
9. Intersection of Rt. 28 and Jones Road
10. Gus Cnty Recreational Center (in front)

Falmouth Commodores Baseball Clinic Signs:

Request for off-premise promotional signs.

Locations:

1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Lawrence Middle School (113 Lakeview Ave., Falmouth)
7. Johnson Homes (143 Palmer Ave., Falmouth)
8. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
9. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
10. Rockland Trust (20 Davis Straits, Falmouth)
11. Rockland Trust (78 County Rd., North Falmouth)
12. Gus Canty Community Center (790 Main St., Falmouth)
13. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)

Length of time: Early to Mid-April through Monday, July 29, 2019.

Quantity: 13

Size: 3 square feet. Sign size is within the 8 sq. ft. maximum size.

Diane Davidson

From: Linda Peters <lpeters.fc@gmail.com>
Sent: Monday, March 11, 2019 11:17 PM
To: Diane Davidson
Subject: Request to get on docket for sign variance
Attachments: Clinic yard sign.pdf

Hi Diane!

We are seeking a variance again this year for placement of off-premise signs for the purpose of advertising the Falmouth Commodores Baseball Clinics. The proposed signs (see attached) would be placed at the following locations (permission of owners has been obtained):

1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Lawrence Middle School (113 Lakeview Ave., Falmouth)
7. Johnson Homes (143 Palmer Ave., Falmouth)
8. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
9. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
10. Rockland Trust (20 Davis Straits, Falmouth)
11. Rockland Trust (78 County Rd., North Falmouth)
12. Gus Cauty Community Center (790 Main St., Falmouth)
13. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)

We would like to place the signs in early to mid-April and will remove them no later than July 29th (the first day of the final session offered for the clinic this summer).

Please let me know if you need any further information. **Can you let me know which selectmen's meeting we will be able to get placed on the agenda?**

Thanks for your help once again, Diane!

Best,
Linda Peters

Falmouth Commodores



**BASEBALL
CLINICS**

**Tue-Fri Mornings
thru end of July**

falmouthcommodores.com

Compassionate Care ALS:

Request to place signs on poles on Main Street for Compassionate Care ALS Stroll & Roll Walk on May 18, 2019:

Where: Pole on Main Street

Length of time: Saturday, May 11 – May 18, 2019 (7 days)

Alternate length of time: Saturday, May 4 – May 11, 2019 (7 days)

Dimensions: 2' x 3' (6 sq. ft.)

CCALS
COMPASSIONATE CARE ALS
LEADING A NEW VISION IN ALS CARE SINCE 1998



March 1, 2019

Board of Selectmen
59 Town Hall Square
Falmouth, MA 02540

Dear Board of Selectmen,

Compassionate Care ALS (CCALS) will host our first fundraising walk, Stroll & Roll on May 18th, 2019, to help support our continued work with individuals, families, caregivers, and communities living with ALS. This two mile walk will stretch along the scenic Shining Sea Bike Path in Falmouth, MA, pass our new ALS Education and Retreat Center, and finish with a celebration at Bourne Farm. We are expecting over 300 participants to join us as we walk and wheel our way to \$150,000.

CCALS is requesting to hang banners on the light post located on Main Street in Falmouth the week before our event. We are requesting the banners be displayed from Saturday, May 11th until Saturday, May 18th or from Saturday, May 4th until Saturday May 11th. Dependent upon banner availability, the date of installation would be May 4th, 2019 or May 11th, 2019 and the date of removal would be May 11th, 2019 or May 18th, 2019. The approximate size of the banner will be 2x3 ft, 6 square feet. Attached you will find a draft of the banner design we are requesting to hang on Main Street. I have contacted the Falmouth Department of Works to discuss logistics and requirements for the installations and removal of the banners if the following request is approved.

If you would like additional information or if you have any questions, please do not hesitate to contact our event coordinator Richelle Byrd at Richelle@ccals.org. or by phone at 617-731-5656 ext. 103.

Yours in Service,

A handwritten signature in black ink that reads "Ronald Hoffman".

Ronald Hoffman
Founder/Executive Director

Town of Falmouth Sign Permit Application (rev. 12/08)
 (508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

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

DATE: 2/28/19
 STREET ADDRESS FOR PROPOSED SIGN(S): light Post on Main Street.
 APPLICANT NAME: Richelle Byrd PHONE: (617-731)-5656 ext. 103
 MAILING ADDRESS: P.O. Box 1052 TOWN/STATE/ZIP: West Falmouth, MA 02574
 BUSINESS NAME: Compassionate Care ALS
 BUSINESS OWNER: Ron Hoffman ADDRESS/PHONE: _____
 PROPERTY OWNER: _____ ADDRESS/PHONE: _____
 CONTRACTOR / SIGN COMPANY: _____
 ASSESSOR'S PARCEL ID: _____ ZONING DISTRICT: _____

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

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

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

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

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

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

ROOF SIGN(s) § 184-37

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

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

Size of proposed sign is: 2 x 3 = 6 square feet.
 Start date: 5/4/19; End date: 5/11/19 Total number of days that the sign will be displayed: 7

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: light Post on Main Street. Size: 2x3: 6 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.

Richelle Byrd 2/28/19
 Signature of Applicant Date

 Historic District Commission Date or Design Review Committee Date

With the following conditions: _____

 Building Commissioner/Inspector Date

With the following conditions: _____

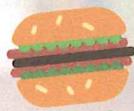
CCALS
STROLL & ROLL

Saturday, May 18th, 2019
11am

at historic Bourne Farm
in Falmouth, MA



Music



Food



Animals



Face
painting



Games

Register at strollandroll.net

Diane Davidson

From: Corey Pacheco
Sent: Friday, March 22, 2019 1:09 PM
To: Diane Davidson; Richelle Byrd
Cc: Peter McConarty; Ollie Fitzpatrick
Subject: RE: Sign Application - CCALS Stroll & Roll

Hi Richelle,

The Commission chair has approved the signage administratively. It is considered temporary – less than 30 days – so the Commission does not need to review at a public hearing.

I will write up a Certificate of Non Applicability for Monday so you can proceed to BOS and DPW approval.

Best,
Corey

From: Diane Davidson
Sent: Monday, March 18, 2019 11:56 AM
To: Richelle Byrd <richelle@ccals.org>
Cc: Corey Pacheco <corey.pacheco@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>
Subject: Sign Application - CCALS Stroll & Roll

Dear Richelle,

In reviewing your application requesting promotional signs to be hung on the light poles on Main Street to promote the Compassionate Care ALS Stroll & Roll event, I note that this application will also need review by the Historical Commission, since Main Street is in the Historical District in Falmouth, and with the Department of Public Works prior to forwarding to the Board of Selectmen for approval.

Below is a link to the Historical Commission's web page and an application for a Certificate of Appropriateness: <http://www.falmouthmass.us/DocumentCenter/View/5581/Certificate-of-Appropriateness-with-Instructions->. To schedule review of your application, please contact Corey Pacheco, Assistant Town Planner, at (508) 495-7481 or corey.pacheco@falmouthma.gov.

With regard to information on the manner of affixing the signs to the poles and the possibility of using of Town staff to hang the banners, please contact Peter McConarty, Deputy Director, DPW, at (508) 457-2543 or peter.mcconarty@falmouthma.gov.

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*

SEASONAL LIQUOR LICENSE and SPRING 2019 RENEWALS – March 25, 2019

All Alcohol Restaurant License

Falmouth Raw Bar, 56 Scranton Avenue, Falmouth
Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth
Landfall Restaurant, 9 Luscombe Avenue, Woods Hole
Quicks Hole Taqueria, 6 Luscombe Avenue, Woods Hole
Shuckers, 91 A Water Street, Woods Hole

All Alcohol Club License

Seacoast Shores Association, 7 Fairview Lane, East Falmouth

Common Victualler License

Florence Tea Room, 196 Crystal Springs Avenue, North Falmouth

Lodging House License

Frederick William House, Falmouth
The Captain's Manor Inn, 27 W. Main Street, Falmouth

Diane Davidson

To: Reid Brian; Sean Doyle
Cc: Edward Dunne
Subject: RE: Police Memo Seasonal & May License Renewals

Good morning,

Thank you very much for your assistance.

Best,
Phyllis

Phyllis Downey

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

From: Brian Reid [mailto:breid@falmouthpolice.us]
Sent: Tuesday, January 29, 2019 11:31 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>
Cc: Edward Dunne <edward.dunne@falmouthpolicema.gov>
Subject: RE: Police Memo Seasonal & May License Renewals

Good morning Phyllis,
We have no objection to any of the requested license renewals.
Thank you,

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
breid@falmouthpolice.us

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From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Friday, January 25, 2019 10:24 AM
To: Sean Doyle <sdoyle@falmouthpolice.us>; Reid Brian <breid@falmouthpolice.us>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Police Memo Seasonal & May License Renewals

Good morning,

Attached please find the list of businesses renewing licenses in April and May 2019. Please let us know if there are any recommendations regarding any of the establishments.

Thank you very much,
Phyllis 508-495-7325

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, JANUARY 28, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

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

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

1. Call to Order by Chair Moran at 7 pm.
2. Pledge of Allegiance
3. Proclamations:

- a. No Guff Week – January 28 – February 1, 2019

Ms English Braga read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.

Superintendent Duer was present.

Tracey Crago was present with two high school students, the kickoff today at Morse Pond School.

Two high school students explained that no guff week is like spirit week, reminding all to be kind. Expanded from not just saying and texting negative comments, to if someone's not doing well, help them to be happier.

- b. Eagle Scout – Matthew Krause, Troop 42

Mr. Patterson read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Krause described his project, which was to GPS deceased fire fighters' graves. He made more accurate maps, now you can go on the database the Town has and search for the information. It shows the exact GPS location of each deceased firefighter in Town.

4. Recognition

Ms. English Braga recognized the passing of Tommy Leonard who left his mark on the Town, created a tradition with the Road Race. Moment of silence held.

Mr. Jones recognized the passing of Mark Albert, long time firefighter, one of Falmouth's finest. Moment of silence held.

5. Announcements

- a. Notification of Action on Hazardous Tree on Mullen-Hall School Property

Mr. Suso noted that Jeremiah Pearson, Tree Warden, and Peter McConarty were present. The Mullen Hall School Principal was concerned about a dead tree losing limbs. Mr. Pearson's recommendation is to remove the tree; it is not a street tree. Superintendent Duer confirmed her concurrence with the tree condition and the need for removal.

Jeremiah Pearson, Tree Warden, said that this tree would be replaced with another located somewhere else on the school grounds. The tree is an American Elm, much of the damage occurred to the roots and the tree is in massive decline.

Mr. Jones noted there was much discussion about taking the tree down when renovating the school, unfortunate what happened to it, got about 10-12 more years out of that tree.

Ms. Duer noted limbs are dropping and this is where children are dropped off and picked up, so it became a danger. They will work with Tree Warden on replacement.

6. Public Comment

Grant Walker asked the Board of Selectmen to take a more active role in pushing energy efficiency and renewable energy in Town. Start with the EDIC, asking the Board of Selectmen to publicize their solar energy project more, and install fuel cell equipment in the landfill facility. He suggested school properties and other municipal properties install solar panels. He would like the Town is to involve the Town Energy Committee. He recommends the wind turbines stay where they are if no one wants to lease property to operate the turbines or buy them. Mr. Walker handed a document to the Board of Selectmen.

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
Erin Harney Abbot, not a new management, she has worked there 30 years and has been the General Manager for 20 years. She explained her father's name was on it before; it is just a change of name.

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

- b. Approve Application for Common Victualler License – Bite on the Go, 5 Old Meeting House Road, East Falmouth MA

Valencio Destefani, Manager, has location on the Vineyard and is opening a second location in Town. Serve buffet style Brazilian food, menu changes daily. They are not considering selling liquor, asking for 40 seats. Located across from CVS in the prior Dunkin Donuts location, at the intersection of Davisville and Route 28.

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

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
Ms. English Braga noted she is an abutter, has no connection to the property.

Engineering recommends approval.

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

- b. Approve Eversource Petition to Install One New 4" Conduit on Abbies Lane, North of Teele Street, for Service to 29 Abbies Lane

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

Engineering recommended approval.

- c. Vote to Clarify Board of Selectmen Support to Town of Bourne for Bikeway Extension Funding

Mr. Suso explained that at the last regular meeting of the Board of Selectmen, the Board of Selectmen voted on this issue and due to an error in the draft motion, the worked rail to trail was inserted and it should have been rail with trail, which makes it consistent. He requested approval of that alteration in their motion.

Mr. Patterson motion to approve the amendment to include rail with trail. Second Ms. English Braga. Vote: Yes-5. No-0.

BUSINESS

1. Borrowing Authorization – Jennifer Petit, Director of Finance

Ms. Petit noted signing of the borrowing of the funds. Memo in the packet that Town issued bond anticipation notes, for senior center, athletic field, and wastewater. The rate is 1.79%, which is very good.

Mr. Jones motion to authorize borrowing of \$16,400,000. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Discussion on Sale of Tax Title Property

Jennifer Petit noted a memo from Attorney Duffy in the packet that laid out process for tax title. She made a PowerPoint presentation.

People have inquired about parcels of property to sell.

Tax Title Taking was described, if the property owner has not paid property taxes in 3 years, the Collector has the right to move it over to tax title or may defer the taking if a payment plan is in place. Town sends a demand notice, if taxes remain unpaid 14 days after the demand notice is sent, a legal add is put in the newspaper. Town records the instrument of taking within 60 days and taxes accrue at 16% by MA Statute.

Once the property is taken, the Town can foreclose, this takes about 1-3 years and the cost is about \$2,000 for each property.

About a year ago there were discussions about an alternative procedure, which is transfer of tax receivables to a third party. The treasurer identifies the receivable and it is sold at public auction.

Suggested procedure: Town Treasurer identifies property for sale, there will be no sale of property that is occupied by the owner as a primary residence, subject to outstanding payment agreement, in a bankruptcy procedure or has contamination. The Treasurer notifies all town departments to determine if the property should be retained for municipal purposes. The question put forth was whether the Board of Selectmen wants to look at this alternative.

There is a procurement process.

Patricia O'Connell noted that 43 communities that use the suggested procedure have collected millions. Intent is to notify all of what they intend to do regarding the auction process. Most people pay their taxes in full about 50% of the time. The Town has tried to send a letter. Many properties in tax title, the Town does know who the rightful owner is and it is quite a job finding who the owner is. People who do this have all the legal manpower to research that the rightful owners are, the Town does not have the manpower. There is no fee for outsourcing, they go to the auction and bid on the parcels as well, they make 16% if they win buying that lien.

Mr. Johnson-Staub noted at the auction it is determined what is paid by the entity buying the lien, recently paying 100% of the lien and in some cases more than that. This should be part of the filtering process, before it is sold it is vetted by Town departments and determined if there are appropriate uses before it goes to auction.

The Board of Selectmen noted that it is the Town's option and they can be bundled. They would like the EDIC to look at it along with Town Departments. If they bundle all tax title property, the Town is done with it and it is off the books because it has been paid off. The tax title company receives 16% and they have the right to foreclose on that property. Mr. Johnson-Staub said that new taxes continue to be paid to the Town. Mr. Suso noted that it returns the properties to productive taxpaying use.

Ms. Petit noted that once it's auctioned, the Town loses rights to the property.

Ms. O'Connell explained that it is unknown how many properties the Town has not been able to ascertain ownership and others you know who they are but they are having a hard time paying. She noted that some are small parcels that the owner does not want to pay because they are not buildable. The company the Town is looking at is willing to give the Board of Selectmen a presentation on what they do.

The Board of Selectmen asked Attorney Duffy to put a list of properties; the Town Manager will look into this further.

3. Vote to Adopt Public Comment Rules

These were presented at a previous meeting resulting from a decision on a case. Attorney Duffy made presentation to the Board of Selectmen detailing the changes and they are ready to vote the proposed new changes.

Mr. Jones is comfortable not voting them and noted policies can be changed anytime they want. He asked if a policy would tie their hands even more than that.

Attorney Duffy noted a policy is an appropriate path to control public comment, not a rule. There is no need to vote acceptance. The Board of Selectmen policy is to vote the policy, there is discretion.

The Board of Selectmen discussed the language.

Mr. Jones motion approval to adopt with the change. Second Ms. English Braga. Vote: Yes-5. No-0.

4. Interview, Vote and Appoint Committee Members:

a. Affirmative Action Committee

b. Lynne Rhodes

Born and raised in Falmouth, she has helped her father and she noticed the impact he made, he was a mild mannered person and he was effective. Since he passed, there is a huge void and she feels she would like to follow.

Ms. English Braga noted that Ms. Rhodes is attending meetings and involved in work they are doing. She brings a lot of her own differences that are different and Ms. English Braga supports her.

Mr. Patterson has gotten to know her over the last year, she attends some Rotary Club Meetings, and she is a great candidate.

c. Meghan Hanawalt

Lives in East Falmouth with her wife and animals. She would like to serve the Town in some way and in past year and half, she is getting to know more diverse population in Town through community groups and others, through the Woods Hole Film Festival. She feels strongly she can help the Town reach its potential.

Ms. English Braga noted she is doing research and thinking about this for a while.

Mr. Jones motion to appoint Megan Hanawalt to a term ending June 30, 2019 and Lynne Rhodes to a term ending June 30, 2021. Second Mr. Patterson. Vote: Yes-5. No-0.

d. Human Services Committee

Nadine McCall

Had a child with cerebral palsy, learned his needs. She works for CORD and in the community. Working with homeless committee, Disability Commission, and her experience will add a lot to the committee. She can assess the needs of the community quickly.

Sharon Sodekson

Work for Falmouth Human Services as a Coordinator for coalition for substance abuse for 4 years and was supportive to the substance abuse commission, VIPS mentor, and she is ready to give back. She went to meetings and feels it is a good fit.

Mr. Jones motion to appoint Nadine McCall and Sharon Sodekson to terms ending 6/30/21. Second Ms. English Braga. Vote: Yes-5. No-0.

e. Solid Waste Advisory Committee

Amy Roth

Falmouth resident, kids going through the school system, and she would like to be more involved and informed about Town. Environmental consultant by trade, attending meetings to learn what they do, now two vacancies and she is ready to join in more formal way.

Ms. English Braga noted Linda Davis gave endorsement of both applicants.

Ruth Brazier

Has been on the committee before and because of term limits she had to step down. She has attended meetings while off. She has been volunteering at the Transfer Station swap shop

trying to put things in order so people can see what is there. More stuff comes in than goes out. They encourage people to take things out of the waste stream for waste reduction. Written talking trash articles, she attends many State workshops. Most recent one was about Towns that have established fix it cafes, set up so that volunteers who know how to fix things meet and have an open house to teach people how to fix the things they bring in. She would like to provide this service in Falmouth.

Mr. Jones motion to appoint Ruth Brazier to a term ending 6/30/20. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Vote Articles and Execute Warrant for April 2019 Town Meeting

Schedule reviewed by Chair Moran:
Announce town meeting 12/3/18.
Warrant closes 1/18/19.
Vote articles 1/28/19.
Public articles only 2/1/19.
Presentation of articles 2/11/19.
Board of Selectmen vote recommendations 2/25/19.
Publish warrant with recommendations and mail 3/2/19.
Town meeting 4/8/19

The Board of Selectmen discussed questions about Articles 29, 30, and 31 regarding short term rentals. Mr. Jones feels they do not put them in this Town Meeting. Mr. Suso and Mr. Johnson Staub prepared a memo regarding Articles 30 and 31 that relate to the potential impact fee. This is a work in progress and makes sense because the impact deals with collection of fees differently than the excise tax does. There are many unanswered questions and the Town is awaiting information from the MA Department of Revenue. This could be brought forward to the November or April Town Meeting and they recommend taking the time to get the information and package the concept. Under statute, 35% needs to be set aside for affordable housing and infrastructure.

Article 29 put on as result of information from Town Counsel, many communities are at 6%, and the Board of Selectmen may want to consider 4-6%.

Mr. Jones noted the 4% applies to short term rentals immediately, so will remain the same level between the hotels and short term rental. Chair Moran believes the impact fee is important to have some community input for it to be successful, we are better together in our tourist based community.

Mr. Johnson-Staub explained that all elements of the rooms tax are collected by the State except the community impact fee that would be paid by short term rentals. There is an increased burden on the municipality to develop our own collection system and data is unknown.

Mr. Patterson wants to be careful, State legislatures have worked hard and have given opportunity to increase revenues. He wants to meet community needs and be prepared to fill holes that have not been filled for some time. How we can invest the revenues for the benefit of our town.

Mr. Suso noted they want to come back with more definitive information than they have now.

Mr. Jones would rather increase by another 2% and then another 3%, rather do it step by step.

Mr. Patterson noted not increasing taxes to increase taxes and noted they have a huge wastewater treatment problem that will benefit from the increased tax.

Mr. Brown noted the impact is less rentals available in Falmouth and maybe develop a fund to build rentals. Chair Moran noted that is what the 35% was designated for.

Mr. Suso noted the local and Cape Cod Chambers of Commerce are aware of this initiative, but it is unknown what communication has taken place with their membership.

MA DOR website has information.

Mr. Brown feels the impact fee should go to rental housing because short term rentals are more lucrative than long term rentals and are removing them from the stock.

Mr. Jones motion to remove Articles 30 and 31 from the list. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to remove Article 29 from the list. Second Mr. Brown. Yes-2. No-0.

Chair Moran motion to change from 4 to 5% and change article in that regard. Second Mr. Jones. Vote: Yes-3. No-2.

Mr. Suso noted Article 26 was requested to be withdrawn by the petitioner.

Mr. Jones motion to add Articles 1-8 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 9-18 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 18-22 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 23-25 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add now Articles 26, 27, and 28 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Article 29 (previously Article 32), 30 (previously Article 33), 31 (previously 34), 32 (previously Articles 36 and 36) to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 34-43 (previously Articles 37-46) to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to add Article 44 to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Article 30 (previously Article 33) lists at request of the working group. Attorney Duffy noted that the group is not an official group and needed to be an individual. It is okay to leave it as printed and when they present it they will have to explain it.

Paul Dwyer, Town Meeting Member Precinct 2, he signed his name and wants credit to go to the working group. Mr. Suso noted he took no official action to appoint individuals to a working group here and will be pleased to make the presentation.

Chair Moran asked about an agenda item to look at articles so the Board of Selectmen can direct staff regarding background information and prepare for precinct meetings.

6. Update and Discussion of Recreation Staffing and Potential Gus Cnty Playground Equipment Relocation to Area at Sandwich Road Fields

1. Update on Recreational staffing and Mr. Johnson Staub will lead this off.

Mr. Johnson-Staub updated the Board of Selectmen, as of last week all full time budgeted positions are filled. In addition to this, the Town Manager proposed additional staffing resources to the Recreation Department and functions. They have increased funds for the existing part time receptionist, summer adventure program seasonal staff, sailing seasonal staff, and 2 full time parks employees to provide more frequent mowing.

Recreational staffing was reviewed via PowerPoint presentation and explained the primary duties. Program Director B will be primarily performing recreational duties, will be cross trained by the Beach Director and provide limited assistance to the Beach Department.

Chair Moran asked the recreation uses grants and grant funding, Mr. Johnson Staub noted the county has support for grant writing.

Mr. Pearson noted the two additional full time parks employees will add to the mow and grounds keeping crew.

Public Comment:

Michael Heylin, Cliffwood Lane and Recreation Committee member, noted the recreation committee has asked for positions to be filled for a few years. There was a Recreation Director and when she left, the Assistant Recreation Director became the Recreation Director and Assistant job vacant for over 2 years. The Recreation Committee has asked for these positions to be filled, this meeting tonight was because Mr. Suso recommended meeting before the fy2020 to discuss staffing, that did not happen. Program Director B is not an Assistant Recreation Director, that person can go work with the beaches if needed. Because of this new position, they lost someone as a full time employee, he did not get the job as Program Director B. Meeting in June where all spoke against the combined position and were told to talk to the Board of Selectmen before the budget cycle. Positions were changed and the Recreation Committee was not consulted. The Recreational Committee has made recommendations to the Town Manager, Assistant Town Manager, but nothing has happened.

Sandra Cuny, Recreation Committee, she wrote a letter to the Board of Selectmen on behalf of the Recreation Committee, there was concern about the vacancy, both departments. She met with the Town Managers about how the position would work, in interim of not having an assistant, town management has provided the Recreational Department with personnel to cover programs and hours of operation. Young man applied for the position, but did not qualify and he could lose his job. He loves his job and all love him. She hopes the Board of Selectmen will find a way to keep him.

Bob Brown, is sad the Assistant Director position has gone away. When looking at affordable housing and young people cannot move up, need to think about giving good jobs to people where they may have the money to save to buy a home or rent in this community.

Mr. Johnson Staub noted the first attempt to fill the vacancy was at the same grade level as the Assistant Director, unable to find a qualified person to take the higher level job. Still have the grade spot in the pay plan, can promote one of the 3 individuals to the higher grade as that person gains more experience.

Dan Shearer, Beach Committee, said they are short an assistant. The Beach Department has 4 months to go before the season starts, beaches are a mess due to weather, much work to do, and it is a 7 day week job. Is this it, just a part time person sometimes.

Mr. Johnson-Staub explained no reduction in seasonal staffing compliment of the Beach Department last year, year before, or next year. Confusion is of title change, the Assistant Beach Superintendent title is no longer being used, but same duties taken on by a Beach Coordinator who is interested in returning next year.

Mr. Suso noted not included on agenda staffing for beaches and Bruce Mogardo unable to be here this evening, but he will suggest sitting with Mr. Mogardo and the Beach Committee to walk through the continuation that is in place. Ms. English Braga would like the follow up this on a future Board of Selectmen agenda.

Mr. Heylin noted in June the Recreation Committee said this combined position was a bad idea. What is the percentage of Recreation Department v. Beach Department time. Who do they report to? Mr. Mogardo or Mr. Olenick?

Mr. Johnson-Staub noted they do not have a percentage, but idea is majority of the time will be for the Recreation Department, it could become a more substantial beach component, but will take learning time. The position reports to the Recreation Department Director, Mr. Olenick.

2. Discussion of potential relocation of playground equipment to Sandwich Road Fields by Peter McConarty

Mr. McConarty showed PowerPoint with photos, looking to put it at the Sandwich Road Fields in 100x100 square area so can add to it in the future.

Reviewed the area to relocate it, to the left as you drive into the front lot in what is now a wooded area.

New playground area was described, it have perimeter fencing and will be installed in the near future, possibly February or March.

Jeremiah Pearson said the trees will be cleared so that the playground is visible from the fields.

Peter McConarty said the bench policy donation with a bronze plate is active if the community is interested.

7. Discussion on Selectmen Name (e.g. Select Board, Select People, etc.)
Chair Moran provided background on this question in letter to the editor.

Mr. Jones suggested Selector because it has no gender specificity.

Mr. Patterson noted concern about connection to the State constitution and regulations.

Mr. Brown suggested select board, selectperson.

Mr. Johnson-Staub noted that Amherst crusaded for their change to use Select board with Selectman and Selectwoman, he will review what was done.

Chair Moran noted putting it towards a challenge of the next generation and ask for suggestions from others and take for a vote at the next meeting. Welcome input.

The Charter Review Committee may have suggestion, it would have to be changed in the charter. Any action the Board of Selectmen takes will be suggestion to the Charter Review Committee. Mr. Johnson-Staub noted that some communities have done a legal change and others have made it a practice where they have not gone back to change, but by practice referred to as other.

The Board of Selectmen is open to a change and see what the Charter Review Committee might recommend. Recognize there is a need for change. Then decide formal or by practice.

8. Minutes of Meetings: Public Session – January 14, 2019

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

9. Individual Selectmen's Reports

Mr. Brown:

Went to State house and met with the Secretary of Environmental Affairs sand asked for money to restore the Farley Bog by the Rod and Gun Club.

Attended Tommy Leonard wake and funeral.

Attended Veteran's Council meeting, they have put a package together to ask the Board of Selectmen to consider the Senior Center Building, very strong case.

Met with Mr. Johnson-Staub and Judy Fenwick regarding the local guide to government handbook.

The leaning pole on Thomas Landers Road looks secure at this time.

County dredge tried to help Falmouth, but more mechanical problems, they did not get dredging done in critical places. Mr. Johnson-Staub said that the State denied the time of year waiver for the work to continue. According to Chair Moran, next season Falmouth will be first on deck. Mr. Brown wondered about having our own crew to run the dredge. Mr. Suso noted the county administrator is exploring acquisition of another smaller dredge and to include the manpower issue. Chair Moran said the Plymouth dredge not all that busy and county looking into that, too.

Mr. Patterson:

Attended School Committee meeting regarding security cameras, construction on multisport field will begin weather pending.

Attended MA Municipal Association Annual Meeting. Presentation by Governor Baker, Lt. Gov. Polito, Senators Moakley and Warren. Explained how superior education program and working together benefits MA. Governor Baker said he would encourage more local aid. Workshops were held, including 5G cellular service.

Attended No Place for Hate MLK breakfast.

Attended the Joint Meeting Saturday.

Ms. English Braga:

Met with Charter Review Committee, they will have impressive product to share at the end. Encourage all to connect with them if they are thinking about some of these issues and how the town is governed.

Attended No Place for Hate MLK breakfast, had individuals from Town, students, more young people than in the past. Recognizing Cape Cod Pride, Inc. that has raised the issue around LGBQ issues and Cape Cod Pride Day.

Chair Moran:

Remarked on the Joint Meeting Saturday, committee members noted they got so much out of it. Asked committee members and chairs if you have things you want to collaborate with other committees, send email to the Board of Selectmen chair.

Mr. Jones:

IT will reach out to the Board of Selectmen regarding the new email addresses.

10. Town Manager's Report

Mr. Suso reassured all they can use the present email address for a transition time.

Mr. Suso attended the Thursday evening Route 28 Citizens Committee, the group is making progress in their mission to recommended compromise for layout. On 2/2/19 the committee will have a site visit to the corridor to review conditions first hand, possibly a brief meeting after.

The DPW was acknowledged with a workplace safety award and Peter McConarty joined Mr. Patterson and Mr. Suso at the luncheon. The Board of Selectmen appreciates the efforts of DPW receiving that.

Attended annual MA Municipal Association conference.

Attended the tribute to Tommy Leonard.

11. Review and/or Discuss Correspondence Received-none.

Mr. Jones motion to adjourn at 9:43pm. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, FEBRUARY 25, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

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

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

OPEN SESSION

1. Call to Order by Chair Moran at 7p.m.
2. Pledge of Allegiance
3. Proclamation – Woods Hole Model Boat Show Weekend

Mr. Jones read the proclamation in the packet as a motion. Second Chair Moran. Vote: Yes-5. No-0.

4. Recognition

Ms. English Braga recognized Sarah Murphy, freelance journalist, working on writing about individual survivors of the clergy sex abuse scandal and this week in Rome documenting the stories.

5. Announcements

Mr. Brown reminded all the AIDS group of Cape Cod information meeting tomorrow at 10 a.m. at the Jewish Synagogue and on 3/26/19 there will be an evening presentation at the library. The organization is working on locating an alternative site.

Ms. English Braga this Sunday Navigator will have breakfast from 7:30-11:30 a.m.

6. Public Comment-none.

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

Chris Megan, On the Water, was present.

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

- 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

The applicant explained they provide temporary housing over winter months provided insurance binder. Mr. Patterson noted he is a member of the advisory board for the organization.

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

- 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

The applicant/manager noted there are no changes in operation. He is the new manager/owner. Mr. Jones noted the applicant is responsible for all violations of the liquor license, even if not there all the time.

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

- d. Approve Application for a Second Hand Dealers License – Home Again, located at 93 East Falmouth Highway, East Falmouth

The applicant explained that the store closed in April and reopening. Mr. Jones noted the license is only for 2 months, the applicant understands she will need to reapply each May.

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

- 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

The Falmouth Police Department requests organizers contact the FPD detail sergeant.

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

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

Carla Feroni, Housing Coordinator, the Falmouth Housing Trust is working with the Affordable Housing Fund to build this single family affordable housing opportunity. Regular LIP application, the unit is included in subsidized housing inventory, this is special category called Local Action Unit applied for by the Trust so it will be included in the inventory.

Mr. Jones read the motion in the packet. Second Mr. Patterson. Vote: Yes-5. No-0.

- 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

Linda Clark, President of the Falmouth Housing Corporation explained they are seeking waivers for the building permit fee, sewer connection fee, bond for sidewalk, and water tapping fees. These are related to construction, no further waivers are being sought. The project has been in the making since 2015, estimated construction costs have risen. This will provide 100% affordable rental units.

Mr. Johnson-Staub said the Utility fees and bonds are not recommended to be approved.

Attorney Duffy was one of the founders of the Falmouth Housing Corp. Chair Moran asked if the building inspector provided the certificate of occupancy, if he would also be reviewing the access sidewalk. Attorney Duffy noted the Building Inspector's jurisdiction is the building and land use and could not affirm one way or the other.

Mr. Brown explained the site engineer for applicant/contractor will do their own sign off, and then the Falmouth Engineering Department will review and sign off. Curb cut is issued by the DPW.

Ms. Clark said that when developing other projects, the permit had to be signed off by engineering and could not get occupancy permit without signoff by all departments. Ms. Clark said they will bill for the bond fee and then at the end they will see that on the last invoice as a credit. Money is short at the beginning of the project.

Ms. English Braga motion approval of the waiver of the building permit, sewer, and sidewalk application fees. Second Mr. Patterson. Vote: Yes-5. No-0.

Sidewalk bond.

Ms. Clark said the Tapping fees for street water connection; they will pay for the actual taps and are looking for Town to relieve the tapping fee. Mr. Johnson-Staub explained that the Board of Selectmen policy is not to waive fees directly provided by the Town, he spoke with Ray Jack and Steve Rafferty about precedent; they are unaware of the town waiving this fee for previous projects. Mr. Johnson-Staub does not have a cost calculation, could be in the \$1,000s. Ms. English Braga noted that these projects are rare and the Town gets the benefit of all units being affordable; she supports waiving the fees.

Mr. Jones would rather they fund it through the Affordable Housing Fund instead then waiving the fees.

Mr. Patterson noted the parcel was purchased for this purpose, they have invested money already and he does not see it as significant fee to the public. He is in favor of the exception given the circumstances, delays, increased materials costs.

Ms. Feroni said that fees are eligible activity under the fund guidelines, there is \$650,000 balance, she has an application for \$950,000 for 100% affordable rental units, and they will not be able to fund all of them.

Ms. English Braga motion to continue the discussion on the request to waive the fees. Chair Moran noted it will be put on the next agenda.

- 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.

Mr. Johnson-Staub explained this addresses the clerical change to the agreement and in consultation with Ms. Clark and her partners, restructure the award from a grant with a bond to a loan, it allows them to get the money sooner and is less costly to the developer.

Mr. Patterson read the motion in the packet. Second Ms. English Braga. Vote: Yes-5. No-0.

- d. Authorize Town Manager and Town Counsel to respond to Beaty Open Meeting Law complaints received 2/12/19 and 2/14/19

This has to do with Mr. Beaty wanting the address of Town Hall in addition to naming Town Hall.

Ms. English Braga motion to authorize. Second Mr. Patterson. Vote: Yes-5. No-0.

- 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 Mr. Suso stated that this involves the need to trespass temporarily on Town property to construct the wall. The License Agreement has been drafted by Town Counsel.

Matt Terry, was present representing the licensee and explained that a wall runs on the licensee's side of the property adjacent to the Town way. The wall is at the end of its useful life and they are replacing and making improvements. They will encroach on the Town way to excavate and replace the wall. They will go through the Conservation Commission for the Order of Conditions and then back to the Board of Selectmen. No plan to enlarge the wall.

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

- 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

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

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

Mr. Jones motion approval not to collect the fairs. Second Ms. English Braga. Vote: Yes-5. No-0.

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

Chair Moran read the hearing notice.

Mr. Jones motion to continue this matter at the applicant's request. Second Ms. English Braga. Vote: Yes-5. No-0.

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)

Chair Moran read the hearing notice.

Mike McGrath, President of Holmes and McGrath, said that the flow neutral bylaw assigns a flow to each house. If going to increase the flow, need to prove you could get a conforming Title V system on the lot and you can look at water main use. He provided a packet to the Board of Selectmen including a map and photos of the existing structure, along with a copy of letter they wrote to BOH. Town staff were uncomfortable with the existing structure with 4 rooms, so he also included in the packet an analysis of the water meter reads, including how much water has been used on site. Under Title V, you are supposed to double the highest water readings, under this policy the highest use was 76 gallons per day. Even if you assume it will be increased, they will not reach the 400 gallons per day. A copy of the plan was provided to the BOH showing where the Title V would fit on the lot, just an illustration that they meet the requirement to at least apply for the variance. This house has been there a long time, renovating only the interior, no increase in flow.

There will be 9 rooms, the letter from Mr. Holmes states it is going to have 7 bedrooms. Mr. Jones noted that 4 to 7 bedrooms is a substantial increase and explained the four priorities to require a waiver, including economic development, affordable housing, and mixed use to grant a waiver above what is allowed.

McGrath asked to continue hearing and provide floor plans to the Board of Selectmen. One of the biggest problems, is there are few houses that will use 440 gallons of water per day. With low flow toilets, there is less water discharge. The bylaw assumes every house will have 440 gallons. There is a lot of capacity available at the Wastewater treatment plant. Mr. Jones explained they cannot exceed 80% or the Board of Selectmen will have to take some action.

Ms. English Braga asked what was going on in 2016 that it was so much higher water meter reading. Mr. McGrath does not know the answer.

Mr. McGrath requested a continuance to 3/11/19.

Mr. Jones motion to continue to 3/11/19 at 7:45 p.m. Second Ms. English Braga. Vote: Yes-5. No-0.

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

Chair Moran read the hearing notice.

Matthew Weeks, full time commercial fisherman and growing shellfish in Town. Growing surf clams and looking to expand the operation. He would like the Board of Selectmen to write a letter to Division of Marine Fisheries requesting a resource survey of the area. It is in the sound, in a rocky area with buoys. There are ten other agencies he answers to first and then back to the Board of Selectmen for final approval.

Ms. English Braga noted the Shellfish Advisory Committee reviewed and recommended positively.

Public Comment in favor: none.

Public Comment against: none.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to approve. Second Ms. English Braga. Vote: Yes-5. No-0.

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)

Chair Moran read the hearing notice.

The President of Falmouth Commodores explained they are seeking a variance, recommendation in the packet. Plan is to create a new concession stand. This will include bathrooms and fully useable kitchen. Where the existing building is now, the football concession stand and press box. It will be available for the Falmouth High School baseball teams. It will be used March 20 to mid-August.

Sandy Cuny, Member Recreation Committee, noted that there was never a formal vote taken or discussion. The Recreation Committee supports moving the football program and one reason is so they could expand outdoor recreation. They never intended for the Commodores to expand. The building and bleachers should go when the football field goes. They would like to use for municipal recreation land. She is not in favor of the Commodores taking over that building.

Mr. Suso stated that it is a School Department Building.

Mr. Johnson-Staub explained there is added urgency to the request because of the timing of the Senior Center site work and sewer connection, so if this is a direction the Board of Selectmen wants to go, the Commodores could finance the sewer to the building.

Mr. Patterson asked if the municipality could put the sewer in for bathroom facilities to support recreation use. There is no budget for it at this time, given the time, you want to do it now, but it is too early in process for the Town to take this on. Mr. Suso noted School Department agreed to make the building available to a third party.

Comments in favor: none.

Comments against:

Jim Vieira, Chair Council on Aging, they hoped this building would be removed at some time. There is no green space around the building, there would be a vista if that building is removed. The commodores have needs, if they were able to take time and look at entire parcel and include the old Senior Center as part of the campus, than some arrangement could be created. It would be sad to lose the only possible view towards a green space that the Senior Center will have. That particular space is valuable for the senior center and he encourages the Board of Selectmen put a team together to look at the whole thing. They can likely buy some time to figure it out before the sewer line goes in and he asks to do so.

Mr. Brown suggested running past the building with the pipe, make a dead end, and then decide another location later. Mr. Jones noted there is no money in the budget to do that. Mr. Vieira said the line is in already to the Senior Center, if the civil engineer looks at it and says the 6 inch line could take the flow, it would only have to be extended to where it would go in the back.

Ms. English Braga noted that Mr. Vieira's suggestion to have the Recreation Committee weigh in is reasonable. The Board of Selectmen can consider if there is something that is built by Commodores with its own bathrooms means less wear and tear on the Recreation Center. Summer baseball is part of recreation in the Town.

The Board of Selectmen would like staff to extend the hearing for at least a month for the Recreation Committee and Senior Center to weigh in. Mr. Johnson-Staub noted that April 22, 2019 is the last regular meeting for community input and site planning.

Mr. Jones motion to continue the hearing until 4/22/19 at 7:30 p.m. Second Ms. English Braga. Vote: Yes-5. No-0.

BUSINESS

1. Town Manager Update on Staffing in Recreation and Beaches

Mr. Johnson-Staub reviewed PowerPoint slides, reviewed the history, and emailed notification to the Board of Selectmen that there was a vacancy and they were looking at a way to collaborate and cross train support across the two departments. This is the second time it has been on the Board of Selectmen agenda.

Mr. Johnson-Staub showed the organization chart of the Beach Department, current staffing structure, and proposed staffing structure. The only change is a title change from Assistant Beach Superintendent to Beach Coordinator. There may have been change in availability of the person in that spot. The person in that position now is not available year round. The collaboration is meant to increase efficiency, stability, and cross training for mutual support. The title is Program Director B, previously Assistant Recreation Department Director and primarily recreation duties, job duties stay the same. Succession planning was in mind with this change, they would like to have a year round, benefited person with experience in the Beach Department so there is a support system year round.

Mr. Suso explained that departments of this small size do not usually have Assistant Directors.

Attorney Dufy prepared and submitted a memo, which is in the packet. The Charter provides the Town Manager with the primary responsibility for personnel administration; administering and coordinating all Town Departments. The Board of Selectmen sets goals and policies, but not specific decision regarding personnel. The charter speaks in general language, the Town Manager has authority to reorganize, consolidate, and abolish but any permanent change requires vote of at least 4 Board of Selectmen and funding by Town Meeting. The Board of Selectmen has executive authority of the Town and sets policies to be carried out by Town Manager and employees. The Board of Selectmen does not administer the day to today operations of the Town-it is the Town Manager's responsibility. The Town Manager makes decisions and when he needs approval of the Board of Selectmen he comes to get it. If the Board of Selectmen wants to see a succession plan created, they can recommend to the Town Manager. Town Meeting approval is triggered only when a new permanent position that Town Meeting would need to fund.

Robert Brown, Chair Recreation Committee, said the committee found this out by accident in Spring 2018. The Recreation Committee put it on their agendas, discussed appointment of the Recreation Director and what was going to happen to the Assistant Recreation Director. After Mr. Olenick was hired as the Recreation Department Director, the Recreation Committee asked Mr. Johnson-Staub when an Assistant Recreation Director would be hired, but did not receive an answer. Then learned there would not be one. This was discussed with Mr. Olenick, Mr. Suso, and they voiced their opinion against the plan, wrote letters to the Board of Selectmen, and made presentation at the Town Meeting. The Recreation Committee was surprised that this position would be eliminated.

Robert Brown reviewed the Assistant Director position job description and provided copies to the Board of Selectmen. He has not heard anything about the Recreation Department reaching out to the schools and feels it is important to go to the schools, this is missed if there is no Assistant Recreation Director. The summer camp has about 180 children of various levels of cognitive development. With a AAA bond rating and reserve cash, it is

wrong to save money on the backs and safety of the children. Felt that they did not get anywhere when they met with Mr. Suso in June and complained heavily. The Beach and Recreation Departments serve the most vulnerable people.

Paul Miskovsky, Beach Committee Member, stated this was a bad experiment. They need succession planning for people and staff. Mr. Mogardo learned by working under others and has a very successful beach program; they need a person to shadow Mr. Mogardo.

Public comment:

Mike Heylin, Recreation Committee Member, meeting with Mr. Johnson-Staub and Mr. Suso about this and he reviewed information received from people who contacted him. The Assistant Director can watch and make connections with the children. Mr. Heylin asked if the Town Manager can consolidate any position with approval from the Board of Selectmen and when did the Board of Selectmen approve consolidation of this position. If the Board of Selectmen did not approve it, the Town cannot do this. If the Board of Selectmen did approve it, the voters have a right to know this was going on.

Chair Moran noted under charter rules, that is what the Board of Selectmen is talking about and the Board of Selectmen is reviewing it right now. The Board of Selectmen has not approved the consolidation, Mr. Jones noted it is renaming the position. There has not been a reduction in staff in either department, so he does not see a consolidation. Mr. Suso stated they are collaborating, not consolidating.

Brian Matthews, local parent, said the Recreation Center is a bedrock for his family. Since 2014 he has noticed a transition, kids deserve more than that and we need to invest in the kids. Change in staff hurts their kids. They lost a recent staff person the kids looked up to. Who is the captain steering this boat.

Chair Moran expressed concern about the succession plan, that is missing from each of these presented changes and the Recreation Committee mentioned grant funding and needing someone who could write grant requests to boost the programs. Any interest on the part of the Board of Selectmen to ask the Town Administration for a succession plan because there are still questions.

Mr. Brown noted the only thing voted by the Board of Selectmen was to look into it and explore, he thought management would come back and provide the Board of Selectmen with updates on progress. He was hopeful the Recreation and Beach Committees would be for it and working on it. Both committees are against it and staff positions are being changed, does the Board of Selectmen have the right to interfere. Many unhappy people and he feels they are not heading in the right direction.

Ms. English Braga noted the goal is to look to improve municipal services, streamline, remove duplication, and improve services. The Board of Selectmen role is to hear from the community and proper role is to hear concern from committees that are tasked with doing the job/experts on that topic. These 2 committees have real concerns and constituents and Attorney Brown made great points about the role of the Assistant Director. She does not know how a department head can do all that plus be tasked with new programming. It is not the purview of the Board of Selectmen to run day to day operations, but to set policy and if one of our policies is to have a more fully functional Recreation Department, it is a policy issue that should be sent back to the Town Management, along with the Beach Department succession planning. Need to look back to see if the Assistant Director position should be put back into place.

Mr. Jones asked if they tried to fill the Assistant Recreation Director at the same pay grade, but did not find a qualified person so they went to a Grade 8 position and were able to match that job description. The Board of Selectmen could go to Town Meeting and request an increased budget to fund the position. He questioned at what point would they need both a Director and Assistant Director.

Ms. English Braga said that if the position exists and Town Meeting would like to fund that position, she supports.

According to Mr. Suso, there are no unfilled positions. If they move forward with the additional position, it will require additional year round funding. The Fiscal Year 20 budget is stretched to its limit, given the additional positions in other departments. To add an additional full time position, something may need to go away otherwise they risk a sustainability issue.

Mr. Johnson-Staub noted that there is flexibility in the budget to create a new part time position with extended season to do shadowing, they would have to put a job description and pay rate together.

Chair Moran motion the Board of Selectmen direct staff to forward that initiative that Mr. Johnson-Staub is talking about for a new administrative position that will work beyond the summer season to learn the administrative and supervisory aspects of the job from the Beach Superintendent. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Brown motion to have staff review how to improve services and expand services and deliverability of services, along with the role the Assistant Director would have. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Discussion and Update on Marks Building, Old Senior Center, Emerald House and Andrews Farmhouse

Marks Building:

Mr. Suso presented the Board of Selectmen with summary information and addressed questions raised by the Board of Selectmen. Mr. Suso asked if the Board of Selectmen would provide policy direction for their intentions with the Marks Building. The roof is the most urgent item, it is leaking and they may proceed with the existing contract to replace it with an asphalt roof. Does the Board of Selectmen want to consider another option, such as a cedar roof, which would require canceling the current contract and then another procurement process. A wood roof is considerably more expensive and they would need to consult with MA Historical regarding the wood shingles.

Attorney Duffy explained that a standard contract was used and provides for termination, the Town's liability would include all costs prior to the date of termination. The contract was signed in October 2018, no one has operated on it yet. If they terminate quickly, they can cancel with limited or less liability, maybe some costs incurred.

Barbara Weyand, Falmouth Preservation, noted an eventual vision of the building and historical streetscape preservation. There is no allowance in the current contract for repointing the chimneys. The CPC has allowance for time sensitive requests. Mr. Suso stated that there is modest amount of additional funding to handle the chimneys if they need significant work.

Annie Dean, Town Meeting Member Precinct 1 and Historical Commission member, voted in favor of funds for the roof and moving Human Services there. She will have opportunity to see plans for interior restoration/renovation of the building. She is in favor of historically accurate exterior renovations of the building. She hopes the CPC funding will be available to restore this building.

Mr. Suso said that one option is to secure the integrity of the building by preserving the asphalt roof and it should be done. Restoration is a 5-10 year process and could include a wood roof. Human Services request history reviewed. An architectural study done on the Marks Building including the second floor. Having Human Services move in would not prevent a proper restoration of the building. Corey Pacheco has a degree in preservation and has been consulted with. The Director of Human Services forwarded a letter to the Board of Selectmen supporting the move.

Mr. Jones motion to have the Town Manager go forward with the asphalt roof. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Brown motion to proceed on the Human Services move to the Marks Building. Second Mr. Patterson. Vote: Yes-5. No-0.

The Board of Selectmen noted that restoration account would be a good plan for future.

Susan Shepherd said that all the buildings in Town have been preserved by private citizens and nonprofit groups. Idea of moving Human Services into the Marks Building complicates things and adds structure inside that should not be put in there. She suggested Human Services move into the old Senior Center with Veteran's Services.

Laura Kelley, commented that she grew up in a historical house, had a shaker roof, much heavier roof, it will last a long time.

3. Discussion of Renaming and Modifying Charge, Bikeways Committee to Bikeways/Pedestrian Committee

Scott Lindell, want to expand their mission. Many commonalities between the two. The committee has been working with the Town and citizens to educate on share use. Showed the new vest developed and requests can be sent to the committee. Route 28 redesign will likely include more multiuse paths. Bikeway plan is about 3 years old, hope to have a bicycle and pedestrian plan. Functionally it would allow all to come to committee meetings and voice their concern about all thing bikeways, and including pedestrian to create safer streets.

The Board of Selectmen received 2 letters in the packet from Kathleen Haynes, Commission on Disabilities, initially there was support for name change, but at a February meeting the Commission voted and decided not to support the name change because it is a change in name only to benefit the Bikeways Committee.

Cynthia Rose, Trotting Park Road, she found minutes of Bikeways Committee posted inadequate and the Board of Selectmen should look into that. She is not for the name change because she has seen a pattern of pushing the agenda without including people who actually live there. Outreach could be handled better than it has been. This committee is generally attended by 7 people who are driving important urban planning decisions, it is complicated and in their own meetings the new Town Planner spoke to them about the open meeting laws. Communication problem, important because where we are going is so important. Need them to fit the neighborhoods they are in. The primary focus of this committee has been to create alternative transportation and that focus has been hard and strong. She gave her information as direct abutter, she has not been contacted about this topic. Given the size of the Town, that speaks to an agenda serving primarily people in West and North Falmouth. Water stations, lack of signage on Brick Kiln Road, she is calling for a pause. She sent Mr. Suso a letter, The Bikeways Committee needs to be more transparent about their goal.

The Board of Selectmen noted that people from E. Falmouth are on Bikeways Committee or come to Bikeways, the meetings are open, monthly, and input can be given at the meetings.

Chris McGuire, Bikeways Committee, interest in kids getting around town. Bike plan, 3 of top 4 items on the plan are the crosswalks. There is not a pedestrian committee and they are using same space as bicyclists.

Mr. Brown motion approval of the name change. Second Ms. English Braga. Vote: Yes-5. No-0.

4. Discussion/Vote to Approve Falmouth Commodores Memorandum of Understanding (MOU)

This action was deferred.

5. Protect Our Cape Cod Aquifer (POCCA) Presentation/Request on Proposed Ban on Landscaping Chemicals

Laura Kelly, President POCCA with request for the Board of Selectmen to volunteer to not use glyphosate products on Town owned land. Would like the Board of Selectmen recommend the BOH write a new Town regulation that the Town will not use these products on Town owned land. It is a public health risk. It cannot be banned because it is illegal to ban because of the preemption law in the state of MA. Studies are in the packet. Eversource approved their operational plan and list rodeo as an herbicide they are going to use. Comment period has begun, requested a letter be sent why they do not want more herbicide use along power lines again. The difference between a policy and a regulation is a lot and it proves to the State Pesticide Board that you really do not want this on your land. She has not been to the Board of Health.

Mr. Patterson motion to defer the matter to the Board of Health. Second Ms. English Braga. Vote: Yes-5. No-0.

Jeremiah Pearson, Parks Superintendent, the Parks Department tries to use a no chemical policy, sometimes they need to use Glyphosate for certain species, he has not used it since he has been here but there are things that he can use for certain species. Try to use cultural practices and mechanical. Dutch Elm is treated with fungicide; that is the only one used annually.

Peter McConarty, Deputy Director DPW, applications done are done under commercial and application license, Parks Department staff are registered.

6. Sign Variance Application – Additional Freestanding Sign – Pier 37 – 88 Scranton Ave, Falmouth

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

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

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

8. Vote April 2019 Town Meeting Article Recommendations

Ms. English Braga motion approval of Article 16 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion approval of Article 20 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Articles 21-25 held, recommendation will be by the Planning Board.

Ms. English Braga motion approval of Article 26 as printed. Second Mr. Patterson. Vote: Yes-5 No-0.

Ms. English Braga motion approval of Article 27 as printed. Second Mr. Patterson. Vote: Yes-5 No-0.

Ms. English Braga motion approval of Article 28 as printed. Second Mr. Patterson. Vote: Yes-4. No-1 (Mr. Jones).

Mr. Patterson motion indefinite postponement of Article 29. Second Mr. Jones. Vote: Yes-5. No-0. .

Mr. Brown motion approval of Article 30 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion indefinite postponement of Article 31. Second Mr. Patterson. Vote: Yes-5. No-0.

9. Individual Selectman Reports

Ms. English Braga suggested an agenda item to review sewer rates.

10. Town Manager's Report

Mr. Suso noted the Finance Committee meeting is tomorrow night. Route 28 Citizen Advisory Committee meeting and reported update of documents based on their recommendations and planning public meeting 3/10 1pm at Morse Pond School to talk with public further about their package of recommendations and proposals.

11. Review and/or Discuss Correspondence Received

Ms. English Braga motion to adjourn at 11:09 p.m. Second Mr. Jones. Vote: Yes-5. No-0.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, MARCH 11, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Others Present: Julian Suso, Town Manager

OPEN SESSION

1. **Chair Moran called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Review and discuss settlement proposal for the following litigation: Taylor V. Falmouth Police Dept. (US Dist. Ct.) because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. English Braga, aye; Chairman Moran, aye; Mr. Jones, aye.**
2. Chair Moran called the open meeting back to session at 7 pm.
3. Pledge of Allegiance
4. Proclamations:
 - a. 2019 Falmouth Historical Society Heritage Awards
Virigina Valiela certificate read as a motion by Chair Moran. Second Mr. Jones. Vote: Yes-5. No-0.

Vicky Lowell, certificate read as a motion by Mr. Brown. Second Ms. English Braga. Vote: Yes-5. No-0.

Carolyn Partan certificate read as a motion by Ms. English Braga. Second Mr. Jones. Vote: Yes-5. No-0.
 - b. White Ribbon Day – March 19, 2019
Dr. Sandra Faiman-Silva, promoting white ribbon day, domestic and sexual violence. Read a statement about its affect on women and men. Reviewed the affect on Cape Cod. The campaign brings attention to the issue, mobilizes boys and men to take a stance against violence against women. Promote safety and respect in all relationships. Ask the Town in acknowledging the serious epidemic. 9am Falmouth Public Library Hermann Room on 3/19/19.

Mr. Jones read the proclamation as a motion. Second Ms. English Braga. Vote: Yes-5. No-0.
5. Recognition
Megan English Braga recognized on 3/2/19 the efforts of the Falmouth Educational Foundation and its gala on 3/2/19; gave back just under \$1 million to Falmouth Schools since its inception.
6. Announcements
Ms. English Braga announced that this Saturday 6-11pm will be the St. Patrick's Day dinner dance at the Portuguese American Club.

Mr. Brown noted an Elks fundraiser Saturday night at the Elks club.
7. Public Comment-none.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Approve Application for a Change of Manager of an All Alcoholic Restaurant License – AM Dining, Inc. d/b/a Golden Swan Indian Cuisine, located at 323 – 325 Main Street, Falmouth

Megan English Braga disclosed she has represented the owners of the restaurant in another capacity several years ago.

Theodore Schilling, Osterville Attorney, was present with the applicant. The establishment has been in business for 13 years, no difficulties with liquor license. The applicant is familiar with service and been there 13 years, she is TIPS certified. Mr. Jones reminded her that she is responsible for violations even if not there.

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

- b. Approve Application for a One-Day Wine & Malt Liquor License – Gray Matter Marketing d/b/a Cape Cod Brew Fest, to be located at Barnstable County Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth

Mr. Jones motion approval. Second Mr. Patterson and amended to include contacting the detail Sergeant at the Falmouth Police Department. Vote: Yes-5. No-0.

- c. Approve Application for a Change of Manager of an Common Victualler Restaurant License – Betsy’s Diner, located at 457 Main Street, Falmouth

David Chandler, First Chandler Corp., transfer of management to Kazar Keuchkarian of Talk of the Town Diner, the new owner. Mr. Keuchkarian described the work to date, they hope to open Friday morning.

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

- d. Approve Application for a One-Day Wine & Malt Liquor License – VIPS Volunteers in Public Schools, Inc., to be located at Mahoney’s Garden Center, 958 East Falmouth Hwy., East Falmouth Tracy Crago, Falmouth VIPS, name beer and wine taste.

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

2. Administrative Orders

- a. Vote to approve request from the Falmouth Housing Corp. for a waiver of the water tapping fees and the sidewalk bond for the Little Pond Place affordable housing complex

Mr. Suso noted this was carried, the Department of Public Works (DPW) recommended against, it is not something currently in the Board of Selectmen waiver policy. Sidewalk bond is a critical item that ensures that is dealt with and refunded upon completion. Water tapping fee, not waived in the past, waiving that fee transfers the responsibility elsewhere. There is no further information available and Mr. Suso asked to carry this further and he would get the information.

- b. Vote to authorize the Town to locate an Eligible Purchaser for 338 Sam Turner Road

Ms. Feroni, Housing Coordinator, this is an affordable unit, single family home that was on the market, an eligible purchaser was found, inspection revealed water damage to the property. Remediation took longer than expected. The owner gave a new intent to sell which starts the process over again. The Board of Selectmen is asked to approve the authorization to locate an eligible purchase.

Mr. Patterson motion to authorize. Second Ms. English Braga. Vote: Yes-5. No-0.

- c. Vote to appoint Falmouth representative to Cape and Islands Water Protection Fund Management Board

Mr. Suso explained this is part of the State legislation relating to the seasonal lodging tax, a portion has to do with creating the Cape and Islands Water Protection Fund, overseen by each

municipality on the cape and islands. A request was received from the Cape Cod Commission if they want to move forward the Town should designate a representative for this fund and the meetings will begin in the next couple months. Mr. Suso and the Board of Selectmen agreed that the Falmouth Representative will be Mr. Johnson-Staub.

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

- d. Vote to accept FY19 Wellness Grant from the Cape Cod Municipal Health Group in the amount of \$600.00 to the Personnel Department Grant Account

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

- e. Authorize an application for a Housing Choice Initiative Grant

Tom Bott, Town Planner, explained the program modeled after Green Communities Act. Projects in the Cape Cod area that received grant money were mentioned. Reviewed what Falmouth could do to meet some criteria to qualify. This is an annual grant.

- f. Authorize an application for a Mass Development Real Estate Technical Assistance Grant for Davis Straits master planning
Mr. Bott is seeking a grant for the visioning and master planning for the Davis Straits Area.

Mr. Jones motion to approve. Second Ms. English Braga. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARING

- 1. Application for Shellfish Aquaculture License – Peter Chase and Francis Doohan– Work Float Located at Mooring #37 in Great Harbor, Woods Hole, MA

Chair Moran read the hearing notice.

Peter Chase, 35 Westmoreland Dr, Falmouth, explained the project, it is a float with cages that hang underneath to grow oysters in the cages. Next to two other similar permitted floats.

Francis Doohan loves the idea. No objection to using his mooring for oysters.

Positive recommendations from the Shellfish Advisory and Chuck Martinsen were received.

Public comment:

Tom Duncan, Shellfish Advisory Committee, unanimously endorsed this project.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to approve the application. Second Ms. English Braga. Vote: Yes-5. No-0.

7:45 p.m. PUBLIC HEARING

- 2. Flow Neutral Bylaw – Evaluation of Request for Variance – Holmes and McGrath, Inc. – 24 Spencer Baird Road, Woods Hole (Parcel 49A 06 000D 044), Continued from February 25, 2019

Chair Moran read the hearing notice.

Request for continuance to 4/22/19 7:45pm.

Mr. Patterson motion to continue to 4/22/19 at 7:45 pm. Second Ms. English Braga. Vote: Yes-5. No-0.

8:00 p.m. BUSINESS

1. Quarterly Report – Falmouth Police Department – Chief Dunne
Chief Dunne, Falmouth Police Department
Staffing levels were reviewed, including 59 funded positions, Officer Paul Whiting resigning as of 3/14/19. George Cabral retiring as of 4/5/19. One officer is on military leave, another out in May on maternity leave. Three on light duty status. Four officers out on line of duty injuries, two related to the July shooting, 2 others for injuries.

Two new hires completed field training program and patrolling. Conditional offer of hire to a new hire, hoping to send to Joint Base Cape Cod pilot program for police academy in July.

Tomorrow 9 am swearing in ceremony for promotions, first female command officer in the Falmouth Police Department will be promoted Sergeant permanently.

Summer seasonal interviews today, hiring 7 officers and reviewed their assigned locations.

Registration of Home Security Systems-cameras. Asking the public register their cameras with the Falmouth Police Department, type of system, would they be willing to share information if an incident occurs in their neighborhood. Go to Falmouthpolice.us to register.

Detective status: crimes investigated were reviewed. Heroin still a huge problem. Overdoses 27, death 1, Narcan used by the Falmouth Police Department 6 times, and served 35 committal through the courts. 15 home visits, 0 have accepted treatment. Mental health issues 41 calls for service related, increased from last year. Falmouth Human Services and Falmouth Police Department have made 18 home visits, several are receiving services as a result. Certifying officers in first aid mental health, hoping to have 100% trained.

Domestic violence in progress 25, in past 7, domestic disturbance 14, restraining orders 45, restraining order violations 4.

Calls for service were reviewed: self initiated 1,789 up from last year. Dispatched: 1730.

Past events: March 4 graduated 15 Morse Pond students from the 5th junior police academy. About 75 students to date have gone through.

5/5/19 annual award and recognition and swearing in ceremony awards to officers for community service, unit citation award for the Seacoast Shores officer-involved incident. Officers of the year were recognized and received highest award: Medal of Honor. The Falmouth Police Department received an award from the Town for being recognized of years of service for the town.

RAD: free self-defense course for women only. Ages 13 and up. 9am to noon on 3/30/19, 4/6/19, 4/13/19 and must attend all 3 sessions. Contact Falmouth Police Department Officer Elvira Ferreira if interested.

Police week 5/12-18. Annual event to honor officers that fallen in line of duty. 5/17/19 10am in front of the Falmouth Police Department.

Chief Dunne going to Washington, DC that week representing SEMASS Police Chiefs Association. Officer DeMiranda and Officer Moore being recognized at 26th annual top cop award dinner. Their names were submitted for the awards, normally top cop award given to 1 incident per state, incident with Sgt. Gannon and Falmouth incident submitted are both being recognized.

ALICE training with schools: lockdowns in the schools for years, transitioning into lockdown with new program to Falmouth. Almost all staff trained in the ALICE training and reviewing how to move to the next step. ALICE is a program where you alert, lockdown, escape, and fight to protect yourself. The Falmouth Police Department has three ALICE instructors in the Falmouth Police Department, some staff have been sent to become instructors at the schools.

There was much positive feedback at the Joint Meeting with the Board of Selectmen and School Committee regarding the Hidden in Plain Sight interactive education program. Taking it on the road, purchased with seized drug profits for the trailer, reached out to business partners who donated many items, sent to the Sheriff's department and built a bedroom that looks like a teen's bedroom in the trailer. Having

it lettered and hoping to roll it out soon. Would like to bring it to a Board of Selectmen meeting early for a tour. This will go to School open houses, athletic games, street fair, and to educate the public.

2. Status Update on Multiple Public Works Initiatives – Peter McConarty, Deputy Public Works Director

Peter McConarty

Provided an overview of projects the Department of Public Works is working on at this time.

Maravista Avenue planning installation of new sidewalk from Menauhant Beach to Route 28 intersection. Funding in place for a wider sidewalk in that area. Highway Department will replace flashing lights for the schools using solar lights.

Tim Grady, Highway Superintendent and Jeremiah Pearson, Park Superintendent present.

Rt. 151/Sam Turner/Boxberry Hill: roadway audit completed, final Road Safety Audit completed and delivered last month. Putting together a survey and design for that area.

Worst congested intersection is Jones Road/Gifford Street Intersection. Asking for proposal to do a survey on that area. Full design, would like to see Sam Turner, then Coonamessett intersection, then Sandwich Road/151 intersection upgrade. Sidewalk from intersection to first driveway to the Dunkin Donuts/Vet.

Brick Kiln Road/Sandwich Road jams up in the evening, want to put in left hand turn lane. Would like sidewalk with granite curbing from Brick Kiln Road to Rte. 151 intersection.

Route 151/28A: The state wanted to signalize and install a roundabout, the Town told State they wanted to keep it signalized. The Cape Cod Commission Transportation Committee meetings were held and the State pulled that project.

Goodwill Park intersection: this project has been reviewed with the State twice, moved speed limit signs, the Town has design. The State has another plan including a system called Hawk system that goes over roadway, lights are black all the time until activated by person. The Board of Selectmen suggested a sign to direct bicyclists. Also need sidewalk from crosswalk into the park. The slope from the park goes to the edge of the road, need to do some excavation work.

The street crossing near Surf Drive Beach was discussed and question of whether temporary stop signs could be put there. That would need to go through the Traffic Advisory Committee for review, usually only do permanent stop signs. It will take at least a year to get permitting in place.

Boxberry Hill/151/Sam Turner, waiting for proposal now, Town does design, State reviews the Town's work, it will take about a year for permitting/plans/right of way, could be 2 years to get done. Looking to include elongated roundabout with new signage, street lights, and slow traffic in that area.

Great Bay St. closures were reviewed. Currently every roadway is closed unless a house with a driveway on that street. Town Counsel looking into the roadway, it was deeded to the Town and looking into the legalities of the roadway. It was a piece of land given to the Town. Last year many storms led to loss of a couple sets of the 9 sets of stairs. The 2 sections were within 150ft, so they are just replacing one set. Need to go through the Conservation Commission and then building permit. His understanding was the stairs were all built not by the Town in the 1980's.

Julian Suso noted tree at Highfield Hall update. Concurred with Mr. Jones regarding planning of tree work.

Jeremiah Pearson, Parks Superintendent and tree warden provided an update on the Highfield Hall trees. One was dead and removed last week. The other is in front of the mansion and 135 years old, it has been treated by a private contractor. The Town owns the property and have been asked to assist because they have been paying annually to maintain these historic trees. The Town goes in when they need to be removed.

The Board of Selectmen would like them to plant a new tree, Mr. Pearson will suggest that.

The tree at Mullen Hall will be removed and replant there in the spring.

3. Vote to Approve Request for Waiver of Special Event Permit Fee
 - a. Arts Alive Festival
 - b. Jazz Stroll (JazzTober)

Lee Geishecker requested waiver of permit fees for both events. Costs are paid for through fundraising. Waiving the fee would help them. Two events for the year, flagship for Main Street and do them in conjunction with the Main Street Village Association.

Mr. Patterson motion to waive the permit fees for a and b. Second Ms. English Braga. Vote: Yes-5. No-0.

4. Vote to Approve Request for Off-Premise Promotional Signs for Special Events:
 - a. VIPS – Volunteers in Public Schools – Feasts of Falmouth to be located at Mahoney’s Garden Center, 958 Est Falmouth Highway, East Falmouth – Friday June 7, 2019
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Minutes of Meetings:
 - Public Session
 - February 11, 2019

Mr. Patterson motion to approve with corrections. Second Ms. English Braga. Vote: Yes-5. No-0.

Executive Session

December 11, 2017-wrong date 12/11/18. Edit will be requested.

Vote to Release/Not to Release Minutes of Executive Sessions

November 20, 2017

Mr. Jones motion to release. Second Mr. Patterson. Vote: Yes-5. No-0.

December 4, 2017

Mr. Jones motion to release. Second Ms. English Braga. Vote: Yes-5. No-0.

6. Individual Selectmen’s Reports

Mr. Brown:
 MA Municipal Meeting at the Seacrest.
 Route 28 presentation, good plan.

West Falmouth Village Association Meeting, nourishment was discussed.

Would like to have someone from Gosnold come and explain how the system is working, when they are doing their placements and the guidelines involved. He would like to look at sober homes.

Mr. Patterson:
 Route 28 presentation, good plan and presentation. Concept at this point. The roadway is kept where it is right now. Using 8 ft. paths on either side of the roadway, but may go down to 6 ft. in areas.

Falmouth Education Foundation Gala.

West Falmouth Village Association Meeting.

Would like information from Human Services and burdens placed on the family/community when one is addicted.

Ms. English Braga:
 Democratic Town Committee Legislative update, need additional innovative thinking around addiction and opioid epidemic. Future agenda item may be to have Judge Walsh talk about the Drug Court and what that means.

Would like an update on sober houses and what limited power the Town has over them.

Mr. Jones:

Joint meeting with School Committee and carousel was discussed. He would like a future agenda item, he is concerned about that crowded area. Jen McKay had a preliminary look and noted the location is more than 100 feet from Shiverick's Pond, it does not appear to need formal Conservation Commission approval. School Committee is expected to do a site visit. The Town has no direct purview on how the School Dept. utilizes property under the School Dept. purview. The carousel will remain in their past location for the summer of 2020.

7. Town Manager's Report

Mr. Suso updated on procurement process for wind turbines. Atty Duffy, Jennifer Petit, and Mr. Johnson-Staub are working with Westn and Sampson to assemble multiple procurement options: not to operate turbines in town, explore lease opportunities outside town, operate as energy project to run somewhere else, and repurpose as cell tower or other. Should have final product in April 2019 and Mr. Suso will coordinate with Joint Base Cape Cod in potential interest.

Confirmed the Joint Meeting with the School Committee was successful and will draft a letter of inquiry on the ongoing challenge of school funding.

Falmouth High School Athletic Field ground breaking attended.

Attended Cape and Islands monthly business meeting Friday, legislative update.

4/8/19 town meeting.

3/25/19 the Board of Selectmen next business meeting.

Town email challenges were described and are being looked into. Board of Selectmen nondelivered emails will be checked regularly in managing the transition between email addresses.

Precinct Meeting Schedule:

Precinct 1: Mr. Jones and Mr. Patterson.

Precinct 2: Mr. Jones and Mr. Patterson.

Precinct 3: Mr. Brown and Ms. English Braga.

Precincts 4 and 7: Mr. Brown and Mr. Patterson.

Precincts 5 and 6: Mr. Patterson and Ms. English Braga.

Precincts 8 and 9: Ms. English Braga and Mr. Brown.

8. Review and/or Discuss Correspondence Received-none.

Ms. English Braga motion to adjourn at approximately 9:05pm. Second Mr. Jones. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: March 22, 2019



- Selectmen will be hearing a “very brief” report on the conclusion of the Rt. 28 Citizens Advisory Committee’s work under the Announcements portion of your agenda for Monday. The Report will be from Committee Chair Alison Leschen. As this does not appear on the Business portion of your agenda, it is anticipated to be a brief summary presentation only.
- Under Administrative Orders, the Board had requested a “breakout” of labor/equipment and materials for a potential water line connection to the Little Pond Place project. Such a cost breakout was prepared by Steve Rafferty for the Board’s possible consideration for utilizing FAHF funds to cover a portion of this cost.
- The Solid Waste Advisory Committee has requested consideration for a possible Public Works application for State grant funds for a recycling education and enforcement program. There will be a brief presentation on this. Be advised that we understand there is a requirement for a specific enforcement program as part of this which would involve the review of curbside recycling materials placed on the curbside of individual homes.
- Among multiple Public Hearings is our request for BOS consideration of a modest, but much needed water rate increase. You will recall that three years ago we represented that such a modest incremental increase would likely be needed this year. Under separate cover with your Board packet, you have some expanded information on this proposed **water** rate increase. Be assured that we are **not requesting** any increase in existing wastewater rates.
- As requested by Council on Aging Chair Jim Vieira, the Board will hold a discussion on Senior Center Staffing. You have a copy of Jim’s letter to BOS Chair Su Moran. Selectmen will recall that the April Town Meeting includes the creation of an anticipated full-time position for the Senior Center. We have consistently represented that consideration for further staff support would be formally taken up *later in the year* at the November Town Meeting when the Town has further confirmation on the likely “cutover” date for new Senior Center operations. We had been informed of past agreement with this scenario. I am unclear as to what has changed.

- The Falmouth Preservation Alliance has requested a presentation to Selectmen on the Marks Building. For transparency purposes, you should be aware that there is some “joint membership” between the private Preservation Alliance and the Falmouth Historical Commission. This is the third formal BOS agenda item for the Selectmen specifically dealing with the Marks Building within the last six weeks. At your last meeting on this, the Board directed that we proceed with replacing the roof “in-kind” as approved by the Mass Historic Office (which holds the historic restriction). You further directed that we proceed with the relocation of the Human Services Office to the existing main floor of the Marks Building as originally affirmed by Selectmen in the past. These two directives are underway.
- The Friends of Falmouth Bikeways and the Bikeways Committee have (independent of contact with Public Works) requested that Selectmen authorize an application to CPC for a northern Bikeway extension. It is unfortunate that no contact was made with Public Works or this office in advance of this request, as several mission-critical matters could have been reasonably reviewed and discussed in advance. These are summarized in correspondence from Ray Jack and Peter McConarty in your Board packet.
- I attended the Water Quality Management Committee’s monthly meeting on Thursday afternoon, which included some summary information on potential wastewater options for the coming 5-10 year period. WQMC anticipates bringing further summary information to the Board on this.
- Work by GVW Construction on the new Senior Center continues to proceed well. We continue to closely monitor the expenditure of funds to live within the approved debt exclusion. As you may have noted, the basement level is essentially complete and work is underway on the main floor. The elevator shaft is nearly completed and the wood framing is a welcome sight. We continue to work closely with the Senior Center Building Committee as this process continues to unfold.
- By way of update, the scheduled start date for the construction of the new 16” water main is set for Monday, April 1 by CC Construction. They will begin work at the Oxbow intersection and proceed west along Rt. 28 toward Sandwich Road. We generally expect construction to proceed at the rate of 100’-200’ per day (except Fridays). The goal is to complete the total construction (except final paving) by the end of spring, 2020. We will attempt to maintain traffic flow through the construction area and minimize detours with an interruption during the peak summer season.