

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, MAY 6, 2019 – 6:30 P.M.

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c. 30A, s. 21(a)(3) – review and discuss settlement proposals for the following litigation: 1) Quinn v. Town of Falmouth and 2) Lessard v. Falmouth Public Schools (MCAD)

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation: Police Week – May 12–18, 2019
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for special one-day wine and malt liquor license and Sunday entertainment license – British Beer Company - Beer & Oyster Festival – Sunday, 6/2/19
 - b. Approve application for special one-day wine and malt liquor license and Sunday entertainment license – British Beer Company - Road Race Beer Garden – Sunday, 8/18/19
 - c. Approve application for change of name of a Class II Used Car Dealer's License – M & N Auto Mall, Inc., 20A Village Common Drive, East Falmouth
 - d. Approve application for special one-day wine and malt liquor license – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/24/19
2. Administrative Orders
 - a. Approve Eversource Energy and Verizon New England petition to install one (1) pole at Main Street, east of Scranton Avenue
 - b. Approve Eversource Energy petition to install one (1) 4" conduit and one (1) hand hole at Hamlin Avenue, north of Dillingham Avenue
 - c. Authorize Falmouth Housing Authority receipt of \$492,351 from US HUD
 - d. Vote to designate Special Counsel for Affordable Housing as a special municipal employee for purposes of M.G.L. c. 268A, s. 1 et seq., the Conflict of Interest Law
 - e. Approve and sign the Ground Lease to Little Pond Place LLC for 41 Spring Bars Rd. (formerly known as '0 Spring Bars Rd') for construction of 40 units of affordable rental housing pursuant to the Development Agreement and Request for Proposals previously issued by the Board of Selectmen; and, approve and sign the following associated documents: Notice of Ground Lease, Ground Lessor Estoppel, Tax Credit Regulatory Agreement, MassDocs Affordable Housing Restriction, Barnstable County Affordable Housing Restriction and other documents as required
 - f. Approve Amendment to Traffic Rules and Orders received from the Police Department
 - g. Vote to Accept Grant Funding in the amount of \$8,000.00 from the Executive Office of Public Safety and Security Highway Safety Division – FY2019 Pedestrian and Bicycle Safety Enforcement and Equipment
3. Special Events

New – Recommended:

 - a. Bands for Badges – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/24/19

7:30 p.m. PUBLIC HEARINGS

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 (continued from March 25, 2019, continued from April 22, 2019)
2. Dog Hearing – Deborah Ewald – Request appeal of decision of dog hearing officer
3. Commercial Shellfish License – Richard Baker – Request appeal of temporary revocation of commercial shellfish license

8:30 p.m. BUSINESS

1. Report – Board of Library Trustees
2. Application for a New Second-Hand Dealer License - Soo Soo's Vintage, located within Home Again, 93 East Falmouth Highway, East Falmouth
3. Interview, Vote and Appoint Committee Members:
 - a. Commission on Disabilities
 - b. Affordable Housing Committee
 - c. Agricultural Commission
 - d. Community Preservation Committee
 - e. Substance Abuse Commission

4. Request for Sign Variance – Woods Hole Oceanographic Institution – Woods Hole Village Campus
5. Request for Sign Variance – Off-Premise Promotional Signs – Spring at Spohr Event
6. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores “Game Today”
7. Approve 2019 Annual/Seasonal License Renewals:

Lodging House License

Woods Hole Inn, 28 Water St., Woods Hole

Second-Hand Dealer License

Harmony Hut Repair, 105 Spring Bars Rd., Falmouth

Bowling Alley License

Trade Center Bowl, 89 Spring Bars Rd., Falmouth

8. Discussion and Vote on Mission Statement for Edward Marks Jr. Building Advisory Committee
9. Minutes of Meetings:
 - a. Public Session – December 17, 2018; January 26, 2019; April 22, 2019
 - b. Review of approved executive session minutes and vote to release
10. Individual Selectmen's Reports
11. Town Manager's Report
12. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen



PROCLAMATION for POLICE WEEK

WHEREAS The Congress and President of the United States have designated May 15 as Peace Officer Memorial Day, and the week in which it falls Police Week; and

WHEREAS The members of the law enforcement agency of the Town of Falmouth play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Falmouth; and

WHEREAS It is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS The police department of the Town of Falmouth has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

THEREFORE We, The Board of Selectmen call upon all citizens of the Town of Falmouth and upon all patriotic, civil and educational organizations to observe the week of May 12 – 18, 2019, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER We call upon all citizens of the Town of Falmouth to observe Friday, May 17, 2019 as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty, especially, our own Officer Samuel F. Pierce who lost his life in the Line of Duty on August 16, 1933. I further, call upon all citizens of the Town of Falmouth to observe a moment of silence on Friday, May 17, 2019 in their honor.

IN WITNESS WHEREOF, We, Susan L. Moran, Megan English Braga, Douglas H. Jones, Samuel H. Patterson and Douglas C. Brown have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 6th day of May, 2019.

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga, Vice Chairman

Douglas C. Brown

Douglas H. Jones

BOARD OF SELECTMEN

2019

License Alcoholic Beverages

19-34-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To British Beer Company
Rob Loewen, General Manager

263 Grand Avenue
Falmouth, MA 02540

On the following described premises:

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

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

This license is valid from the 2nd day of June 2019 until the 2nd day of June 2019, unless earlier suspended, cancelled or revoked.

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

Sunday, June 2, 2019 from 12:00 noon to 6:00 p.m. (Rain Date: June 9, 2019)

Event: Outdoor Beer & Oyster Festival.

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 6th day of May 2019

Licensing Board

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



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Outdoor Beer & Oyster Festival

NAME British Beer Company, Rob Loewen, General Manager

MAILING ADDRESS 263 Grand Avenue, Falmouth, MA 02540

EVENT DAY & DATE Sunday, June 2, 2019

RAIN DATE Sunday, June 9, 2019

EVENT LOCATION Parking Lot behind British Beer Company and Seaside Inn Private Property

EVENT TYPE Outdoor Beer & Oyster Festival

SET-UP ARRIVAL TIME _____ **EVENT HOURS** 12:00 noon – 6:00 p.m.

NUMBER OF ATTENDEES 100-200 max. **# OF VEHICLES** _____

ADDITIONAL DETAILS One-day liquor license and entertainment license (two small bands) for outdoor area. Security personnel will be stationed at the three public entry areas to check for proper I.D. and issue wristbands. No person under 21 will be admitted to event. Servers are TIPS certified. 10x10 tents for breweries. Shucking station servers Serve Safe certified.

CONDITIONS:

1. Per Fire Department: Organizer to ensure that in the event of rain, should patrons seek shelter inside the BBC, the permitted occupancy is to be maintained to avoid overcrowding.
2. Event organizer to provide a list of food vendors to the Health Department and to direct all food vendors to Health Department to apply for a temporary permit and arrange for inspections.

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

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

BOARD OF SELECTMEN:

[Signature]
[Signature]
[Signature]

Samuel H. Patterson
[Signature]



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Post Falmouth Road Race Beer Garden Event

NAME British Beer Company, Rob Loewen, General Manager

MAILING ADDRESS 263 Grand Avenue, Falmouth, MA 02540

EVENT DAY & DATE Sunday, August 18, 2019

RAIN DATE None.

EVENT LOCATION Parking Lot behind British Beer Company and Seaside Inn Private Property

EVENT TYPE Outdoor Beer Garden Event

SET-UP ARRIVAL TIME _____ **EVENT HOURS** 12:00 noon – 6:00 p.m.

NUMBER OF ATTENDEES 100-200 max. **# OF VEHICLES** _____

ADDITIONAL DETAILS One-day liquor license and entertainment license (lightly amplified band so as not to interfere with Road Race event) for outdoor area. Security personnel will be stationed at the three public entry areas to check for proper I.D. and issue wristbands. No person under 21 will be admitted to event. Servers are TIPS certified. 10x10 tents for breweries. Shucking station servers Serve Safe certified.

CONDITIONS:

1. Per Fire Department: Organizer to ensure that in the event of rain, should patrons seek shelter inside the BBC, the permitted occupancy is to be maintained to avoid overcrowding.
2. Event organizer to provide a list of food vendors to the Health Department and to direct all food vendors to Health Department to apply for a temporary permit and arrange for inspections.

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

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

BOARD OF SELECTMEN:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Number:
022-CLII

Fee
\$75.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
M & N Auto Mall, Inc.
20A Village Common Dr.
East Falmouth MA 02536
is hereby granted this
Used Car Dealer's License - Class II
to Buy and Sell Second-Hand Motor Vehicles

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto the above named entity is hereby licensed to buy and sell second-hand motor vehicles at the above located premises described as follows:

No more than 17 used vehicles at one time on the lot to be sold. No more than 5 of the 17 vehicles will be allowed to be staged on the outside of the existing building during business operation and removed to the inside of the building prior to the close of each business day. Special Permit #033-16

Valid from: May 6, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

May 6, 2019

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

Phyllis Downey

From: Mel Trott
Sent: Monday, April 22, 2019 9:06 AM
To: Phyllis Downey
Cc: Timothy Smith; Boyd Demello
Subject: RE: Petro Bros. - M & N Automotive

Hi Phyllis,

The Fire Rescue Department is not opposed to the name change.

Mel

Lt. Mel Trott

Fire Prevention Officer
Falmouth Fire Rescue Department
Phone: 508-495-2533
Fax: 508-495-2540
E-mail: mel.trott@falmouthfirema.gov

From: Timothy Smith <timothy.smith@falmouthfirema.gov>
Sent: Sunday, April 21, 2019 12:05 PM
To: Mel Trott <mel.trott@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: Fwd: Petro Bros. - M & N Automotive

FYI
Sent from my iPhone

Begin forwarded message:

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Date: April 19, 2019 at 16:19:01 EDT
To: Rod Palmer <rod.palmer@falmouthma.gov>, Noreen Stockman <noreen.stockman@falmouthma.gov>, Timothy Smith <timothy.smith@falmouthfirema.gov>, Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>
Subject: Petro Bros. - M & N Automotive

Hello,

Marcio Henrique, Owner of Petro Brothers, LLC at 20A Village Common Drive, East Falmouth has applied to change the name of his Class II Motor Vehicle License. The new corporation will be M & N Automall, Inc.. The entity Petro Brothers will become the repair side of the business and the new entity will sell cars. Special Permit #033-16 associated with this property is attached.

Please do not hesitate to contact me if more information is needed. If you have recommendations may we please request them by May 1, 2019?

Thank you very much,

2019

License Alcoholic Beverages

19-36-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To Bands for Badges, Inc.

Cape Cod Fairgrounds
1220 Nathan Ellis Highway
East Falmouth, MA 02536

On the following described premises:

Cape Cod Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth, MA 02536

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 24th day of August 2019 until the 24th day of August 2019, unless earlier suspended, cancelled or revoked.

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

Date: Saturday, August 24, 2019. Hours: 2:00 p.m. to 11:00 p.m. (Rain Date: Sunday, August 25, 2019). Event: Bands for Badges Fundraiser Music Concert.

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 6th day of May 2019

Licensing Board

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

SECURITY PLAN
BANDS FOR BADGES, INC. CONCERT
CAPE COD FAIRGROUNDS
AUGUST 24,2019

For submittal with one-day liquor license application

Bands for Badges, Inc. proposes the following security plan. While the entire Fairgrounds is available for our use, only a portion of the area will be used. (See attached site plan)

The entire event area for patrons will be fenced off utilizing available fencing at the fairgrounds supplemented by us.

Working with the Falmouth Police Department we have identified that a minimum of eight patrol officers will be required. Based on ticket sales this number may be increased. We will meet with the Police Department well in advance of the August 24th event date.

Upon entering the event, patrons will provide identification for proof of age. Wrist bands will be issued with color coding for the purchase of alcoholic beverages. Under age patrons will receive a different color. Wrist bands are not able to be transferred.

Bands for Badges, Inc. will utilize our own security team during the event to facilitate with bag checks, crowd control, stage security, beer/wine building crowd management, assisting patrons and maintaining secured area.

Plan for Market Place building. All beer and wine will be served in this building. All bartenders will be TIPS certified. Patrons will purchase tickets for drinks in a designated area then move to the bartender area. Bands for Badges event volunteers and security personnel will manage serving lines and monitor the occupancy for the building. (see attached plan for Market Place building.)

Parking will utilize the parking lot off Currier Road north of Nathan S. Ellis Highway. Should ticket sales increase where additional parking maybe required, the lot located off Currier Road south of Nathan S. Ellis Highway will be utilized. This will require additional police detail officers to control the existing crosswalk on Nathan S. Ellis Highway, to assure pedestrian safety.



FOOD VENDORS

BEER
WINE
SALES

STALE SPACE

PARKING

SECURITY ENTRANCES

MAIN ENTRANCE

BETA TOWNS

1178

18-02-006-001

18-02-006-002



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: April 29, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install one (1) new Jointly Operated Eversource pole on Main Street**

A petition was submitted by Eversource to install one (1) new JO-ES pole (25/56.5) on Main Street for new service at Senior Center at 744 Main Street.

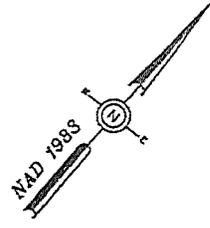
The Engineering recommendation is to approve the request as submitted on Plan No. 2320562, W/O #2320562, dated March 16, 2019.

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

Thank you,

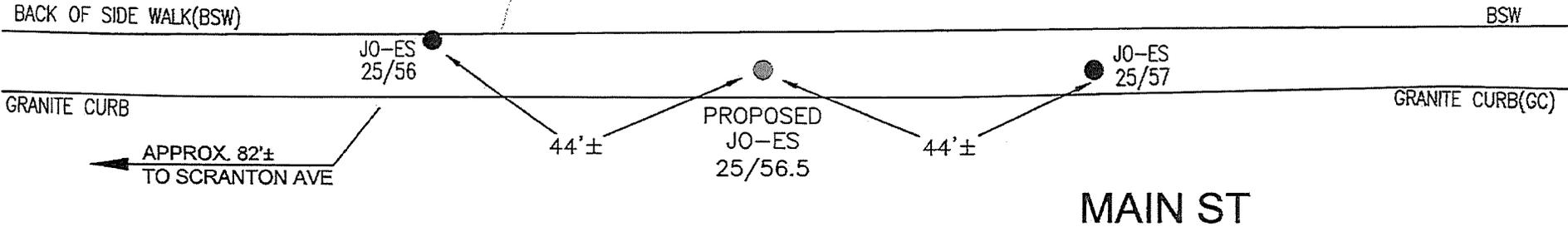
Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to install new JO-ES pole #25/56.5 for new service at
senior center 744 Main St.



47B 03 002 002
0 MAIN ST
N/F
NE ANNUAL CONF
UN METH CHURCH

39 21 001 000
744 MAIN ST
N/F
FALMOUTH TOWN OF



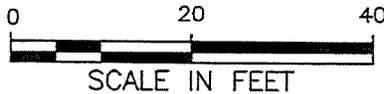
LEGEND

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

09 013 022
MAIN ST
COD 5 CTS
NG BK

47B 09 014C 018
781 MAIN ST
N/F
FALMOUTH 815 MAIN
ST LLC

47B 09 014B 019
797 MAIN ST
N/F
797 MAIN ST LLC



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

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MASS. LAW

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

Plan #	2320562	
Ward #	-	
Work Order #	2320562	1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Surveyed by:	-	Plan of MAIN ST, FALMOUTH
Research by:	PG	
Plotted by:	GC	Showing PROPOSED POLE LOCATION
Proposed Structures:	TL	
Approved:	A DEBENEDICTS	Scale 1"=20' Date MARCH 16, 2019
P#		SHEET 1 of 1

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
MARCH 16, 2019

To the Board of Selectmen of **Falmouth**, Massachusetts

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

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by our petitioners, along and across the following public way or ways:-

**MAIN STREET, East of Scranton Avenue
WO# 2320562**

**One (1) Pole
POLE #25/57.5**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2320562**, Dated **MARCH 16, 2019**.

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

Your petitioners agree to reserve space to one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....*Kelma Kerr*.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....*David Crossman*.....
Manager Rights of Way *3/20/19*



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

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, April 25, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. to install One (1) Pole at Main Street, East of Scranton Avenue.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, April 12, 2019 Falmouth Enterprise

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, April 25, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. to install One (1) Pole at Main Street, East of Scranton Avenue.

Per Order of the Falmouth Board of Selectmen
April 12, 2019

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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

Notice having been given and a public hearing held, as provided by law.

IT IS HEREBY ORDERED:

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

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **16** day of **MARCH, 2019**.

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

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2320562**, Dated **MARCH 16, 2019** filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC.** not to exceed **40** wires and **4** cables and by said **NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)** necessary wires, cables and fixtures

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

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

MAIN STREET, East of Scranton Avenue
WO# 2320562

One (1) Pole
POLE # 25/56.5

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

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the _____ day of _____, 2019.

Clerk of Selectmen.

(over)

CA-72 EO REV 2-81

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:
Verizon New England, Inc.
385 Myles Standish Blvd.
Taunton MA 02780
Attn: Daryl Crossman

We hereby certify that on _____, 2019, at _____ o'clock, _____ M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

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

.....

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.....

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, 2019, recorded with the records of location orders of said Town Book, _____ Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: April 29, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install one (1) handhole and $\pm 20'$ of underground conduit on Hamlin Avenue

A petition was submitted by Eversource to install one (1) handhole and $\pm 20'$ of 1-4" underground conduit on Hamlin Avenue to provide service to 56 Hamlin Avenue.

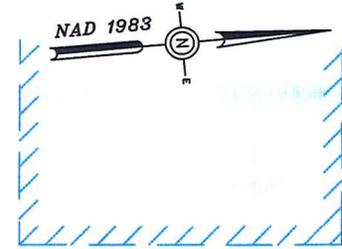
The Engineering recommendation is to approve the request as submitted on Plan No. 2325128, W/O #2325128, dated March 30, 2019.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install a new handhole and approximately 20'± of conduit underneath the road for a new underground electrical service to #56 Hamlin Avenue.



CUSTOMER TO INSTALL HANDHOLE #536/H692A

38A 05 070 001
#54 HAMLIN AVENUE
DEEGAN, RORY

38A 05 070 002
#56 HAMLIN AVENUE
LEWIS, THORNTON C.
MURRAY-LEWIS, MAUREEN A.

38A 05 069 000
#70 HAMLIN AVENUE
O'NEIL, BARRY T. & MARY ALICE

APPROX. RIGHT-OF-WAY(R.O.W.)

EDGE OF ROAD

HAMLIN AVENUE

EDGE OF ROAD

LF=20'±
1-4" SCH.80 PVC
UNDER ROAD

EVERSOURCE TO INSTALL HANDHOLE #536/H692

APPROX. R.O.W.

536/H692

536/692

APPROX. R.O.W.

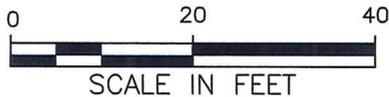
38A 07 012 000
#55 HAMLIN AVENUE
ARTHUR, JILL

APPROX. 412'± TO
DILLINGHAM ROAD

38A 06 029 000
#69 HAMLIN AVENUE
BEALE, BARRY G. & CAMILLE A.

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole
- Ⓜ Proposed Multitap
- Ⓚ Proposed Manhole



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

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MASS. LAW

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

Plan #	2325128
Ward #	-
Work Order #	2325128
Surveyed by:	-
Research by:	PG
Plotted by:	SC
Proposed Structures:	SC
Approved:	A DEBENEDICTIS
P#	

NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small> 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Plan of	HAMLIN AVENUE
	FALMOUTH
Showing	PROPOSED CONDUIT & HANDHOLE LOCATIONS
Scale	1"=20'
Date	MARCH 30, 2019
SHEET	1 of 1

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

MARCH 30, 2019

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) requests permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:-

**HAMLIN AVENUE, North of Dillingham Road
WO# 2325128**

**One (1) 4" Conduit
One (1) Handhole #536/H692**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **2325128**, Dated **MARCH 30, 2019**.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By..........
Right-of-Way Representative



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

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, April 25, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 4" Conduit and One (1) Handhole at Hamlin Avenue, North of Dillingham Avenue

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, April 12, 2019 Falmouth Enterprise

Account #2056

TOWN OF FALMOUTH PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, April 25, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 4" Conduit and One (1) Handhole at Hamlin Avenue, North of Dillingham Avenue

Per Order of the Falmouth Board of Selectmen

April 12, 2019

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

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

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 30 day of MARCH, 2019.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2325128**, Dated **MARCH 30, 2019**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**HAMLIN AVENUE, North of Dillingham Road
WO# 2325128**

**One (1) 4" Conduit
One (1) Handhole #536/H692**

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the _____ day of _____, 2019.

Clerk of Selectmen.

Massachusetts _____, 2019.
Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

(over)

CA-104 EO REV 2-81

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

Eversource Energy
50 Duchaine Blvd.
New Bedford, MA 02745
Attn: Donna Rosa

We hereby certify that on _____ 2019, at _____ o'clock, _____ M., at _____ a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate, (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, 2019, and recorded with the records of location orders of said Town Book, _____ Page _____.

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

Attest:

Town Clerk.



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

TO: Board of Selectmen
FROM: Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Falmouth Housing Authority approval of HUD grant
DATE: April 23, 2019

As you know, the Falmouth Housing Authority is a quasi-state agency governed by a board comprised of one state appointee and 4 elected members. We received the attached request from Executive Director Bobbi Richards for the Board to approve the US Department of Housing and Urban Development (HUD) award of a formula grant to the Falmouth Housing Authority in the amount of \$492,351 to carry out capital projects. This is an annual grant received by the Falmouth Housing Authority and does not involve any Town funds.

Attachments:

- Letter MA Department of Housing and Community Development
- Authorization Form

CC: Carla Feroni, Housing Coordinator

//FHA Capital Plan 4-2019.docx



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle L. Chan, Undersecretary

April 22, 2019

US Department of Housing and Urban Development
Attn: Ms. Marilyn O'Sullivan, Director
Office of Public Housing, New England
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street – Room 553
Boston, MA 02222-1092

RE: Approval of Annual Contributions Contracts Fiscal Year 2019

Dear Ms. O'Sullivan:

The Department of Housing and Community Development (DHCD) pursuant to the requirements set out in M.G.L.c.121B Sec.11 (d) hereby gives approval to the following housing authorities to enter annual contributions contracts (ACC) for capital funding with the Department of Housing and Urban Development for Fiscal Year 2019. No further approval by DHCD is necessary for entry, execution and performance of these contracts by the housing authorities:

PHA Name	PHA Code	Grant Number	Grant Amount
Lowell Housing Authority	MA001	MA01P00150119	\$4,474,921.00
Boston Housing Authority	MA002	MA01P00250119	\$27,090,639.00
Cambridge Housing Authority	MA003	MA01P00350119	\$2,701,309.00
Holyoke Housing Authority	MA005	MA01P00550119	\$1,732,720.00
Fall River Housing Authority	MA006	MA01P00650119	\$4,042,862.00
New Bedford Housing Authority	MA007	MA01P00750119	\$5,149,379.00
Chicopee Housing Authority	MA008	MA01P00850119	\$884,480.00
Lawrence Housing Authority	MA010	MA01P01050119	\$2,654,168.00
Worcester Housing Authority	MA012	MA01P01250119	\$5,830,527.00
Waltham Housing Authority	MA013	MA01P01350119	\$573,982.00
Revere Housing Authority	MA014	MA01P01450119	\$382,863.00
Medford Housing Authority	MA015	MA01P01550119	\$1,512,131.00
Chelsea Housing Authority	MA016	MA01P01650119	\$963,055.00
Taunton Housing Authority	MA017	MA01P01750119	\$846,010.00
Woburn Housing Authority	MA019	MA01P01950119	\$201,028.00

Quincy Housing Authority	MA020	MA01P02050119	\$1,550,300.00
Clinton Housing Authority	MA021	MA01P02150119	\$202,792.00
Malden Housing Authority	MA022	MA01P02250119	\$2,728,789.00
Lynn Housing Authority	MA023	MA01P02350119	\$1,175,894.00
Brockton Housing Authority	MA024	MA01P02450119	\$3,590,755.00
Gloucester Housing Authority	MA025	MA01P02550119	\$192,028.00
Northampton Housing Authority	MA026	MA01P02650119	\$217,077.00
Framingham Housing Authority	MA028	MA01P02850119	\$515,826.00
Pittsfield Housing Authority	MA029	MA01P02950119	\$328,188.00
Somerville Housing Authority	MA031	MA01P03150119	\$1,359,636.00
Newburyport Housing Authority	MA032	MA01P03250119	\$77,979.00
Brookline Housing Authority	MA033	MA01P03350119	\$1,057,374.00
North Adams Housing Authority	MA034	MA01P03450119	\$716,565.00
Springfield Housing Authority	MA035	MA01P03550119	\$4,026,703.00
Newton Housing Authority	MA036	MA01P03650119	\$468,789.00
Fitchburg Housing Authority	MA037	MA01P03750119	\$238,117.00
Winchendon Housing Authority	MA039	MA01P03950119	\$251,598.00
Dedham Housing Authority	MA040	MA01P04050119	\$53,140.00
Shrewsbury Housing Authority	MA041	MA01P04150119	\$153,575.00
Dracut Housing Authority	MA043	MA01P04350119	\$59,811.00
Beverly Housing Authority	MA044	MA01P04450119	\$329,162.00
Weymouth Housing Authority	MA045	MA01P04550119	\$162,721.00
Barnstable Housing Authority	MA046	MA01P04650119	\$142,531.00
Falmouth Housing Authority	MA047	MA01P04750119	\$492,351.00
Scituate Housing Authority	MA049	MA01P04950119	\$84,002.00
Salem Housing Authority	MA055	MA01P05550119	\$73,083.00
Plymouth Housing Authority	MA059	MA01P05950119	\$210,145.00
Needham Housing Authority	MA065	MA01P06550119	\$304,036.00
Lexington Housing Authority	MA067	MA01P06750119	\$169,921.00
Milford Housing Authority	MA069	MA01P06950119	\$120,873.00
Wakefield Housing Authority	MA074	MA01P07450119	\$70,118.00
Methuen Housing Authority	MA081	MA01P08150119	\$97,777.00
Amherst Housing Authority	MA085	MA01P08550119	\$35,128.00
Hudson Housing Authority	MA091	MA01P09150119	\$175,255.00
Watertown Housing Authority	MA093	MA01P09350119	\$96,585.00
Concord Housing Authority	MA098	MA01P09850119	\$53,182.00
Saugus Housing Authority	MA099	MA01P09950119	\$191,484.00
Wayland Housing Authority	MA101	MA01P10150119	\$261,091.00
North Andover Housing Authority	MA107	MA01P10750119	\$203,343.00
Norwood Housing Authority	MA109	MA01P10950119	\$173,465.00
Bourne Housing Authority	MA110	MA01P11050119	\$135,079.00
Pembroke Housing Authority	MA111	MA01P11150119	\$89,644.00
Stoughton Housing Authority	MA117	MA01P11750119	\$63,748.00

Danvers Housing Authority	MA118	MA01P11850119	\$162,900.00
Webster Housing Authority	MA123	MA01P12350119	\$108,503.00
Groveland Housing Authority	MA132	MA01P13250119	\$98,506.00
Rockland Housing Authority	MA133	MA01P13350119	\$68,649.00
Maynard Housing Authority	MA137	MA01P13750119	\$74,663.00
Tewksbury Housing Authority	MA139	MA01P13950119	\$91,106.00
Hanson Housing Authority	MA155	MA01P15550119	\$12,482.00
Medway Housing Authority	MA157	MA01P15750119	\$197,976.00
Auburn Housing Authority	MA159	MA01P15950119	\$184,014.00
Swansea Housing Authority	MA169	MA01P16950119	\$15,102.00

Multiple listings for PHAs reflect Grants with a 'P' in the Grant Numbers as Non-replacement Funding equal to Capital Funding, and Grants with an 'R' in the Grant Numbers are for Replacement Funding equal to Development Funding. Grants for Replacement Funding are for only a few PHAs as shown. The Replacement Housing ACC Amendments under this action is putting the funding in place and not approving any Development proposals, however some grants may be coupled with prior year grants in which the Development proposals have been approved. The HAs receiving Replacement Housing Funds must submit Development Proposals to the U.S. Department of Housing and Urban Development, Office of Public Housing, New England for prior approval.

Attest:



Laura Taylor
 Director, Bureau of Housing Management
 Division of Public Housing & Rental Assistance

Cc: Mr. Robert P. Cwieka, Deputy Director
 HUD Public Housing, Boston HUB – Room 553

Mr. Jeffery Twerago, Facilities Management Specialist
 HUD Public Housing, Boston HUB – Room 553

Mr. Michael A. Coughlin
 Office of Public Housing, Boston HUB – Room 553

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

**2019 Formula Funding Massachusetts Approval to fulfill the requirements of M.G.L.c.121B
Sec.11 (k)**

**Signoff below indicates approval from the local governing body for the local Public
Housing Authority (PHA) to accept HUD's 2019 Capital Fund Program formula grant to
carry out work activities identified in the PHA's 5 Year Capital Action Plan, in the amount
specified in the funding announcement published on HUD's website at:
https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund/2019pi**

(SEAL)
Attest:

TOWN/CITY _____

BY: _____

TITLE: _____

DATE: _____

Diane Davidson

From: Julian Suso
Sent: Thursday, April 25, 2019 10:29 AM
To: Frank Duffy; Peter Johnson Staub
Cc: Diane Davidson
Subject: RE: Special Counsel for Affordable Housing

Great, thanks Frank. With Diane's assistance, we will go with May 6.
Julian

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Thursday, April 25, 2019 10:23 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: Special Counsel for Affordable Housing

Yes.

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

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

From: Julian Suso
Sent: Thursday, April 25, 2019 10:12 AM
To: Frank Duffy; Peter Johnson Staub
Cc: Diane Davidson
Subject: RE: Special Counsel for Affordable Housing

Ok Frank. Timing-wise, will the BOS meeting on May 6 be agreeable?
Julian

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Thursday, April 25, 2019 9:14 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>
Subject: Special Counsel for Affordable Housing

Julian: Please ask the Board of Selectmen to designate this position as a special municipal employee for purposes of G.L. c. 268A, s. 1 et seq., the Conflict of Interest Law. The position meets all the criteria for designation as a special municipal employee.

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: Julian Suso
Sent: Friday, May 03, 2019 3:38 PM
To: Diane Davidson
Subject: FW: traffic Related Service Request

Diane,
Here is the final form of the proposed Traffic Rules Change Request for consideration by BOS.
Julian

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

From: Douglas Decosta <ddecosta@falmouthpolice.us>
Sent: Wednesday, March 6, 2019 1:34 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>
Subject: FW: traffic Related Service Request

Mr. Suso,

I have modified the request so that it reflects the format of the current Traffic Rules & Orders.

TOWN OF FALMOUTH
TRAFFIC RULES AND ORDERS
ARTICLE V STOPPING, STANDING, PARKING
SECTION 5-1 General Prohibitions

CHANGE OF LANGUAGE REQUEST

f. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide in each direction for passing traffic.

ADDITIONAL LANGUAGE REQUEST

- n. Double Parking on the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- o. Parking a vehicle outside a delineated parking space (i.e., lines marking the front, rear, and/ or side of a parking space for one vehicle)

Please contact me with any questions.

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

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.falmouthpolice.us&c=E,1,qoBq5fkqhuzKgYwoIUp1ABCKBaHLVp0iq8ydk92YX0bv--NcFCN8VojFz43ieFVneiMFnPa7YrVgAxxH3DsgSGrUciLApSHakyZ1WVPAoAEfGs5YkxYP&typo=1>



Falmouth Police Department
Chief Edward A. Dunne

May 2, 2019

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

Subject: Acceptance of Grant Funding \$8,000.00
Executive Office of Public Safety and Security's Highway Safety Div.
FY 2019 Pedestrian and Bicycle Safety Enforcement and Equipment
Budget period: March 8, 2019 to September 15, 2019

Dear Board of Selectmen:

We have been designated to receive federal grant funds in the amount of \$8,000.00 to help fund enforcement and equipment for Pedestrian and Bicycle Safety. This money will allow us to conduct enforcement at our extremely busy bike path, beach areas and our business district in the center of town. This will help us address safety concerns at some of the crosswalks where cyclists fail to dismount for the crosswalks and where vehicles fail to yield for pedestrians.

We will also be purchasing bicycle lights for bicycle riders including J1 workers. These bicycle lights are essential and will help ensure bicycle riders get to their destination safely.

We are requesting the Board of Selectmen to formally accept this grant.

Thank you in advance for your attention to this matter.

Sincerely,

Edward A. Dunne
Chief of Police

EAD/mar

Enclosure: Signed Standard Contract Form

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at <https://www.macomptroller.org/> under Forms.

CONTRACTOR LEGAL NAME: Town of Falmouth, Police Department (and d/b/a):	COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security, Office of Grants & Research MMARS Department Code: EPS
Legal Address: (W-9, W-4,T&C): 340 Teaticket HWY, Teaticket, MA 02536	Business Mailing Address: 10 Park Plaza, Suite 3720-A, Boston, MA 02116
Contract Manager: Lt. Sean Doyle	Billing Address (if different):
E-Mail: sdoyle@falmouthpolice.us	Contract Manager: Diane Perrier
Phone: 774-255-4527 x4505 Fax:	E-Mail: Diane.Perrier@mass.gov
Contractor Vendor Code: VC6000191790	Phone: 617-725-3301 Fax: 617-725-0260
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID Must be set up for <u>EFT</u> payments.)	MMARS Doc ID(s): 2019FALMOUTHPEDBIKEX RFR/Procurement or Other ID Number: Grant Application
<p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (Includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;">___ CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__ Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions ___ Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended), \$ <u>8,000.00</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (<u>G.L. c. 29, § 23A</u>); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FFY2019 Pedestrian and Bicycle Safety Grant Program PS-19-02-30/FASTACT405h - \$7,500.00 Assistance Listings# 20.616 PS-19-02-30/FASTACT402 - \$500.00 Assistance Listings# 20.600	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of ____, 20__, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>09/15</u> , 20 <u>19</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801-GMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>2-20-19</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Edward P. Donue</u> Print Title: <u>Chief</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>3/8/19</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Kevin Stanton</u> Print Title: <u>Executive Director, Office of Grants & Research</u>

On Wednesday, April 3, 2019 the Town Manager's Internal Working Group for Special Events met to review and discuss the applications listed on the agenda. The applicants were invited to the meeting to discuss the details of their special events.

All conditions are listed on the front of each special event permit.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Bands for Badges

NAME Bands for Badges, Inc., Boyd DeMello

MAILING ADDRESS P.O. Box 3102, Waquoit, MA 02536

EVENT DAY & DATE Saturday, August 24, 2019

SET-UP / BREAK-DOWN DATE _____

RAIN DATE Sunday, August 25, 2019

EVENT LOCATION Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth

EVENT TYPE Music Concert (Fundraiser)

EVENT HOURS 2:00 p.m. – 11:00 p.m.

NUMBER OF ATTENDEES 1500-2000 **# OF VEHICLES** Not to exceed available parking spaces

ADDITIONAL DETAILS Six bands at different times during the event. One-day beer & wine liquor license application submitted.

CONDITIONS:

1. Contact Police Detail Sergeant one month before event to arrange for adequate public safety requirements.
2. Fire Department requires a site plan that indicates tent sizes and locations. Will also need to know locations of any grills, propane tanks, etc.
3. Rope off section where alcoholic beverages will be sold and consumed.
4. Proof of liquor liability insurance required.
5. Contact Inspectional Services Department one month prior to event for tent permit and to schedule inspection.
6. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for alcoholic beverage vendors and for food vendors and to schedule inspections.

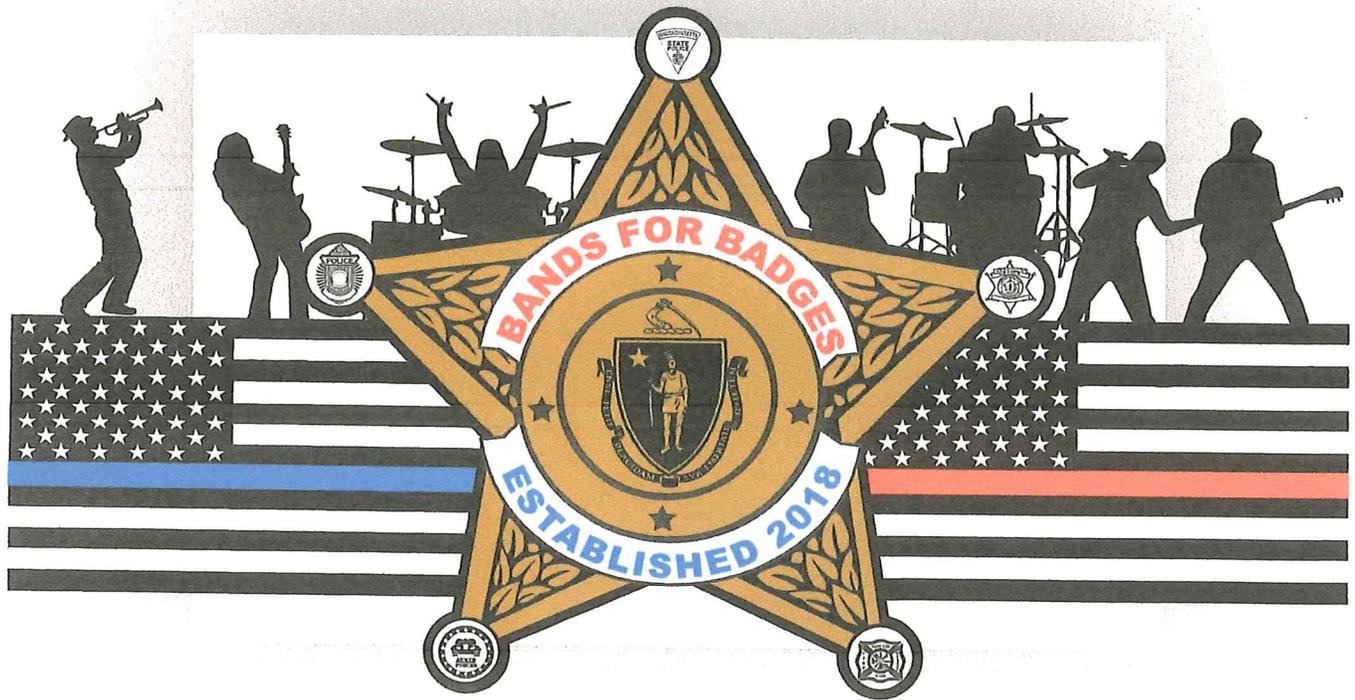
PERMIT FEE _____

FILING FEE \$10.00

DEPOSIT _____

(Refundable at conclusion of event provided that no litter or damage has occurred)

BOARD OF SELECTMEN:



THERE ARE MANY HEROES AMONG US

Each day, our public safety professionals and our men and women of the armed forces suit up, show up, and are prepared to make the ultimate sacrifice. They do this to keep us safe. Sometimes, their life's journeys bring them to a place where they need help. There is a daily risk of injury or fatality that can financially impact their lives traumatically where they need help. Bands for Badges, Inc. has been founded to provide that help by sponsoring concerts to raise money to help those heroes in need on Cape Cod.

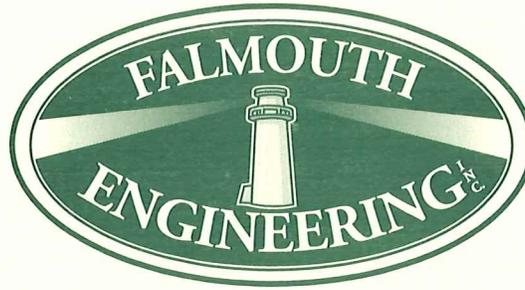
The Bands for Badges, Inc. is proud to announce our first concert to support Cape Cod heroes on **August 24, 2019** at the **Cape Cod Fair Grounds**. We are excited to have a terrific group of bands playing, along with food vendors and so much more.
We need your help.

100% of the profits will go directly into the Bands for Badges support fund, at Cape Cod Five, which is set up for our local First Responders and Military Families. With this, we will support fallen or injured heroes and their families in their time of need.

Please visit our website for more information: www.bandsforbadges.com

TOGETHER WE CAN MAKE A DIFFERENCE

CIVIL ENGINEERING
WASTEWATER DESIGN
TITLE 5 PLOT PLANS
LAND USE PLANNING



WETLANDS PERMITTING
COASTAL ENGINEERING
PIERS AND DOCKS
COMMERCIAL/RESIDENTIAL

Serving Cape Cod and Southeastern Massachusetts



May 2, 2019

Town of Falmouth Board of Selectmen
C/O Julian Suso, Town Administrator

**RE: Special Permit Application for Thomas Dmytryck
53 Madeline Road**

Dear Board Members,

Please find enclosed 1 copy of a revised plan for a proposed pier and boat lift for the above referenced property.

Subsequent to our initial public hearing, the plans have been revised in response to concerns raised by nearby property owners and suggestions from you.

The plans have been revised to reduce the overall projection of the structure from 25' to 20'. This proposed only structure projects 25% across the side channel of Eel Pond and is in full compliance with Army Corp of Engineers standards.

The plan also shows an area shaded in blue that represents a 25' wide area having a water depth of at least 3 feet referenced to Mean Low Water. This shaded area clearly demonstrates that there is sufficient width for navigation.

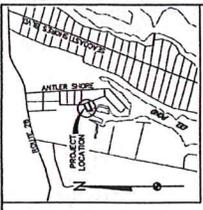
A copy of this plan has been emailed to the concerned neighbor.

We trust this revised plan satisfies any concerns and look forward to a favorable decision from the Board of Selectmen.

Sincerely,

Michael J. Borselli, P.E.
President, Falmouth Engineering, Inc.

Cc: Thomas Dmytryck



LEGEND

- 2" CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION

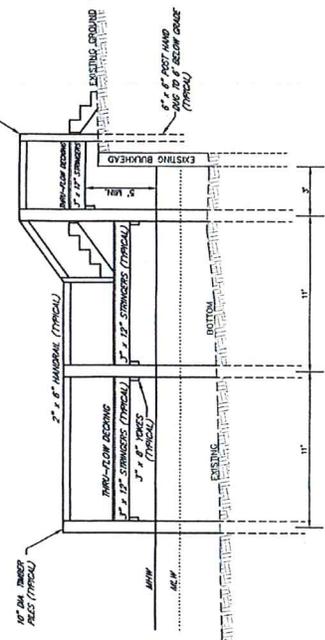
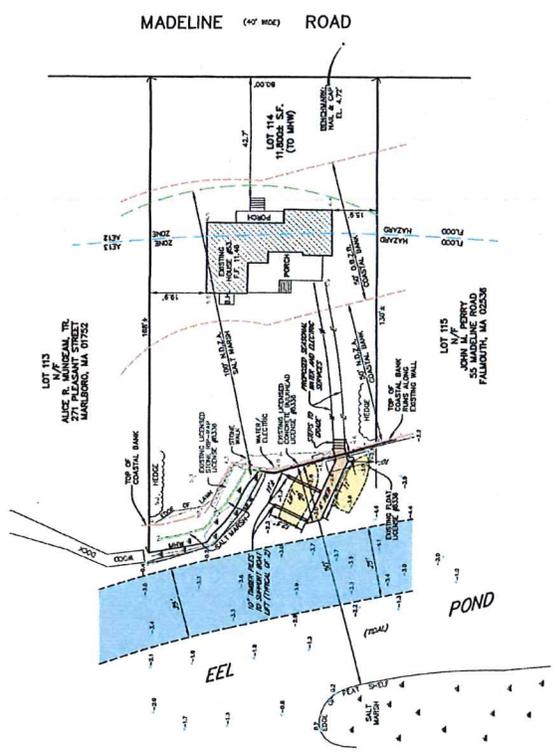
CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT BY THE PLANER.
2. ALL METAL FASTENERS SHALL BE HOT-DIPPED GALVANIZED STEEL.
3. ALL WOOD MATERIALS SHALL BE NEW OR RECYCLED.
4. PILES SHALL BE SPACED NOT LESS THAN 4 INCHES FROM THE TOP OF RETICULATED.
5. FASTENERS OF WOOD MATERIALS SHALL BE 3/4" DIA. AND 3000 POUNDS PER SQUARE INCH.
6. ALL DOOR LEADING SHALL NOT EXCEED 0.2 PERCENTAGE (P.C.).

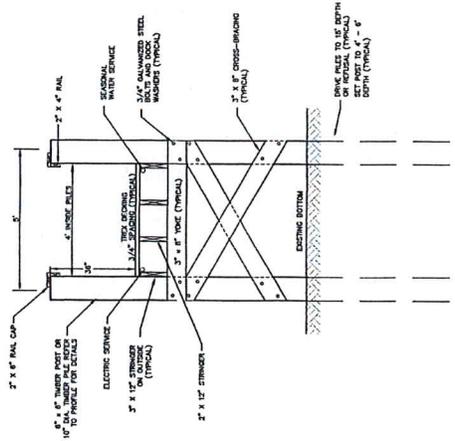
GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 32 06 000 114.
2. FLOOD ZONES: AET2 & AET3 (FEMA MAP 25001C0733A).
3. ZONING DISTRICT: RC.
4. WIND EXPOSURE CATEGORY: C.
5. OVERLAY DISTRICT: EEL POND.
6. LOT COVERAGE BY: 100%.
7. STRUCTURES: 1,197 S.F. / 1,800 S.F. = 10.1% < 20%.
8. STREET ADDRESS: MADELINE 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 1988.
12. SOUNDINGS ARE SHOWN IN BLUE AND BASED ON M.L.W. DATUM.

DATE	4/20/19	ADMIT PER ANGLE TO ADDRESS NEIGHBOR CONCERNS.
REVISION		
SITE PLAN - PIER/BOAT LIFT		
FOR #53 MADELINE ROAD		
PREPARED FOR		
THOMAS DMYTRYCK		
FALMOUTH, MA		
PLAN DATE:	JULY 9, 2018	PLAN SCALE: 1" = 20'
CAD FILE NAME:	170819P [BRANK BY: LAY/DJMM]	SHEET 1 OF 1



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



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





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
\$1150

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



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 25, 2019

Sent via Certified Mail 7012 1010 0001 8373 8279,
U.S. Mail and email deborahew@comcast.net

Ms. Deborah Ewald
81 Sam Turner Road
East Falmouth, MA 02536

Dear Ms. Ewald:

You are hereby notified that the Falmouth Board of Selectmen will conduct a hearing in accordance with Massachusetts General Laws Chapter 140, Section 157, on your request for an appeal of the decision of the Dog Hearing Officer dated March 27, 2019, regarding a dog owned or harbored by you (by-law attached).

The hearing will be conducted in the Selectmen's Meeting Room, Falmouth Town Hall, Falmouth, MA, on Monday, May 6, 2019 at 7:30 p.m. You are requested to attend, to present evidence and examine witnesses. You have the right to present witnesses and to have counsel attend the hearing with you.

Sincerely,

Julian M. Suso
Town Manager

JMS/dsd

cc: Capt. Brian Reid, Dog Hearing Officer, Falmouth Police Department
Jenna Correia, Animal Control Officer
Sally Houghton
Jeff D'Amario

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XX	PUBLIC SAFETY AND GOOD ORDER
Chapter 140	LICENSES
Section 157	NUISANCE OR DANGEROUS DOGS; ORDERS FOR REMEDIAL ACTION; APPEAL; VIOLATION OF ORDER

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
- (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

- (b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.
- (c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:
- (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;
 - (ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;
 - (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
 - (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;
 - (v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;
 - (vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or
 - (vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).



Falmouth Police Department
 750 Main Street Falmouth, MA 02540
 Phone: 774-255-4527 | Fax: 508-457-2566
 www.falmouthpolice.us



Town of Falmouth Dog Hearing: Order

In accordance with M.G.L. Ch. 140, S. 157 and Falmouth Board of Selectmen Memorandum dated 1/2/2013, a hearing was held due to a complaint of a dangerous or nuisance dog on

3/27/19

Based upon the presentation of credible evidence, the hearing authority has rendered the following ruling:

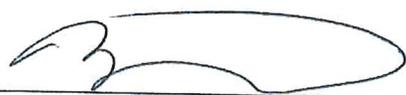
Nuisance Dog

The dog has been ruled to be a nuisance dog. The owner or keeper is ordered to take the following remedial action to ameliorate the cause of the nuisance behavior:

Dangerous Dog

*A dog may not be deemed dangerous (i) solely based on growling or barking; (ii) based upon the breed of the dog; or (iii) or if the dog was reacting to another animal or person and the dog's reaction was not grossly disproportionate to any of the following circumstances: (1) the dog was protecting or defending itself, another domestic animal, or a person from attack or assault; (2) the person who was attacked by the dog was committing a crime upon the person or property of the owner or keeper of the dog; (3) the person attacked or threatened was engaging in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or (4) the person who was attacked had breached any structure or enclosure that the dog was kept in without invitation or authority (if the person is under age 7 it shall be presumed that they were not committing a crime, trespassing, or provoking the dog).

- Dog shall be humanely restrained
- Dog shall be confined to premises of owner or keeper
- When removed from premises, dog shall be securely and humanely muzzled
- Owner must produce proof of insurance, not less than \$100,000
- Provide Animal Control with information by which the dog can be identified throughout its lifetime
- Dog shall be medically altered such that it will not be reproductively intact (unless proven medically unfit)
- The dog shall be humanely euthanized
- Complaint Dismissed



 Captain Brian L. Reid
 Hearing Authority

4/8/19

 Date

cc. Board of Selectmen, Chief of Police, Animal Control

Town of Falmouth

Municipal Dog Hearing

Hearing Officer: Captain Brian L. Reid, Falmouth Police Department
Findings Date: March 27, 2019
Hearing Date: March 27, 2019
Animal Control: ACO Jenna Correia
Dog Owners: Deborah Ewald
81 Sam Turner Road
East Falmouth, MA
Complainant: Sally Houghton
Other: Jeff D’Amario

Summary of Complaint:

On February 16, 2019 the dog owned by Deborah Ewald at 81 Sam Turner Road left its own yard, without provocation, and attacked a dog owned by Sally Houghton across the street. This was the third such incident reported by Ms. Houghton to Falmouth Animal Control. The first incident was on May 30, 2017 and the second was on June 27, 2018. In each incident, the dog was unhindered by leash or muzzle, left its own property, and without notice or provocation attacked a dog owned by Sally Houghton. ACO Jessica Gow relayed to me (verbally) that on one occasion when she went to Ms. Ewald’s residence to address a complaint, the dog “charged at” her and she was afraid of it.

Hearing Request and Notice of Hearing:

I received a hearing request from Sally Houghton dated February 18, 2019 (attachment 1). I scheduled the hearing for March 14, and sent the notice packet via certified mail to Deborah Ewald (attachment 2). The certified mail receipt was never returned, so I called Deb Ewald on March 13 to discuss the hearing. She stated that she never received it, so I rescheduled the hearing for March 27. She affirmed to me that she could attend.

Hearing:

Deb Ewald, Sally Houghton, and ACO Jenna Correia were all present for the hearing on March 27. Ms. Ewald and Ms. Houghton both signed in when they arrived (attachment 3). All witnesses were sworn in.

ACO Correia informed me that Animal Control was aware of 4 incidents involving this dog (attachment 4):

1. The owners at 81 Sam Turner Rd were issued a verbal warning for an incident on May 30th when the dog (unrestrained) left the yard without provocation and attacked one of her own dogs. Her dog suffered minor injuries in that attack, and Mrs. Ewald did retrieve her dog and was apologetic.
2. On June 28, 2018 the Ewald dog ran out of its yard without provocation and acted aggressively toward Ms. Houghton's dog again. Ms. Houghton's dog was not injured as it was inside a car, but there was reportedly some scratching to the paint of the car. Joshua Ewald was issued a 100.00 fine for Failure to restrain and Failure to License.
3. On September 2, 2018 the Ewald dog was observed to have leapt from a moving vehicle and attacked two dogs that were in the parking lot of Old Silver Beach. The dog was restrained by an off-duty State Trooper, David Dunphy. Tpr. Dunphy submitted a report indicating that the dog tried to attack him when he was assisting in placing it back into the owner's car. Falmouth Animal Control issued Deborah Ewald a \$50 fine for Failure to restrain and a Warning for Failure to License, as well as a 10-day quarantine order.
4. On February 16, 2019 the Ewald dog again ran out of its own yard, unrestrained and without provocation, and attacked the dogs owned by Sally Houghton. Ms. Houghton's boyfriend, Jeff D'Amario was present and had to physically separate the dogs. In his statement, Mr. D'Amario said that the Houghton dog "ferociously grabbed our biggest dog by the neck and clamped on." He went on to say that he "was in the dirt fighting for what I thought was our dogs last breath..." and that he "had to physically punch the dog several times..." in order to get it to release Ms. Houghton's dog. Ms. Houghton's dog suffered a laceration to its face. Ms. Ewald was issued a \$50 fine for failure to Restrain, and another 10-day quarantine order.

Ms. Houghton's testimony was consistent with the above listed incidents. She stated that she has had to change the way she does things out of fear of the Ewald dog. Ms. Ewald offered testimony that did not challenge any of the above listed facts. She added that the dog was adopted from an abusive environment. She stated that she has consulted with animal behaviorists and veterinarians about the dog. She said that the dog "has changed a lot, but obviously not enough." She added "I understand if he has to be put down it has to happen." She stated that she tries to always have a leash and muzzle, but she added "I don't believe I

could control him," citing issues with her shoulders. She said that the animal was diagnosed with "fear aggression."

Findings:

MGL 140, sec. 157 states, in part:

"...no dog shall be deemed dangerous: ... (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The statements of the witnesses reflect that the Ewald dog attacked multiple dogs that were not on its own property. The testimony reflects that the dog Bacon was never provoked in the attacks. Testimony further indicated that the Ewald dog has, on numerous past occasions, left its own yard (or moving vehicle) in order to attack other dogs. Ms. Houghton was on her own property and not committing a crime nor performing any of the actions listed that would constitute provoking the Ewald dog. None of the exemptions listed above apply to the circumstances of the attacks. The Ewald dog has behaved aggressively without provocation and caused injury to other animals on multiple occasions.

Based upon the testimony of the witnesses and a review of the documents that were submitted, I find that dog owned by Deborah Ewald of 81 Sam Turner Road is a **dangerous dog** as defined in MGL and described above.

In accordance with the provisions of MGL 140, sec. 157, and the Delegation of Dog Hearings in the Town of Falmouth, I am required to issue orders as a result of such finding. Permitted orders include:

"...(a) dog shall be humanely restrained;

(b) confined to the premises of the owner or keeper of such dog,

(c) when removed from the premises of the owner...the dog shall be securely and humanely muzzled,

(d) the owner...shall provide proof of a policy of insurance in an amount not less than \$100,000..."

(g) the dog shall be humanely euthanized.

Ms. Ewald voluntarily testified that she cannot control the dog. She has sought professional advice on how to modify the dog's behavior that has proven unsuccessful. She has demonstrated an inability to keep the dog properly confined to her own property. I have no confidence that she will be able to adhere to such remediation efforts in the future, as she has already stated and demonstrated that she was unable to in the past. I therefore order that the dog **humanely euthanized**.

The owners have 10 days from the date of this order to request a de novo appeal to the Board of Selectmen. The last calendar date to file such appeal is April 18, 2018.

Respectfully,

A handwritten signature in black ink, appearing to be "B. Reid", written over a horizontal line.

Captain Brian L. Reid

Attachments:

1. Sally Houghton hearing request (4 pages)
2. Ewald notice for hearing on 3/14/19 (8 pages)
3. sign-in sheet (1 page)
4. email complaints to ACO with citations and quarantine order (11 pages)

February 18, 2019

Captain Reid
Falmouth Police Department
750 Main Street
Falmouth, MA 02450

Captain Reed,

I live at 82 Sam Turner Road, and am writing to request a Dangerousness Hearing for the dog that is in residence at 81 Sam Turner Road.

I have had three instances with this very aggressive and scary dog.

- May 30, 2017
- June 27, 2018
- February 16, 2019

Please see the three attached e-mails that were sent to Jessica Gow, of Animal Control to document the instances of aggressive behavior. I will say by far the scariest was Saturday, February 16th, if my partner wasn't present to get the pit bull off my 14 year old lab mix, there wouldn't have been much I could do. I stand 5'4, roughly 130lbs, no match against an aggressive 70-ish(?) pound pit bull. Fortunately, neither sustained any serious injuries. Honestly, I am scared to walk out of my house with my dogs on leash, for fear we will get attacked in my own front yard.

To date, this dog has not growled, barked or made any noise before any attacks. It sees us from across the street and before I am able to get to safety, it has attacked my dogs. I know Sam Turner is a busy street for bikers, runner, walkers, and dog walkers I would hate for anyone else to have to go through this.

I am requesting this hearing in hopes there are some stricter measures that can be imposed to keep myself, my dogs and others in my neighborhood safe from what could be a potentially life threatening attack on person or animal in the near future.

Please feel free to contact me with any questions or if you need any additional information.

Regards,

Sally Houghton
[REDACTED]

Incident - 2/16 135p

Sally Houghton

Sat 2/16/2019 2:01 PM

To: animalc@falmouthmass.us <animalc@falmouthmass.us>

Hi Jessica,

I had another incident with the pitt bull at 81 Sam Turner. Its brown with browinsh orange collar. He came bolting across the street as I was walking my 2 leashed dogs in the house. The pit grabbed on to my 14 yr old lab mix and wouldn't let go. My boyfriend had to jump on and pry the pit off, while I tried to get my dogs in the house.

My lab mix seems to only have gotten a laceration to her face. Picture attached.

Please feel free to contact me at [REDACTED] if you need any additional information or have any questions.

Thank you,
Sally Houghton

Get [Outlook for Android](#)

Sally Houghton

From: Sally Houghton [REDACTED]
Sent: Wednesday, June 27, 2018 12:49 PM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26
Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

At approximately 5:45pm (Tuesday, June 26th), I was arriving home from a dog walk, I noticed the neighbors unrestrained dog (at 81 Sam Turner Rd.) was in the yard with a young adult male while he was putting trash out. My dogs noticed the neighbor dog and started barking - the dog then charged across the street jumping on my car trying to get at my dogs through a partially open back window, barking aggressively. The young adult male at first tried to call the dog back, then had to come over and physically pick up and carry the dog back across the street. Fortunately, we were in the car and nothing happened except some scratching to my car door.

Please feel free to contact me should you require any additional details or information. My cell is (508) 524-0526.

Best Regards,
Sally

From: Sally Houghton [REDACTED]
Sent: Monday, June 04, 2018 9:22 AM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

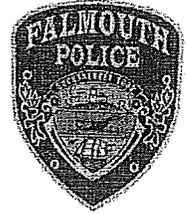
It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED].

Best Regards,
Sally



Falmouth Police Department
750 Main Street Falmouth, MA 02540
Phone: 774-255-4527 | Fax: 508-457-2566
www.falmouthpolice.us



March 1, 2019

Debra Ewald
81 Sam Turner Road
East Falmouth, MA 02536

Ms. Ewald,

This letter is to notify you of a Dog Hearing that has been scheduled on Thursday, March 14, 2019. The hearing will be held at the Falmouth Police Department Conference Room 9:00 am. Enclosed you will find a copy of Massachusetts General Law Ch. 140, sec. 157, and a copy of the Falmouth Board of Selectmen memorandum dated January 3, 2013 which authorizes the appointment of a Dog Hearing Officer.

Thank you,

Captain Brian L. Reid

cc. Board of Selectmen
Animal Control

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE XX PUBLIC SAFETY AND GOOD ORDER****CHAPTER 140 LICENSES****Section 157 Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order**

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance

behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the

organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

Memorandum

January 3, 2013

To: Julian Suso, Town Manager

From: Heather B. Harper, Assistant Town Manager

Cc: Patricia Harris, Associate Town Counsel
Acting Chief Dunne, Falmouth Police Department
Lieutenant Reid, Falmouth Police Department
Chuck Martinsen, Acting Director of Natural Resources

RE: Delegation of Dog Hearings

The Board of Selectmen expressed a desire to delegate the responsibility of Dog Hearings held in accordance with MGL Chapter 140 § 157. Over the last year, I've convened meetings with the Acting Director Natural Resources, Chuck Martinsen, Animal Control Officer, Alex Brandt, Acting Chief Dunne, Lieutenant Reid, and Associate Town Counsel, Patricia Harris.

Attached is a motion for the Board of Selectmen to consider delegating the role of Dog Hearing Officer to the Chief of Police, or his designee, a Captain, Lieutenant, Sergeant, within the Falmouth Police Department.

If the Board so moves, we are in agreement on the following recommended procedures:

Procedures

1. Complaint filed in writing to the Chief of Police
Complaint may be filed by the Town (Animal Control Division)
Complaint may be filed by a member of the public
2. Chief of Police Orders an Investigation by the DNR - Animal Control Division
3. Hearing is Scheduled and Owner Notified by the Chief of Police (or his designee)
4. Hearing Held -- Case is heard by the Chief of Police or his designee (hereafter the "hearing authority").
5. The hearing authority shall render a determination based upon credible evidence, and may:

- a. Dismiss the Complaint;
- b. Determine that the dog is a nuisance; or
- c. Determine that the dog is a dangerous dog.

6. If the dog is deemed a nuisance, the hearing authority may order the owner or keeper of the dog to take remedial action to ameliorate the cause of nuisance behavior.

7. If the dog is deemed a dangerous dog, the hearing authority shall order one or more of the following:

- (a) dog shall be humanely restrained;
- (b) confined to the premises of the owner or keeper of such dog,
- (c) when removed from the premises of the owner or keeper of the dog, the dog shall be securely and humanely muzzled,
- (d) the owner or keeper of the dog shall provide proof of a policy of insurance in an amount not less than \$100,000 and shall produce at the hearing or proof of efforts to obtain said policy.
- (e) the owner or keeper of the dog shall provide the licensing authority with information by which the dog can be identified throughout the course of its lifetime.
- (f) that unless proven medically unfit the dog shall be altered such that the dog shall not be reproductively intact; or
- (g) the dog shall be humanely euthanized.

*No order shall be issued directing that a dog deemed dangerous be removed from the town or city in which the owner or keeper of such dog resides.

8. A decision issued by the hearing authority may be appealed by filing a notice of appeal within ten days of the date of the decision to the Board of Selectmen for a de novo review.

9. A decision issued by the Board of Selectmen may be appealed by bringing a petition within 10 days of the date of the decision in the district court in accordance with M.G.L. c. 157(d).

Recommended Vote of the Board

1. Adopt the Procedures as recommended or amended January 2013.
2. Appoint the Chief of Police or his designee (a member of the command staff) as the hearing authority in accordance with Section 136A of MGL Chpt. 140.

3/27/19

<u>NAME</u>	<u>ADDRESS</u>
Sally Houghton	82 SAM TURNER RD E Falmouth MA 02536
Deborah Ewald	81 Sam Turner Rd E Falmouth MA 02536

Sally Houghton

From: Sally Houghton [REDACTED]
Sent: Wednesday, June 27, 2018 12:49 PM *Citation issued.*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26

Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

At approximately 5:45pm (Tuesday, June 26th), I was arriving home from a dog walk, I noticed the neighbors unrestrained dog (at 81 Sam Turner Rd.) was in the yard with a young adult male while he was putting trash out. My dogs noticed the neighbor dog and started barking - the dog then charged across the street jumping on my car trying to get at my dogs through a partially open back window, barking aggressively. The young adult male at first tried to call the dog back, then had to come over and physically pick up and carry the dog back across the street. Fortunately, we were in the car and nothing happened except some scratching to my car door.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED].

Best Regards,
Sally

From: Sally Houghton [REDACTED]
Sent: Monday, June 04, 2018 9:22 AM - *warning issued in person*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED].

Best Regards,
Sally

03-27-19;12:05 ;From:Falmouth Animal Control To:95084572566 ;5085487455 # 11/ 11

TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE June 28, 2018

NAME OF OFFENDER Joshua Ewald

ADDRESS OF OFFENDER 81 Sam Turner rd.

CITY, STATE, ZIP E. Falmouth, MA 02536 DATE OF BIRTH OF OFFENDER _____

OPERATOR LICENSE NUMBER _____ REGISTRATION NUMBER _____

OFFENSE:

83-19 Failure to restrain \$50

83-13 Failure to license \$50

TIME AND DATE OF VIOLATION 5:45 (A.M.) (P.M.) ON June 26, 2018

LOCATION OF VIOLATION 82 Sam Turner rd.

SIGNATURE OF ENFORCEMENT PERSON [Signature] ENFORCING DEPARTMENT MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 6/28/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 100.00.

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. **0093**

Signature _____

From: "Dunphy, David (POL)" [REDACTED]
To: "Animalc@falmouthmass.us" <Animalc@falmouthmass.us>
Subject: Old Silver Pit Bull incident
Date: 9/3/2018 11:34:07 AM

Good Morning,

On Sunday, September 2nd, 2018, at approximately 1900 hours, I, Trooper David Dunphy #3944 (off duty), was traveling north on Quaker Road in front of Old Silver Beach in the town for Falmouth (public way), with my wife, Anna, when we both observed a Kia traveling in the opposite direction, bearing MA registration 7VK195. We observed a brown/darker colored pit bull jump out of the moving vehicle from the rear passengers side window and fall to the ground. The pit bull started snarling and ran after two other dogs that were in the residence parking lot of Old Silver Beach. I believe the two victim dogs to be labordoodles type dogs. Both labordoodles were on leash.

I had my wife stop the vehicle so I could assist. I exited the car and ran over to the dogs. The dogs were biting and attacking each other. I observed the pit bull latched onto the neck of one of the victims dog, and observed blood on both dogs. I jumped on the pit bull, which was clearly the aggressor, and straddled its hind legs and grabbed its collar. I subdued the pit bull by its neck and got it to release its bite from the other dogs neck. The dogs were separated and I maintained control of the pit.

The owner of the pit bull, an older lady, brought a mask and put it on the pit bull. An older man with a cane said it was their dog. We escorted the pit to her vehicle and attempted to put it in the back of the car when it started lashing out again and tried to attack me. It was put in the vehicle and secured.

I talked to both owners of the dogs (I did not get any names or information from either party, just the vehicle gistration of the pit), and had them exchange information, and advised them to call Falmouth Police or Animal Control to report the incident. When I returned to my house I called the incident into Falmouth Police.

I have attached a picture of the pit owners and myself (blue shirt).

Please let me know if you need anything else,

VR

Tpr David Dunphy
[REDACTED]

TOWN OF FALMOUTH NOTICE OF VIOLATION
OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE
September 3, 2018

NAME OF OFFENDER
Deborah A Ewald

ADDRESS OF OFFENDER
81 Sam Turner rd.

CITY, STATE, ZIP
Falmouth, MA 02536

DATE OF BIRTH OF OFFENDER

OPERATOR LICENSE NUMBER

REGISTRATION NUMBER

OFFENSE:
83-19 Failure to Restrain \$50
83-13 Failure to License (warning)

TIME AND DATE OF VIOLATION
7:30 (A.M.) (P.M.) ON September 2, 2018

LOCATION OF VIOLATION
Quaker road

SIGNATURE OF ENFORCEMENT PERSON
Jordan

ENFORCING DEPARTMENT
MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 9/4/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.
(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note
 IN 21 DAYS OF THE DATE OF THIS NOTICE to:
Town Clerk
59 Town Hall Square
Falmouth, MA 02540
(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0229

Signature _____

RELEASE FROM QUARANTINE

The animal(s) described on the right does not in my opinion show symptoms of any infectious contagious disease.

Inspector of Animals

9/12/18
Date

Instructions to inspector: Write the full name of the person to whom you delivered the original order of quarantine. Designate that person as the owner, or person having interest in, or person in charge, by crossing out the words which do not apply. If you are able to deliver the original order of quarantine to primary caretaker, please post the original on file.



Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH

ORDER OF QUARANTINE

Massachusetts General Laws, Chapter 129 § 2, 21, 22

TRIPPLICATE
Inspector's
copy

Town or City of Falmouth Date 9/2/18
To Deborah Ewald owner/person having an interest in/or person in charge.

Upon premises of owners home Address 81 Sam Turner rd.

The following is quarantined, by virtue of the power and authority vested in me by law

1 male, canine, pit bull, 5 yrs, brown, "keto"
(Number, Sex, Species, Breed, Age, Color, Name)

Reason for quarantine. (Suspected disease, importation violation, animal bite (name of person bitten / address / date of bite))

Animal Bite: "Gracie" - Female wheaton Terr.

owner: Heidi Giovanni 24 Nauset Ave. E. Falmouth, MA

Further conditions of quarantine: 10 day quarantine

You and all other persons whom it may concern are hereby forbidden to remove anything under quarantine from the premises for any purpose whatsoever, except by permission of the Director of Animal Health or his authorized agent. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

05/09 56250M Form 38

[Signature] Inspector of Animals

Dog attack

Jeff Damario [REDACTED]

Tue 3/26/2019 3:28 PM

To: Sally Houghton [REDACTED]

On Saturday feb 16th 2019 my girlfriend Sally Houghton and i Jeff D'Amario returned home from errands and walking the dogs at a local beach

While exiting the car and walking our board walk leading up to the front door of our house the neighbor pit bull charge across a main rd with no warning whats so ever and lunged for and ferociously grab our biggest dog by the neck and clamped on

I quickly tried to separate them to no avail !

Being a dog owner for most of my life and also owning a pit bull at one time

I didn't feel that the pit bull was going to let go ,

it happened so fast!

Before long i was in the dirt fighting for what i thought was our dogs last breath ,while ending up on my side in the melee and applying a scissor locks with my legs i had to physically punch the dog several times until it finally let go

I believe the pit bulls bottom teeth had not been able to penetrate our dogs neck because of the thickness of our dogs collar (our dog did receive a laceration on the side of her snout by the neck from the bite) probably was the ony reason it let go

(No subject)

Jeff Damario [REDACTED]

Tue 3/26/2019 1:40 PM

To: Sally Houghton [REDACTED]

 1 attachments (2 MB)

20190326_101035.jpg;



< DETAILS

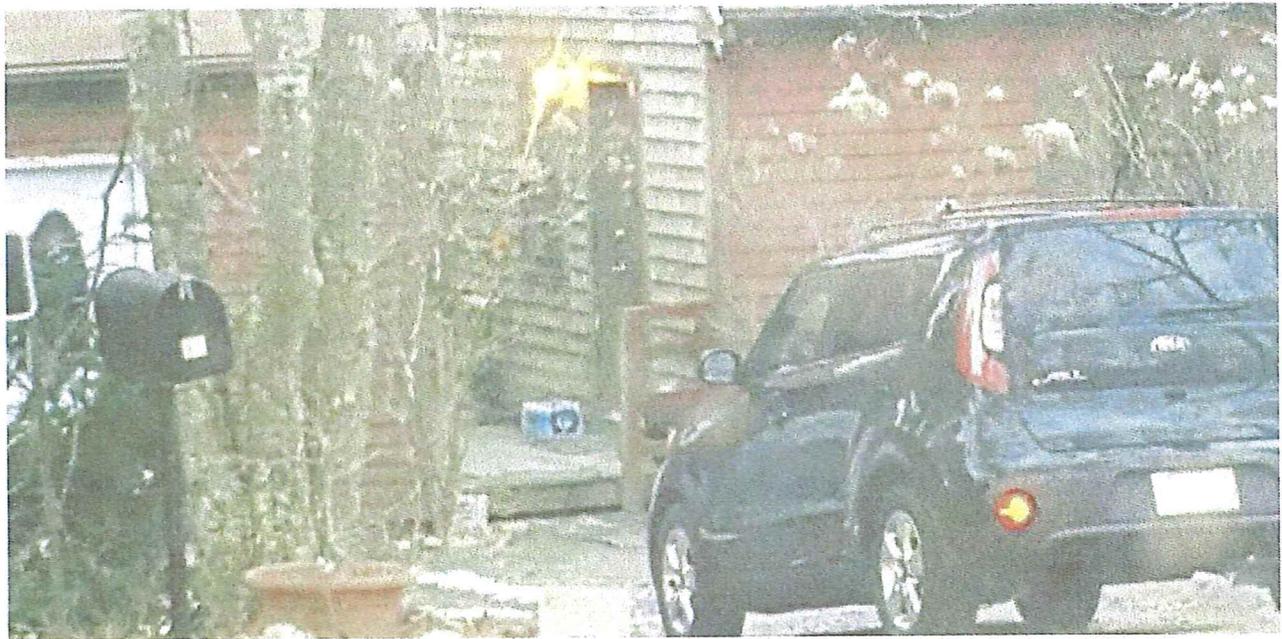
EDIT

Date March 14, 2019 8:21 AM

Size 54.70 KB | Resolution 664x374

Path /Internal storage/VZMedia

Title 275447.jpeg





Date March 14, 2019 5:47 PM

Size 1.95 MB | Resolution 4032x3024

Path /Internal storage/DCIM/Camera

Title 20190314_174725.jpg

LOCATIONS

No location

TOWN OF FALMOUTH NOTICE OF VIOLATION
OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE
February 16, 2019

NAME OF OFFENDER
Debra Ewald

ADDRESS OF OFFENDER
81 Sam Turner rd.

CITY, STATE, ZIP
Falmouth, MA 02536

DATE OF BIRTH OF OFFENDER

OPERATOR LICENSE NUMBER

REGISTRATION NUMBER

OFFENSE:
83-19 Failure to Restrain \$50.00

TIME AND DATE OF VIOLATION
1:30 (A.M.) (P.M.) ON February 16, 2019

LOCATION OF VIOLATION
81 Sam Turner rd.

SIGNATURE OF ENFORCEMENT PERSON
[Signature]

ENFORCING DEPARTMENT
MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 2/18/19

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00.
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0146

Signature _____



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 29, 2019

Sent via Certified Mail 7012 1010 0001 8373 8286,
U.S. Mail and email rebakerusa@gmail.com

Mr. Richard E. Baker
P.O. Box 848
E. Falmouth, MA 02536

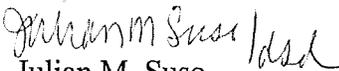
Dear Mr. Baker:

Subject: Commercial Shellfish Permit 0017

You are hereby notified that the Falmouth Board of Selectmen will conduct a hearing in accordance with the Code of Falmouth Chapter 275, Shellfish and Herring, on your appeal of the temporary revocation of your commercial shellfish permit 0017 until after September 3, 2019 (a six-month minimum) as a result of violations stated in a letter to you from the Director of Marine and Environmental Services dated March 4, 2019 (copy attached).

The hearing will be conducted in the Selectmen's Meeting Room, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA, on Monday, May 6, 2019 at 7:30 p.m. You are requested to attend, to present evidence and examine witnesses. You have the right to present witnesses and to have counsel attend the hearing with you.

Sincerely,


Julian M. Suso
Town Manager

JMS/dsd

cc: Gregg Fraser, Marine & Environmental Services Director
Chuck Martinsen, Shellfish Constable



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

March 4, 2019

Mr. Richard Baker
PO Box 848
11 O'Donnell Ave
E Falmouth, MA 02536

RE: Commercial Shellfish Permit 0017

Dear Mr. Baker:

I have been notified by the Shellfish Constable of serious shellfish violations committed by you on March 3, 2019. The violations included 322 CMR 16 Untagged Shellfish, 322 CMR 16 Commercial Harvest Restriction, 322 CMR 6 Seed shellfish in possession and FTC 275-9 commercial shell fishing on Sunday.

As a result, you are hereby notified the shell fishing permit listed above have been temporarily revoked pursuant to the FTC Chapter 275-18. You may apply for re-instatement of this shellfish permit after September 3, 2019 (six-month minimum) directly to the Board of Selectmen.

Shell fishing of any kind in Falmouth after the date of this notice constitutes a violation of MGL Chapter 130 and FTC Chapter 275 and will result in additional enforcement action up to and including arrest.

Please contact me directly should you have any questions regarding this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Fraser", is written over a horizontal line.

Gregg Fraser
MES Director

Cc: Board of Selectmen
Julian Suso, Town Manager
Mass Environmental Police
MES Staff
Collectors Office

CERTIFIED MAIL: 7012 0470 0000 1527 5515

Richard E Baker
Falmouth MA 02536
PO Box 848
cell [REDACTED] Email [REDACTED]

Would like to request a hearing by the
Board of Selectmen.

Mr. Baker was referred to this office by
Doug Brown.



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

March 4, 2019

Mr. Richard Baker
PO Box 848
11 O'Donnell Ave
E Falmouth, MA 02536

RE: Commercial Shellfish Permit 0017

Dear Mr. Baker:

I have been notified by the Shellfish Constable of serious shellfish violations committed by you on March 3, 2019. The violations included 322 CMR 16 Untagged Shellfish, 322 CMR 16 Commercial Harvest Restriction, 322 CMR 6 Seed shellfish in possession and FTC 275-9 commercial shell fishing on Sunday.

As a result, you are hereby notified the shell fishing permit listed above have been temporarily revoked pursuant to the FTC Chapter 275-18. You may apply for re-instatement of this shellfish permit after September 3, 2019 (six-month minimum) directly to the Board of Selectmen.

Shell fishing of any kind in Falmouth after the date of this notice constitutes a violation of MGL Chapter 130 and FTC Chapter 275 and will result in additional enforcement action up to and including arrest.

Please contact me directly should you have any questions regarding this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg Fraser", is written over a horizontal line.

Gregg Fraser
MES Director

Cc: Board of Selectmen
Julian Suso, Town Manager
Mass Environmental Police
MES Staff
Collectors Office

CERTIFIED MAIL: 7012 0470 0000 1527 5515

G 29816

MASSACHUSETTS UNIFORM ENVIRONMENTAL VIOLATION NOTICE

COURT DOCKET NO.

DATE CITATION WRITTEN 3/3/19 ENFORCEMENT AGENCY DLE

OPERATOR OWNER PASSENGER RACE SEX NON-INVENTORY SEARCH W M NO YES

NAME (Last, First, Initial) BAKER RICHARD DATE OF BIRTH 8/27/59 OWNER (IF DIFFERENT)

ADDRESS 11 O'DONNELL AVE ADDRESS

CITY/TOWN FALMOUTH STATE MA ZIP 02536 CITY/TOWN STATE ZIP

LICENSE NO. OR SSN 593654725 STATE MA FIREARM TYPE & SERIAL NUMBER CHAPTER 30/131 PERMIT TYPE & # 075597

MV/MB REG# MS625RHT STATE MA EXP. DATE YEAR 78 COLOR Div HP/CC HULL IDENTIFICATION NUMBER CNJA01970478

DATE OF VIOLATION 3/3/19 LOCATION OF VIOLATION GREAT POND CIVIL FINE TIME AM PM ACCIDENT YES NO

OFFENSE	CHAP.	SECT	AMOUNT	NOTICE TO VIOLATOR
A. Commercial Harvest Restriction	322	cmr 07	100.	SEE REVERSE SIDE OF THIS CITATION FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS CITATION
B. Untagged Shellfish	322	cmr 03	1	
C. Seed Quahog > 5%	322	cmr 20	1	
20% ENVIRONMENTAL LAW ENFORCEMENT SURCHARGE			20.	

OFFICER: CHECK ONE ONLY [] WARNING [] ARREST [X] NON CRIMINAL INFRACTIONS [] CRIMINAL COMPLAINT APPLICATION

TOTAL AMOUNT DUE 120. Additional Information: FALMOUTH COURT

OFFICER CERTIFIES COPY SENT TO VIOLATOR [X] BADGE NO. 153 [X] IN HAND [] BY MAIL

COURT LOCATION 161 JONES RD

VIOLATOR ACKNOWLEDGES RECEIPT OF CITATION [X]

FALMOUTH MA 02540

VIOLATOR COPY

**TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW,
RULE, REGULATION OR CIVIL DISPOSITION VIOLATION**

DATE OF THIS NOTICE 3/31/19

NAME OF OFFENDER Richard Baker

ADDRESS OF OFFENDER 11 O'Donnell Ave

CITY, STATE, ZIP Falmouth MA DATE OF BIRTH OF OFFENDER 08/27/59

OPERATOR LICENSE NUMBER 543154725 REGISTRATION NUMBER 0252HT

OFFENSE: 275-9

TIME AND DATE OF VIOLATION 12:30 (A.M.) (P.M.) ON March 3 20 19

LOCATION OF VIOLATION 7000 East Falmouth MA

SIGNATURE OF ENFORCEMENT PERSON [Signature] ENFORCING DEPARTMENT Falmouth MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed _____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 1000

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

1438

Signature _____

Diane Davidson

From: Frank Duffy
Sent: Thursday, April 18, 2019 3:20 PM
To: Julian Suso
Cc: Peter Johnson Staub; Susan Moran; Diane Davidson; Gregg Fraser; Charles Martinsen; Kim Fish
Subject: RE: Richard Baker request for hearing

Julian: Commercial shellfish licenses are granted by the Board of Selectmen. Code of Falmouth (Code) c. 275, s. 9. Section 18 provides for violations and penalties as follows:

- A. Any holder of a shellfish permit who violates any provision of these regulations or the laws relative to the taking of shellfish shall forfeit his permit and shall be barred from obtaining shellfish permits for a period of not less than six months or not more than one year from the date of the violation, at the discretion of the Selectmen.

The date of the violation is March 3, 2019. The six month minimum period of forfeiture expires September 3, 2019. Mr. Baker should be afforded his hearing promptly. He does not have to wait 6 months for a hearing.

Mr. Baker is entitled to a hearing on two grounds. The first matter for the board's decision is whether Mr. Baker violated the regulations (c. 275 of the Code) or any other laws relative to the taking of shellfish. For this matter Greg or Chuck should be present with any other witnesses to offer testimony and prove the violations. At the hearing all witnesses should testify under oath.

If the board finds no violations, the board should restore the permit to Mr. Baker. If the board finds violations, the board's second decision is the duration of the forfeiture. The minimum period is 6 months from the date of the violation and the maximum period is one year.

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

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

From: Julian Suso
Sent: Thursday, April 18, 2019 11:50 AM
To: Frank Duffy
Cc: Peter Johnson Staub; Susan Moran; Diane Davidson
Subject: FW: Richard Baker request for hearing

Hello Frank,

Regarding the attached "request for a BOS hearing" on the revocation/reinstatement of a shellfish permit, can you take a look and provide guidance to us in proceeding? Thanks.

Julian

From: Phyllis Downey <phyllis.downey@falmouthma.gov>

Sent: Thursday, April 18, 2019 11:46 AM

To: Falmouth Selectmen <selectmen@falmouthma.gov>

Subject: Richard Baker request for hearing

Good morning,

Attached please find documents submitted by Richard Baker, delivered by hand, to request a hearing before the Board of Selectmen regarding his 6 month revocation of shell fishing permit.

Thank you,

Phyllis Downey

Administrative Assistant

Office of the Town Manager & Board of Selectmen

508-495-7325

Number:
016-SHD

Fee
\$25.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Soo Soo's Vintage
c/o Home Again
93 East Falmouth Hwy, E Falmouth 02536
is hereby granted this
Second-Hand Dealer's License

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

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

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

Second-hand, vintage home décor

Valid from: May 6, 2019

Valid until: April 30, 2020

By order of The Falmouth Board of Selectmen

May 6, 2019

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

Phyllis Downey

From: Douglas Decosta <ddecosta@falmouthpolice.us>
Sent: Wednesday, April 10, 2019 2:18 PM
To: Diane Davidson; Phyllis Downey
Subject: Background Check- Susan Friedman of Soo Soo's Vintage

Background Check- Susan Friedman of Soo Soo's Vintage Dealer of Secondhand Articles

April 10, 2019

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

Susan Friedman of Soo Soo's Vintage

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

Sincerely,

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



-----NOTICE-----

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

Phyllis Downey

From: Ollie Fitzpatrick
Sent: Thursday, April 11, 2019 1:47 PM
To: Phyllis Downey
Subject: RE: Second Hand Dealer's License application Soo Soo's Vintage

Good Afternoon:

It is that little store that was and is Home Again so we have no issue here

Ollie Fitzpatrick
Assistant Zoning Enforcement Officer
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
Phone: (508) 495-7468
Fax: (508) 548-4290
Email: ollie.fitzpatrick@falmouthma.gov

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

From: Phyllis Downey
Sent: Thursday, April 11, 2019 1:44 PM
To: Reid Brian <breid@falmouthpolice.us>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: Second Hand Dealer's License application Soo Soo's Vintage

Hello,

Attached please find an application for Second Hand Dealer License by Susan Friedman at 93 East Falmouth Highway, East Falmouth. Ms. Friedman will maintain a 'booth' in Home Again, a Second Hand Dealer's shop operated by Derolyn Beitman.

May we please request your recommendations by Thursday, May 2, 2019? The BOS will review the application at their May 6th meeting.

Thank you,

Phyllis Downey
Administrative Assistant

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, April 11, 2019 3:48 PM
To: Phyllis Downey
Subject: RE: Second Hand Dealer's License application Soo Soo's Vintage

Thank you, all set with ZBA.

Noreen Stockman

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey
Sent: Thursday, April 11, 2019 1:44 PM
To: Reid Brian <breid@falmouthpolice.us>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: Second Hand Dealer's License application Soo Soo's Vintage

Hello,

Attached please find an application for Second Hand Dealer License by Susan Friedman at 93 East Falmouth Highway, East Falmouth. Ms. Friedman will maintain a 'booth' in Home Again, a Second Hand Dealer's shop operated by Derolyn Beitman.

May we please request your recommendations by Thursday, May 2, 2019? The BOS will review the application at their May 6th meeting.

Thank you,

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

Town Committee Vacancies

The Falmouth Board of Selectmen has announced the following vacancies on Town committees:

Committee	Term Until
Affordable Housing Committee (1 position)	6/30/21
Agricultural Commission (1 position)	6/30/19
Board of Assessors (1 position)	6/30/21
Board of Survey (2 positions)	6/30/21
Coastal Pond Management Committee (1 position)	6/30/19
Commission on Disabilities (3 positions)	6/30/19, 6/30/20, 6/30/21
Community Preservation Committee (1 position)	6/30/21
Cultural Council (3 positions)	6/30/20, 6/30/21
Energy Committee (1 position)	6/30/20
Historical Commission (1 alternate position)	6/30/21
Human Services Committee (1 position)	6/30/19
Sign Review Committee (3 full positions, 2 alternate positions)	6/30/19, 6/30/21 & 6/30/20
Substance Abuse Commission (1 position)	6/30/21
Zoning Board of Appeals (1 associate position)	6/30/19

Applications are available on the Town website www.falmouthmass.us, or in the Office of the Board of Selectmen, 59 Town Hall Square, Falmouth. Please submit applications to the Office of the Board of Selectmen.

Commission on Disabilities

3 vacancies:

- 1 term until 6/30/19
- 1 term until 6/30/20
- 1 term until 6/30/21

1 applicant:

- Paul Grunden



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 29, 2019

Mr. Paul Grunden
115 Scranton Ave.
Falmouth, MA 02540

Dear Mr. Grunden:

This letter is in response to your application received by this office expressing interest in serving as a member of the Commission on Disabilities.

The Board of Selectmen invites you to appear for an interview on Monday, May 6, 2019 in the Selectmen's Meeting Room, Falmouth Town Hall. The interviews are scheduled under the "Business" portion of the meeting, which begins at 7:45 p.m.

Please confirm with the Selectmen's Office that this date and time is possible for you.

Sincerely,

Diane Davidson
Office Manager/Licensing



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Paul Richard Grundon

Address: 115 Scranton Ave Village: Falmouth ZIP: 02540

Mailing Address: (Same as above) Village: _____ ZIP: _____

Telephone: [REDACTED] Email: _____

How long have you been a Resident Aug 2009 (date: _____) / Taxpayer _____ (date: _____)

Amount of time you are available to give: I am disabled so I have a lot of time available

Town Committee, Board or Commission you are interested in serving on:

1. Commission on Disabilities
2. _____
3. _____

Seeking: Permanent Position Alternate Position _____

Relevant affiliation & work & personal experiences I am a disabled Veteran

Town offices held in Falmouth or elsewhere and dates of years served: Fin Com Oak Bluffs in the 1970s

Briefly describe the particular skills you feel you will add to the committee or board:
The insight of being a disabled Veteran

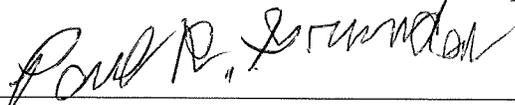
Three (3) References:

Name	Title	Phone
1.		
2.		
3.		

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

4 July 2019
DATE


APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Affordable Housing Committee

1 vacancy:

- 1 term until 6/30/21

1 applicant:

- Karen Bissonnette



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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Name: Karen Bissonnette

Address: 7 Cderidge Dr Village: Falmouth ZIP: 02540

Mailing Address: same Village: _____ ZIP: _____

Telephone: [redacted] Email: [redacted]

How long have you been a Resident 38 years (date: 1967-1982 and 1990-present) / Taxpayer 22 yrs (date: 1997-present)

Amount of time you are available to give: what ever is needed

Town Committee, Board or Commission you are interested in serving on:

1. Affordable Housing Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position _____

Relevant affiliation & work & personal experiences Executive Director of Falmouth Housing Trust - Town Meeting member

Town offices held in Falmouth or elsewhere and dates of years served: _____

Town Meeting Member 1998-present

Briefly describe the particular skills you feel you will add to the committee or board: _____

Knowledge of affordable housing issues, tenacity, Familiarization with the community.

Three (3) References:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Joanne O'Sullivan	President, Falmouth Housing Trust	[REDACTED]
2.	Richard Kendall	Former State Rep.	[REDACTED]
3.	Michael Galasso	Housing Developer	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

4/10/19
DATE

[Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Agricultural Commission

1 vacancy:

- 1 term until 6/30/19

1 applicant:

- John (Jack) Simonds



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: John (Jack) Simonds

Address: 183 Timothy Bourne Cartway Village: E. Fal ZIP: 02536

Mailing Address: P.O. Box 3706 Village: Wagvoit MA ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 46 yr (date: 9/73) / Taxpayer 45 yr (date: 1974)

Amount of time you are available to give: Appropriate

Town Committee, Board or Commission you are interested in serving on:

1. Agricultural Commission
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences Landowner of 14 acres (now 16) since 1981; 4 years as vendor at Falmouth Farm Market Starting 1973 several years employment at Penikese Island School building and maintaining agricultural projects with the 'student'
Town offices held in Falmouth or elsewhere and dates of years served: _____

Briefly describe the particular skills you feel you will add to the committee or board: to Encourage and promote the Mission Statement of the Commission as a working farmer.

Three (3) References:

Name	Title	Phone
1. STANWOODS INGRAM	Board of Farming Feelmouth	[REDACTED]
2. Jane Vose	member Jal. Ag Com	[REDACTED]
3. Matt Churchill	Board of Ag Com	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

3/25/19
DATE

John K. [Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Community Preservation Committee

1 vacancy

- 1 term until 6/30/21

1 applicant:

- Michael Stone



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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Name: Michael Stone

New residence as of 4/1/19 *

Address: 10 Telegraph Hill Rd Village: W. Falmouth ZIP: 02540

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 30 yrs (date: 1987**) / Taxpayer 5 yrs (date: 2014)

** Two years in Brookline, MA

Amount of time you are available to give: 3-4 hrs / week

Town Committee, Board or Commission you are interested in serving on:

- Community Preservation Committee
- _____
- _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No, I've attended EDIC, Planning Board, Board of Selectmen, & Historical Commission meetings

Relevant affiliation and work and personal experiences I've lived in Falmouth my entire life, except for 2 years in Brookline, MA. In that time I've lived in 3 villages: E. Falmouth, Falmouth and now W. Falmouth. As an avid distance runner I've seen more of this beautiful town than most would see in an entire lifetime. I also own a business here in Falmouth, Sunility Electric LLC, Sunility
Town offices held in Falmouth or elsewhere and dates of years served: N/A

manages currently operating solar projects. A few non-profits I've volunteered for include: the Falmouth Service Center, the 300 Committee & the Falmouth Track Club.

Briefly describe the particular skills you feel you will add to the committee or board: As a young professional that has grown up in Falmouth, owned a small business in Falmouth for five years, volunteered at multiple local non-profits, covered every square mile as a distance runner and has been a taxpayer since 2014 owning two properties, I believe I am distinctly qualified to help ensure that Community Preservation Funds continue to contribute to a vibrant Falmouth. I believe our historic districts, open spaces, and communities should continue to be treasured and strengthened today and for the next generation with thoughtful allocation of Community Preservation funds.

List three (3) references:

	Name	Title	Phone
1.	Nick Lowell	Town Meeting Member	[REDACTED]
2.	Ken Gartner	Former CPC Member	[REDACTED]
3.	ERIC TURKINGTON		[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

3/26/19
DATE

[Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Substance Abuse Commission

1 vacancy

- 1 term until 6/30/21

1 applicant:

- Charles (Chad) Faulkner



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: Charles "Chad" Faulkner

Address: 14 Shannon's Way Village: N. Falmouth ZIP: 02556

Mailing Address: _____ Village: _____ ZIP: _____

Home Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 9/18) / Taxpayer _____ (date: _____)

Amount of time you are available to give: As Much As Needed

Town Committee, Board or Commission you are interested in serving on:

1. Substance Abuse Commission
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences Several previous board positions in Fla. I manage a sober house in town and am in recovery myself.

Town offices held in Falmouth or elsewhere and dates of years served: _____

Briefly describe the particular skills you feel you will add to the committee or board: Understanding of addiction, treatment knowledge, passionate advocate of recovery + treatment options, Intervention + prevention programs, prior business owner. Sales & public speak.

Three (3) References: Name Title Phone

1. Martha Japtimer Program Director, Miller House [REDACTED]
2. Jack Ostler Owner Recovery House Group LLC. [REDACTED]
3. Paul White Herron Project [REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

4/9/19
DATE

Charles Faulkner
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Woods Hole Oceanographic Institution:

WHOI will be replacing and updating its signage, and in a few locations adding new signage, at 28 locations in total. Of the 28 locations, WHOI is requesting a variance at 12 locations. Attached is the application package, including a Sign Summary listing the locations, the type of signage, and from which section of the sign code they are seeking a variance. Behind that is a map and sheets with photos and specifications on each sign. The Historical Commission met and provided a certificate of appropriateness (attached) and the building department has reviewed and an email is attached.



WOODS HOLE OCEANOGRAPHIC INSTITUTION

April 23, 2019

Board of Selectman
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Variance Submittal Package - Exterior Signage and Wayfinding
Woods Hole Oceanographic Institution (WHOI)

Dear Ms. Davidson:

Enclosed, please find Woods Hole Oceanographic Institution's Variance Submittal package for signage updates and upgrades on the Woods Hole Village Campus.

The majority of the proposed work consists of replacing and updating current signage in a manner that is consistent with WHOI's existing signage and will strengthen and support our identity in the Village. There are a few locations where additional signage is being proposed in order to provide clear wayfinding and consistent identification of WHOI facilities in the Village of Woods Hole.

The proposed signage package has been reviewed and approved by the Woods Hole Historical Commission at a hearing on November 5, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Derosier".

David Derosier
Director of Facilities and Services
Woods Hole Oceanographic Institution

CC: Olive Fitzpatrick, Assistant Zoning Enforcement Officer
Corey Pacheco, Assistant Town Planner

Attachments:

WHOI/Submittal for Variances – Signage Package dated 4.18.19
Certificate of Appropriateness - Historical Commission dated 11 .6.18

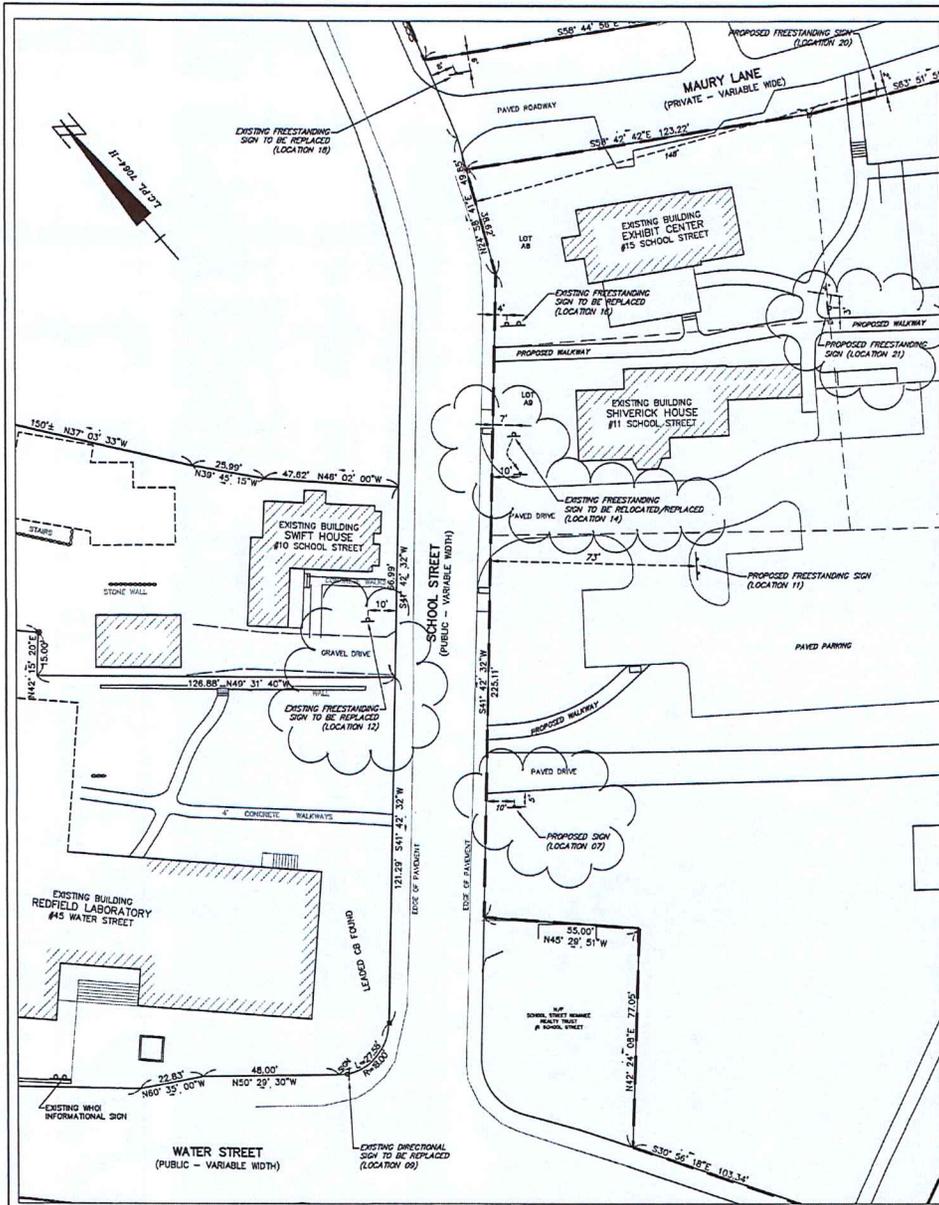
WOODS HOLE OCEANOGRAPHIC INSTITUTION

Exterior Signage & Wayfinding
Village Campus Signs
Submittal for Variances
April 18, 2019

ANNA FARRINGTON
graphic arts & design

Sign Summary

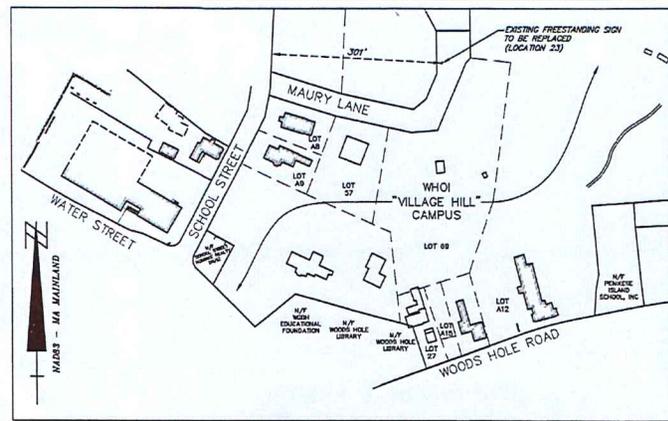
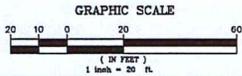
Location 01 Update to existing sign	Village Campus Gateway	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C). Seeking a variance for quantity of signs to provide campus identification separate from Challenger Drive identification (184-25.B). Seeking a variance for sign size to improve sign visibility and include street address information (184-25.A).
Location 02 Update to existing sign	Identification Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C). Seeking a variance for quantity of signs to provide Challenger Drive identification separate from campus identification (184-25.B).
Location 04 Update to existing sign	Information Sign - Freestanding	Seeking a variance for quantity of signs to provide parking information separate from Challenger Drive identification (184-25.B).
Location 05 NEW sign location	Pedestrian Directional Sign	Seeking a variance for quantity of signs to provide pedestrian wayfinding internal to the campus (184-25.B).
Location 09 Update to existing sign	Directional Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
Location 11 NEW Sign Location	Information Sign - Freestanding	Seeking a variance for quantity of signs to provide parking information separate from building identification (184-25.B).
Location 16 Update to existing sign	Exhibit Center Identification Sign	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C). Seeking a variance for sign size to maintain sign visibility and legibility (184-25.A).
Location 18 Update to existing sign	Identification Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
Location 20 Update to existing sign	Identification Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
Location 21 NEW sign location	Pedestrian Directional Sign	Seeking a variance for quantity of signs to provide pedestrian wayfinding internal to the campus (184-25.B).
Location 33 Update to existing sign	Identification Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
Location 35 Update to existing sign	Identification Sign - Freestanding	Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C). Seeking a variance for quantity of signs to provide separate building identification (184-25.B).



- NOTES**
1. BUILDING NUMBER: AS SHOWN
 2. ZONING DISTRICT: PU
 3. FLOOD HAZARD ZONES: X
 4. PROPERTY IS WITHIN A WIND BORNE DEBRIS REGION.

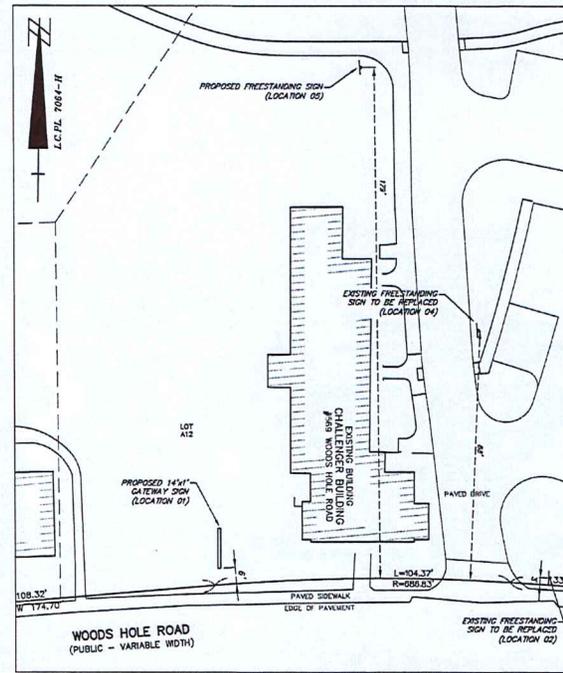
SCHOOL STREET & WATER STREET SIGNS

SCALE: 1"=20'



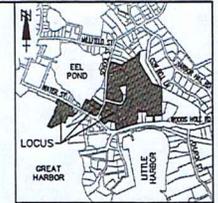
**KEY MAP
SCHOOL STREET &
WOODS HOLE ROAD**

SCALE: 1"=100'

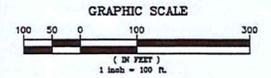


WOODS HOLE ROAD SIGNS

SCALE: 1"=20'



LOCUS MAP
NOT TO SCALE



NOTICE
Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan,
(A) no person or persons, holding any municipal 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
4/3/2019	UPDATE SIGN LOCATIONS 7, 12, 14 & 21	JLF	JLF
2/13/2019	ADDITIONAL SIGNS INFO	JRK	JRK
2/11/2018	ADDED INTERIOR LOT LINES TO CAMPUS PROPERTY	JRK	JRK

REVISIONS
SITE PLAN
OF PROPOSED SIGNS
PREPARED FOR
WOODS HOLE OCEANOGRAPHIC INSTITUTION
IN
WOODS HOLE, FALMOUTH, MA

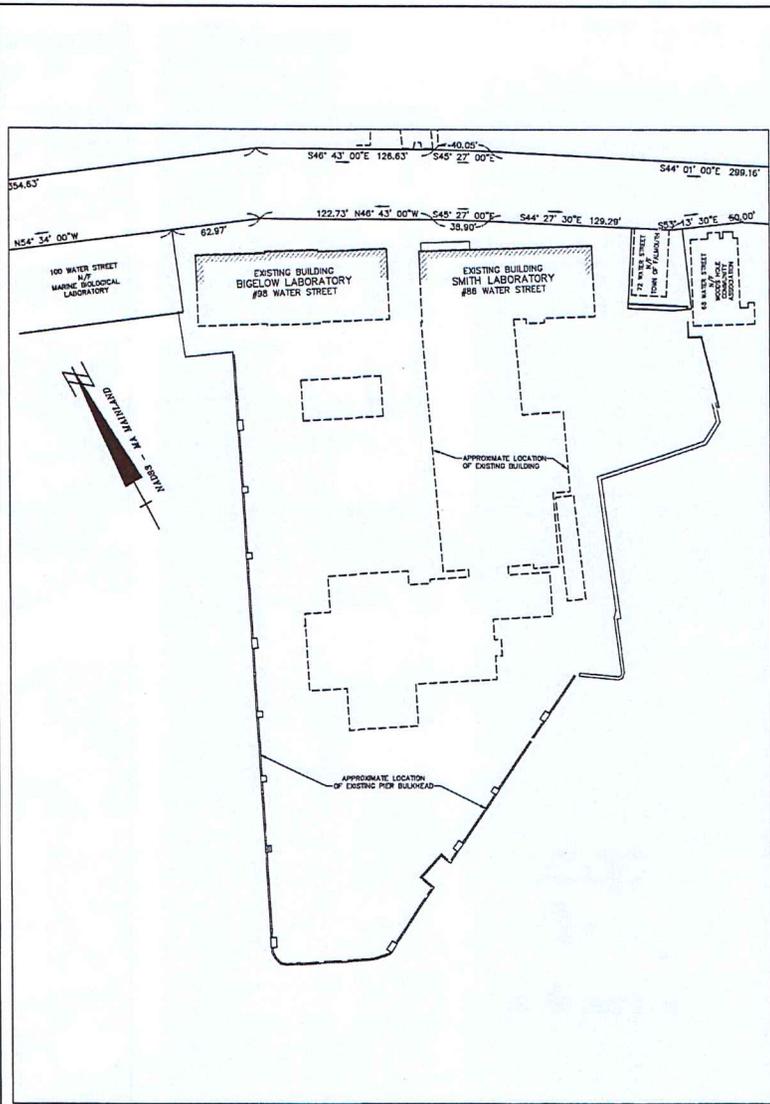
SCALE: AS SHOWN DATE: JAN. 10, 2019

holmes and mcgrath, inc.

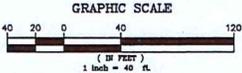
civil engineers and land surveyors
205 worcester court - suite 641 - falmouth, ma 02540
508-546-3064 www.holmesandmcgrath.com

DRAWN: JRK, JLF CHECKED: JLF

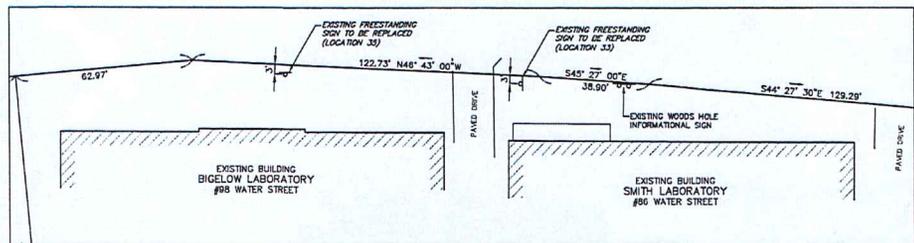
JOB NO: 218348 DWG. NO.: 85-9-40 SHEET 1 OF 2



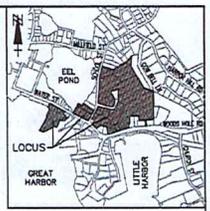
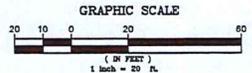
WATER STREET PROPERTY
SCALE: 1"=40'



- NOTES**
1. BUILDING NUMBER: AS SHOWN
 2. ZONING DISTRICT: PU
 3. FLOOD HAZARD ZONES: X
 4. PROPERTY IS WITHIN A WIND BORNE DEBRIS REGION.



WATER STREET SIGNS
SCALE: 1"=20'



LOCUS MAP
NOT TO SCALE



NOTICE
Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan:
(A) no person or persons, including any municipal 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			
SITE PLAN OF PROPOSED SIGNS PREPARED FOR WOODS HOLE OCEANOGRAPHIC INSTITUTION IN WOODS HOLE, FALMOUTH, MA			
SCALE:	AS SHOWN	DATE:	JAN. 10, 2019
holmes and mcgrath, inc. <small>civil engineers and land surveyors 255 westchester court suite 44-falmouth, ma-02540 508-648-3204 www.holmesandmcgrath.com</small>			
DRAWN:	JRK	CHECKED:	JMP
JOB NO.:	218346	DWG. NO.:	88-9-40
		SHEET 2 OF 2	

Identification Sign - Freestanding

Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
 Seeking a variance for quantity of signs to provide Challenger Drive identification separate from campus identification (184-25.B).

Location 02

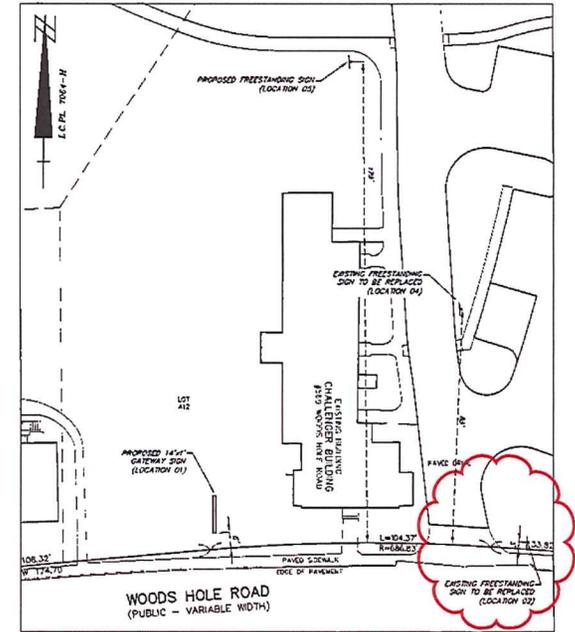
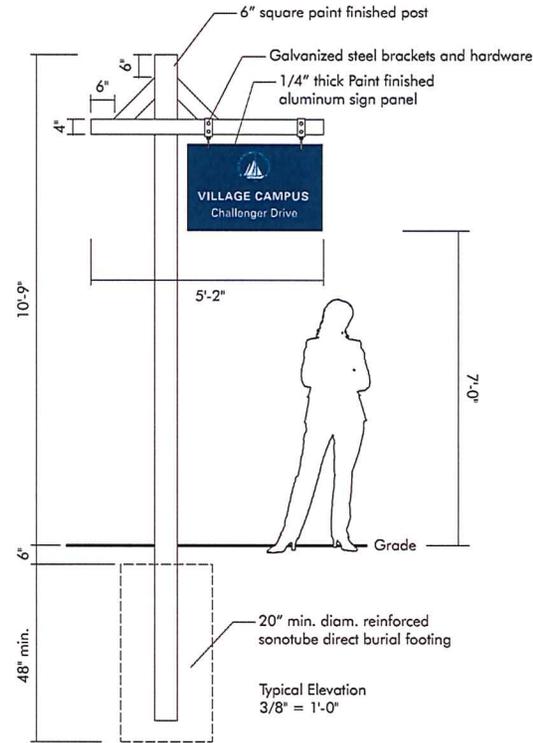
Update to existing sign



Existing Conditions



Proposed Sign Proposed sign area: 6 sq. ft.



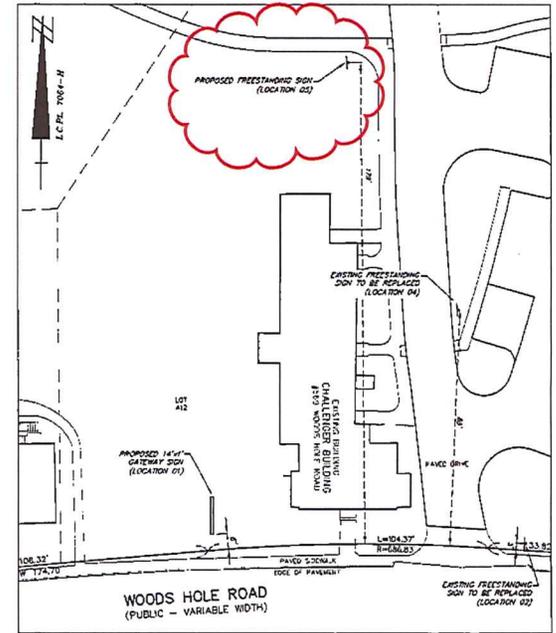
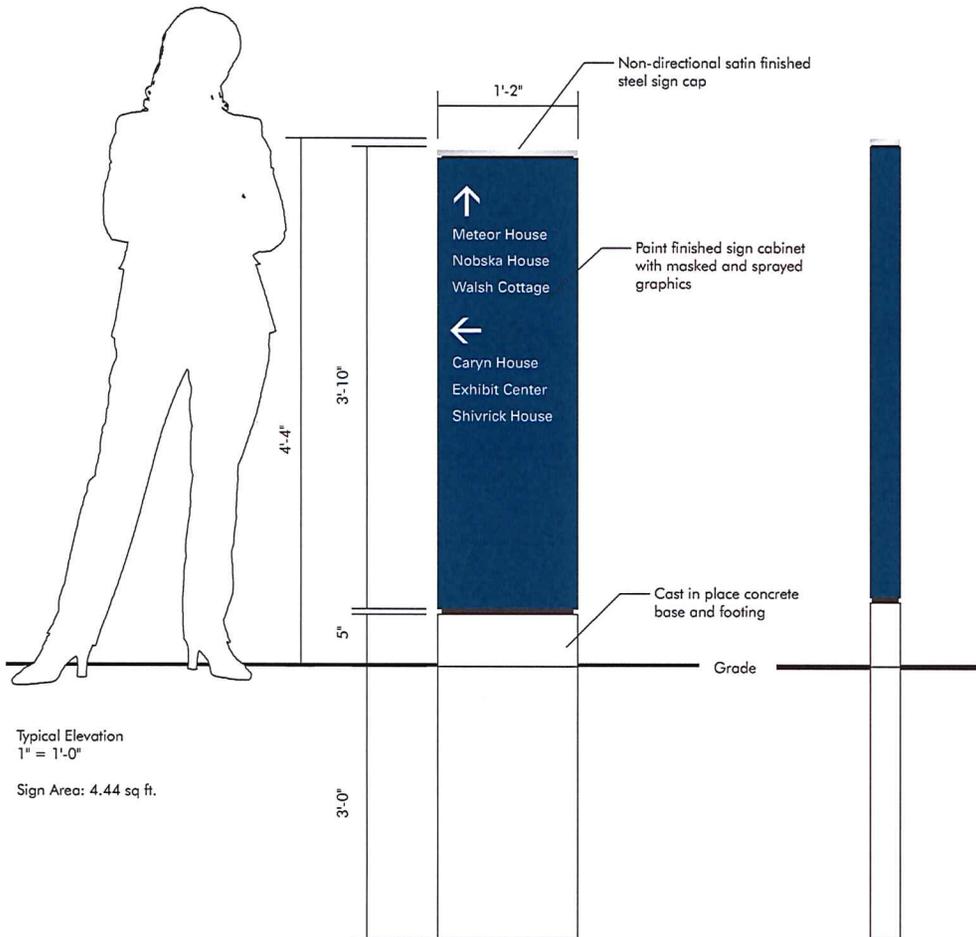
Location 02 Plot Plan

Fabrication:
 Sign structure is 6" x 6" timber construction with galvanized steel brackets and hanging hardware. 1/4" thick paint finished aluminum double sided sign panel with masked and sprayed graphics.

Pedestrian Directional Sign Seeking a variance for quantity of signs to provide pedestrian wayfinding internal to the campus (184-25.B).

Location 05

NEW sign location



Location 05 Plot Plan

Fabrication:
Sign structure is 1'-2" x 4'-4" fabricated aluminum sign cabinet with non-directional satin finished steel cap and masked and sprayed graphics. Sign is non-illuminated, and double sided where appropriate.

Identification Sign - Freestanding

Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).

Location 18

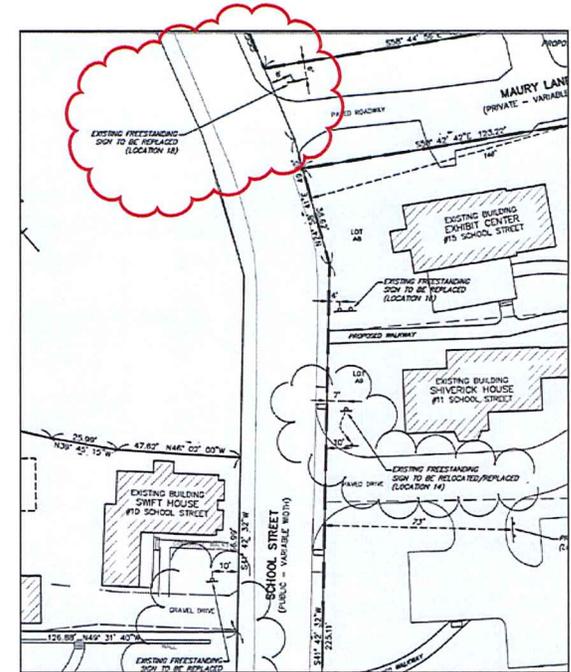
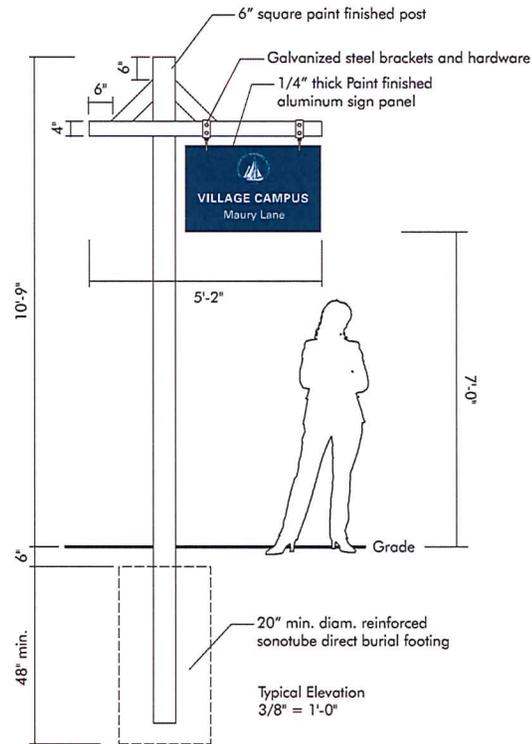
Update to existing sign



Update existing sign

Existing Conditions

Proposed sign area: 6 sq ft.



Location 18 Plot Plan

Fabrication:
 Sign structure is 6" x 6" timber construction with galvanized steel brackets and hanging hardware. 1/4" thick point finished aluminum double sided sign panel with masked and sprayed graphics.

Identification Sign - Freestanding Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).

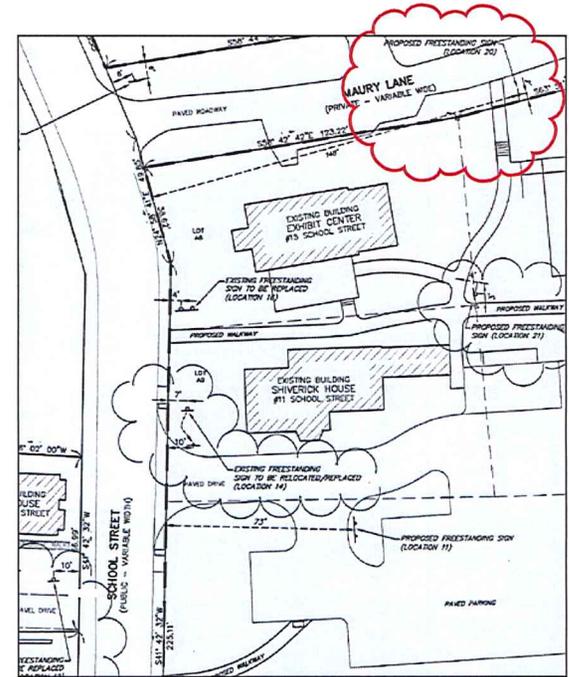
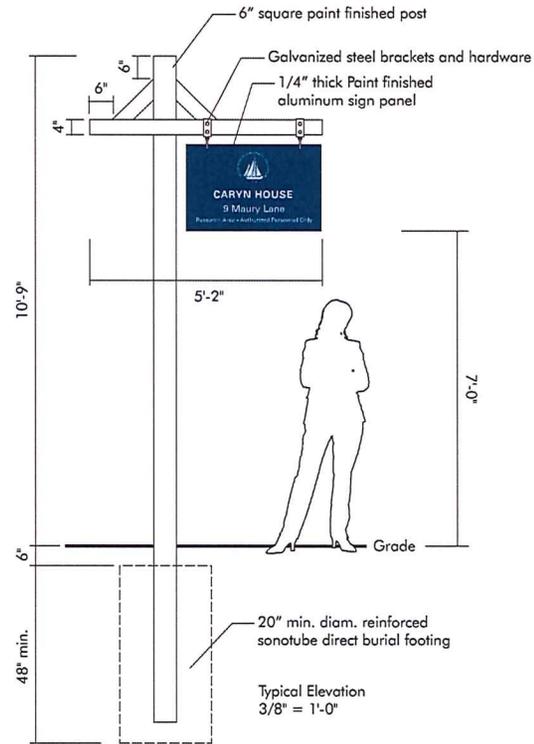
Location 20

Update to existing sign

Update existing sign



Existing Conditions Proposed sign area: 6 sq ft.



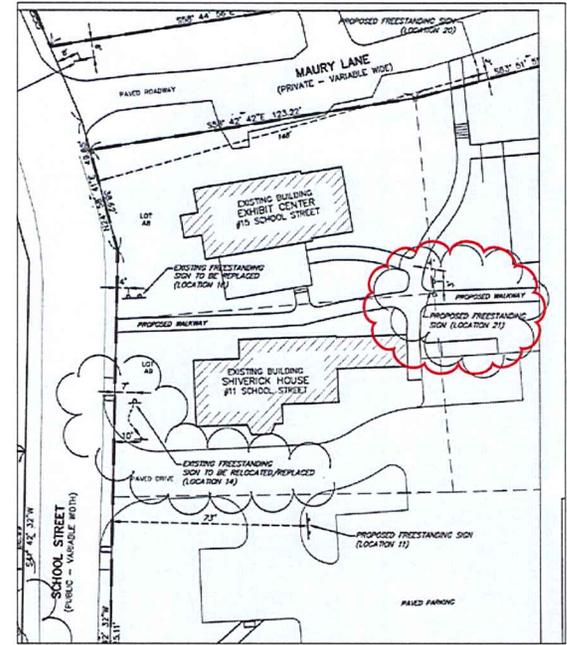
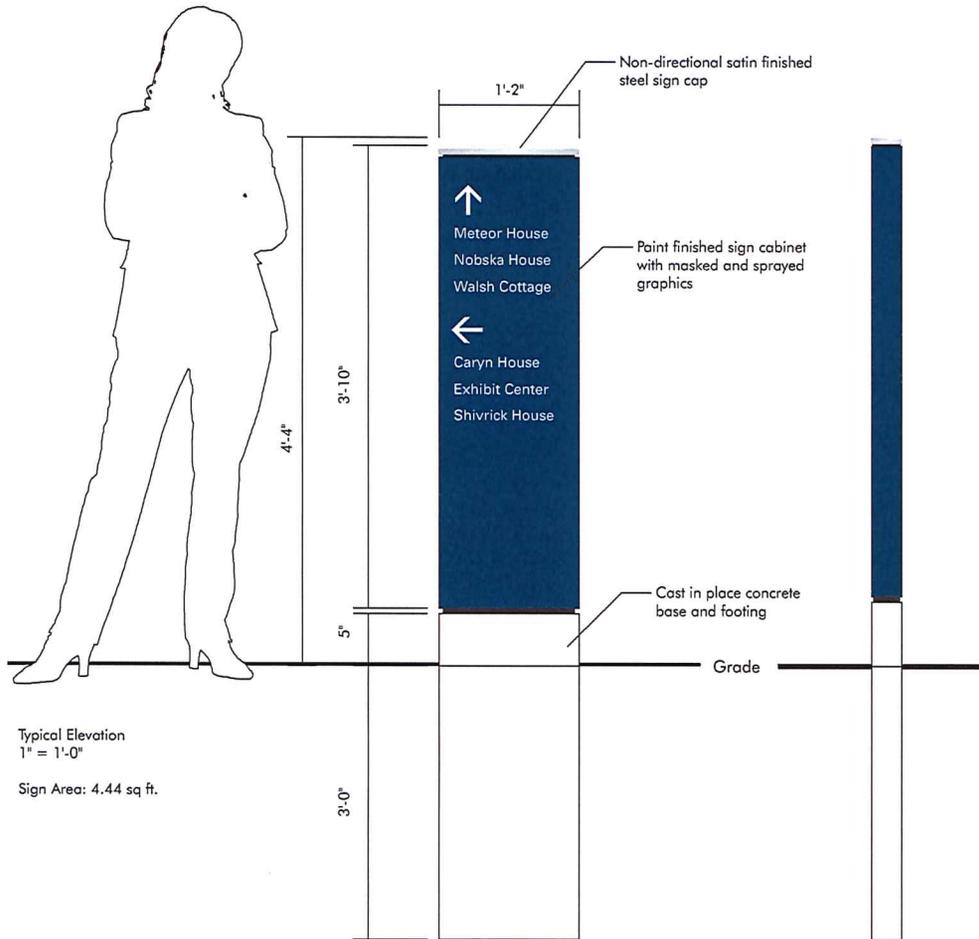
Location 20 Plot Plan

Fabrication:
Sign structure is 6" x 6" timber construction with galvanized steel brackets and hanging hardware. 1/4" thick paint finished aluminum double sided sign panel with masked and sprayed graphics.

Pedestrian Directional Sign Seeking a variance for quantity of signs to provide pedestrian wayfinding internal to the campus (184-25.B).

Location 21

NEW sign location



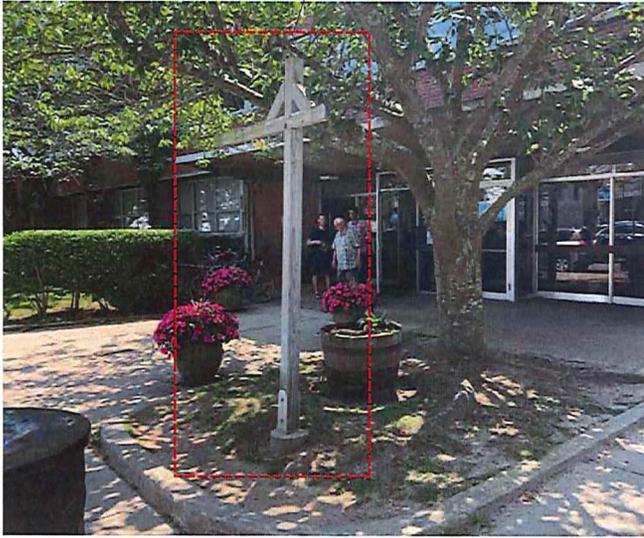
Location 21 Plot Plan

Fabrication:
Sign structure is 1'-2" x 4'-4" fabricated aluminum sign cabinet with non-directional satin finished steel cap and masked and sprayed graphics. Sign is non-illuminated, and double sided where appropriate.

Identification Sign - Freestanding Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).

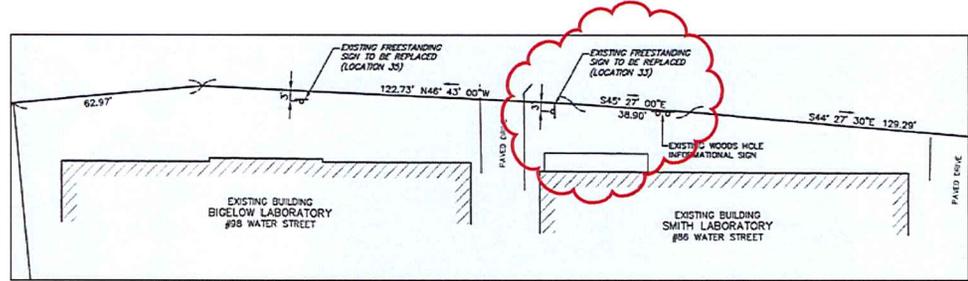
Location 33

Update to existing sign

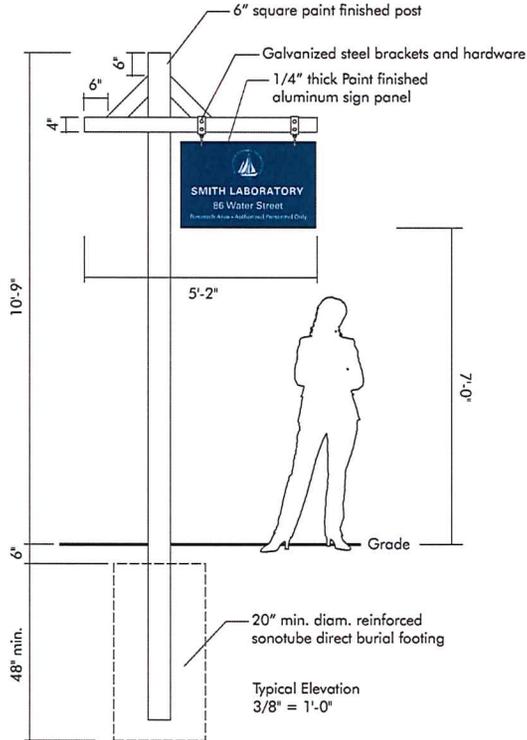


Update existing sign

Existing Conditions Proposed sign area: 6 sq ft.



Location 33 Plot Plan



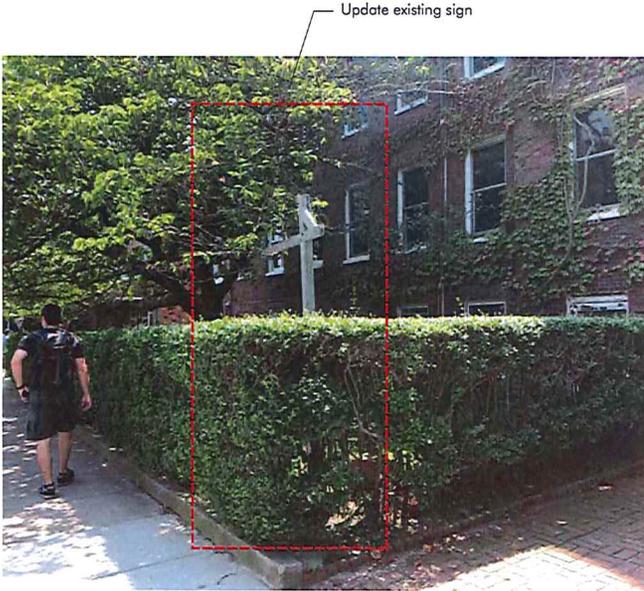
Fabrication:
 Sign structure is 6" x 6" timber construction with galvanized steel brackets and hanging hardware. 1/4" thick paint finished aluminum double sided sign panel with masked and sprayed graphics.

Identification Sign - Freestanding

Seeking a variance for set back to maintain sign visibility and sight lines (184-7.C).
 Seeking a variance for quantity of signs to provide separate building identification (184-25.B).

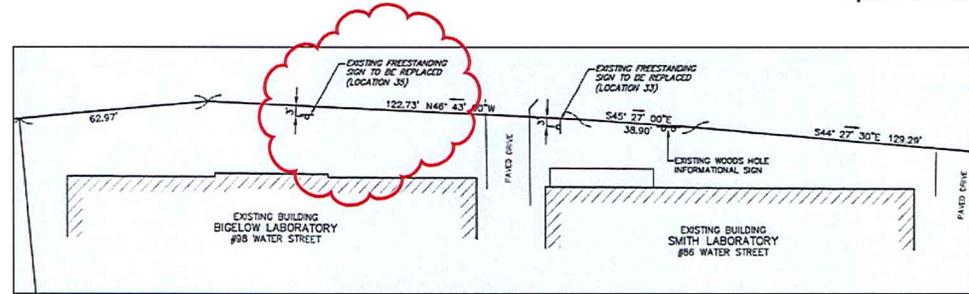
Location 35

Update to existing sign

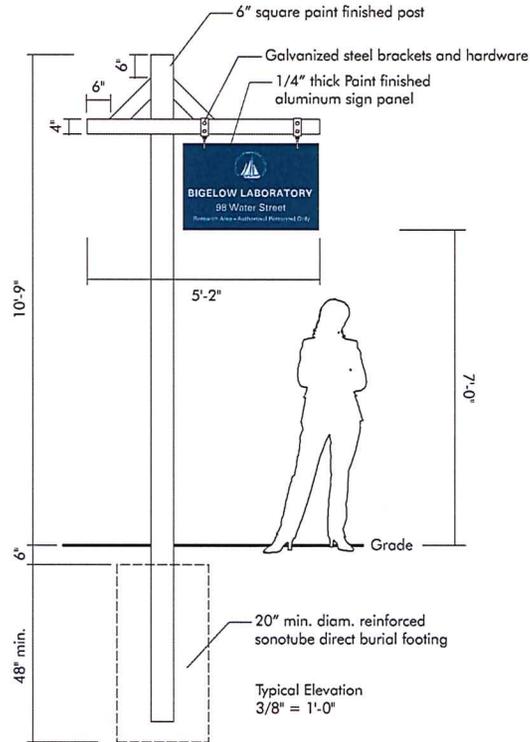


Existing Conditions

Proposed sign area: 6 sq. ft.



Location 35 Plot Plan



Fabrication:
 Sign structure is 6" x 6" timber construction with galvanized steel brackets and hanging hardware. 1/4" thick point finished aluminum double sided sign panel with masked and sprayed graphics.



Historical Commission 59 Town Hall Square, Falmouth, MA 02540

November 6, 2018

Mr. Michael Palmer
Town Clerk
59 Town Hall Square
Falmouth, Massachusetts 02540

RECEIVED
NOV 5, 2018 PM 2:45

TOWN CLERK

*Re: Certificate of Appropriateness – 569 Woods Hole Road, 5, 11, 15 School Street
9, 15 Maury Lane – Application number 18-69*

Dear Michael:

At its meeting of November 5, 2018 the Historical Commission voted to approve the application for a Certificate of Appropriateness under the Falmouth Historic District Bylaw (established under M.G.L Chapter 40C) for building and site signage at 569 Woods Hole Road; 5, 11 and 15 School Street; 9 and 15 Maury Lane as submitted by the Woods Hole Oceanographic Institution on September 06, 2018 and revised October 29, 2018 with the following findings and condition:

October 2, 2018 Meeting findings:

The applicant, Woods Hole Oceanographic Institution (WHOI), proposed building and site signage throughout the WHOI Woods Hole Village campus at the above referenced mentioned locations bounded by Woods Hole Road, Water Street and School Street within the Woods Hole Historic District. The Commission provided feedback and made recommendations as follows:

Location 01: No issue with design, base material (granite) good. Size of 38.75 sf too large. 16 square feet allowed by Town Sign code. WHOI can request a variance.

Location 02: Change from 2 post to 1 post freestanding sign to be consistent in design and size as other freestanding single post signs proposed in application

Location 03: Move Challenger House door sign to left side of door, similar to proposed at Crowell or Shiverick.

Location 04: Remove P – parking graphic, add WHOI sail boat.

Location 05 & 21: No issue internal to property. Note vinyl reflective lettering.

Location 06: Move to left side of door or move up.

Location 07: Move back a few feet or far back from granite retaining wall; relocate to School Street at Crowell House drive.

Location 08: No issues.

Location 09: Sign design good, make sign post consistent with other freestanding signs proposed. (Eliminate back portion)

Location 10: Eliminate and merge with Location 14

Location 11: Remove the P – parking, add WHOI boat.

Location 12 & 13: No issues.

Location 14 & 15: Merge 10 with 14. 15 Good.

Location 16: Check 185-25. B (1) which references removable parts of signage. Commission didn't seem that opposed, Building Department may interpret differently.

Location 17, 18, 19, 20, 22: No issues.

Locations 23, 24, 27 and 28: Interpretive signage. Removed from application and will submit at a later date with how content will be designed and presented and what the signage manufacture and material will be. Same as Park Service.

Location 25: Make it into a wall sign that will be attached to Redfield.

Location 26: No issues.

November 5, 2018 Meeting findings:

Location 01: Applicant reduce sign size from 15'6" L x 2'6" W to 14' L x 3'7.5" – Base granite to remain.

Location 02: Applicant changed freestanding sign from 2 post to 1 post and made consistent in design and size as other freestanding single post signs proposed in application.

Location 03: Applicant moved Challenger House door sign to left side of entry door at rear elevation/ell.

Location 04: Applicant removed the parking P graphic, and added WHOI sail boat.

Location 05 & 21: Applicant changed vinyl reflective lettering to masked and sprayed graphics.

Location 06: Applicant moved sign to left side of door.

Location 07: Applicant relocated to School Street at Crowell House drive.

Location 08: No change.

Location 09: Applicant made sign post consistent with other freestanding signs proposed. (Eliminated back portion)

Location 10: Applicant eliminated and merged with Location 14

Location 11: Applicant removed the parking P graphic, added WHOI boat.

Location 12 & 13: No change.

Location 14 & 15: Merge 10 with 14, location 15 no change.

Location 16: No change.

Location 17, 18, 19, 20, 22: No change. Freestanding signs will face main right of way.

Locations 23, 24, 27 and 28: Interpretive signage. Removed from application and will submit at a later date.

Location 25: Applicant changed freestanding sign to wall sign that will be attached to Redfield above the bronze plaque.

Location 26: Applicant will replace the vinyl lettering with paint or screen printed lettering.

The proposed work must be done in accordance with the documentation submitted at the time of the application and discussed at the October 2 and November 5, 2018 meeting:

1. Application for Certificate of Appropriateness received 09.06.18
2. Addendum #1 Specification Sheet received 09.06.18
3. Town of Falmouth Sign Application
4. HC Exhibit A.1-37: Anna Farrington November 5, 2018 presentation to the Falmouth Historical Commission for Exterior Signage and Wayfinding: Village Campus Program.

Condition:

1. All vinyl lettering must be changed to masked and sprayed graphics, paint, screen print or equal.

Any new work (work not granted a Certificate of Appropriateness or Determination of Non-Applicability) to be performed at the above referenced properties within the Woods Hole Historic District boundaries, i.e. changes to architectural detail, trim etc., shall be presented by the applicant to the Historical Commission for review and approval. Adherence to this Certificate of Appropriateness is enforceable by the Building Commissioner.

Sincerely,



Corey Pacheco
Assistant Town Planner

cc: Dave Derosier, Director of Facilities, Woods Hole Oceanographic Institution
Colin Reed, Deputy Secretary of the Corporation, Woods Hole Oceanographic Institute
Tom Kearns, DSK Architects and Planners
Olive Fitzpatrick, Assistant Zoning Enforcement Officer

Diane Davidson

From: Ollie Fitzpatrick
Sent: Saturday, April 27, 2019 8:18 AM
To: Diane Davidson
Cc: Rod Palmer; Pamela Marshall
Subject: RE: WHOI - Signage Variance Package

Good Morning:

All variances need to be approved by the BOS prior to the submittal of the completed applications here. I have met with the applicant and also Corey Pacheco as some of the signage is in the Historic . The project looks great so no issues here. Kindly schedule for May 6, 2019 hearing.

Ollie Fitzpatrick
Assistant Zoning Enforcement Officer
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
Phone: (508) 495-7468
Fax: (508) 548-4290
Email: ollie.fitzpatrick@falmouthma.gov

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

From: Diane Davidson
Sent: Thursday, April 25, 2019 4:56 PM
To: Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>
Cc: Rod Palmer <rod.palmer@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>
Subject: FW: WHOI - Signage Variance Package

Hi Ollie,

Attached please find a submittal from WHOI for a hearing with the Board of Selectmen for approval of sign variances for the new/updated signage at the WHOI, Woods Hole Village Campus.

WHOI will be updating other signs, but these comply with the sign code and will not need approval by the Selectmen. Should the non-conforming signs be approved by the Selectmen first, then the applicant complete all the sign permit applications and submit the entire package to the Building Department? If yes, I will schedule the variance request on the Monday, May 6, 2019 Selectmen's agenda.

Please review the package and provide any recommendations for the Board of Selectmen by Wednesday, May 1, 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
diane.davidson@falmouthma.gov
(508) 495-7321*

From: Nadine Firth [<mailto:nfirth@whoi.edu>]
Sent: Wednesday, April 24, 2019 11:53 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: WHOI - Signage Variance Package

Diane,
Attached is the WHOI Signage Variance Package. Please let me know if this email is ok and/or if I need to submit hardcopies of documents? I'm hoping this will make the 5/6 - Board of Selectmen Meeting Agenda.

Thank you

Nadine

From: Nadine Firth
Sent: Wednesday, April 24, 2019 9:28 AM
To: 'diane.davidson@falmouthma.gov' <diane.davidson@falmouthma.gov>
Subject: WHOI - Signage Variance Package

Good Morning Diane,
I will be dropping off the drawings this afternoon and wanted to confirm # of sets required and required size of prints? I have 11x17 in hand.
Please let me know when you have a moment.

Thank you,
Nadine

Nadine Firth
Woods Hole Oceanographic Institution
Project Manager - Facilities
44 Water Street – MS 56

Office: 508.289.3496
Cell: 617.678.8308
nfirth@whoi.edu

Chapter 184. Signs

Article II. General Standards

§ 184-7. Placement.

- A. No person may erect a sign which is affixed to a fence, utility pole or tree.
- B. Signs shall not be mounted above the roof ridge line unless mounted on a parapet wall which extends above the roofline, in which case the sign may not extend above the top of said parapet.
- C. No projecting sign shall extend into a vehicular public or private way or be less than ten (10) feet above a pedestrianway.
- D. No freestanding sign, together with any supporting framework, shall extend to a height above eighteen (18) feet from the level of the center line of the street which is closest to the sign.
- E. Signs shall not cover architectural details, such as but not limited to arches, sills, moulding, cornices and transom windows.

Chapter 184. Signs

Article IV. Standards for Specific Types of Signs

§ 184-25. Freestanding signs.

Freestanding: a self-supporting sign not attached to any building, wall or fence but in a fixed location. This does not include movable, portable or mobile type signs.

- A. Dimensional standards for freestanding signs in different zoning districts, according to use, are specified in the table below:
[Amended AFTM 11-13-2007, Art. 38, approved 2-11-2008]

Dimension	Business, Industrial, Public Use and Marine Districts			All Other Districts	
	All Permitted Uses	Shopping Center	Shopping Mall	Residential Uses	Community Service Uses
Height, maximum feet	18	18	18	8	12
Area, including all outward side of signs, maximum (square feet)	16	40	100	2	16
Ground clearance, minimum (feet) ²	7	7	7	4	7

Notes:

1. In all other districts, each premises on which there exists or is permitted any business activity, including agriculture, horticulture and floriculture (other than home occupation), duly authorized by special permit, variance or exception under Chapter 240, Zoning, shall be allowed to use the business and industrial use column of this table; however:
 - a. Commercial accommodations with sleeping accommodations for five (5) to twenty (20) guests may have a maximum sign area of eight (8) square feet.
 - b. Commercial accommodations with sleeping accommodations for less than five (5) guests shall may have a maximum sign area of four (4) square feet.
2. Exception: The sign may be constructed with less than the minimum ground clearance if there is adequate visibility for vehicles and adequate protection for pedestrian safety.
3. For permitted uses, a multitenant building with two (2) commercial tenants can have eight square feet for each tenant for a sixteen-square-foot sign. A multitenant building with three (3) commercial tenants can have eight square feet for each tenant for a twenty-four square foot sign. A multitenant building with four (4) commercial tenants can have eight square feet for each tenant for a thirty-two-square-foot sign.
[Added STM 4-6-1993, Art. 6, approved 7-16-1993; amended AFTM 11-15-1999, Art. 73, approved 3-22-2002]
4. Residential development signs under "All Other Districts" shall be no larger than 12 square feet for developments of 10 lots or more.
[Added AFTM 11-17-1998, Art. 64, approved 2-25-1999]

- B. Attachments, number of sides, more than one (1) sign, directory and gas-price signs.

- (1) Freestanding signs and/or their supports shall not have any attachments of additional signs or banners (i.e., credit card, auto clubs, open, rates, pool, air conditioned, television, menus, live entertainment, special events, temporary promotions, etc.). Such information shall be incorporated within the main sign itself. However, this shall not prohibit multiple or ladder signs as permitted in § 184-31. Exception: Commercial accommodations may have one (1) "(no) vacancy" sign attached (to the freestanding sign), with a maximum of two (2) square feet in area.
- (2) Freestanding signs over six (6) feet high may have no more than two (2) sides; those less than six (6) feet high may have three (3) or four (4) sides.
- (3) Only one (1) freestanding sign is allowed per parcel of land upon which there exists a permitted business(es), except that a lot with frontage on two (2) streets, having three hundred (300) feet or more of total street frontage, may have two (2) freestanding signs, one (1) for each street, not less than one hundred seventy-five (175) feet apart. A lot with frontage on more than one (1) street, which is not continuous frontage, may have one (1) additional sign for each driveway entrance. However, only one (1) sign may exceed sixteen (16) square feet in total area, if allowed.
- (4) In addition to the above, freestanding directory signs for properties containing nine (9) or more businesses may be erected in accordance with §§ 184-31D and 184-13C.
- (5) In addition to the above, retail businesses selling automotive fuel may have one (1) additional freestanding sign which only indicates the price of motor fuel only. The maximum size shall be twelve (12) square feet with no additional advertising on the same sign or supports.

Spring at Spohr Event – May 18, 2019:

Request for off-premise promotional signage at the following locations:

1. TD Bank, Route 28 and Jones Road
2. Corner of Scranton Avenue and Route 28
3. Opposite Coffee Obsession, Queens Byway
4. Smitty's Ice Cream, East Falmouth
5. John Barrett Real Estate, East Falmouth
6. Deer Run Veterinary Clinic
7. Suzanne Glynn's office
8. Corner Route 171 and Sandwich Road
9. Route 151 by the Route 28 overpass
10. Smitty's Ice Cream, Route 28A, No. Falmouth

Length of Time: Monday, May 13, 2019 through Saturday, May 18, 2019 (6 days)

Dimensions: 2' x 3' = 6 sq. ft. (size within sign code)

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: 4/24/2019
 STREET ADDRESS FOR PROPOSED SIGN(S): SEE LIST (ATTACHED)
 APPLICANT NAME: BILL KEFROOT FOR SPAHR GARDENS PHONE: 508 539-3002
 MAILING ADDRESS: 1063 FALMOUTH ROAD TOWN/STATE/ZIP: MASHPEE, MA 02649
 BUSINESS NAME: KEFROOT TECHNOLOGIES
 BUSINESS OWNER: BILL KEFROOT ADDRESS/PHONE: _____
 PROPERTY OWNER: SPAHR GARDENS TRUST ADDRESS/PHONE: _____
 CONTRACTOR / SIGN COMPANY: LOCUST STREET 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: _____
 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: 5/13; End date: 5/18 Total number of days that the sign will be displayed: ONE WEEK (6 DAYS)

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: SEE ATTACHED - 12 Size: 6 square feet. (SEE ATTACHED)
 Board of Selectmen License No.: LOCUSTS + SPAHR GARDENS (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.

Bill B. Kefroot TRUSTEE 4/24/2019
 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: _____

Chapter 184. Signs

Article IV. Standards for Specific Types of Signs

§ 184-30. Movable, portable or mobile signs.

Movable, portable or mobile signs are not permitted in any district, except as follows:

A. Flags.

- (1) Except during national holidays, a maximum of two (2) governmental flags are permitted, and one (1) additional nongovernmental flag with a maximum size of fifteen (15) square feet [i.e., three by five (3 x 5) feet] is permitted for each business. Any flag with words advertising a business shall be considered a sign.
[Amended AFTM 11-15-2010, Art. 47, approved 12-13-2010]

- (2) Nautical signal flags attached to a yard arm from a single flagpole are exempt.

B. Pennants. Exception is granted for pennants and similar devices intended for charitable or civic event purposes only.

C. Special events.

[Amended AFTM 11-8-2004, Art. 19, approved 12-30-2004]

- (1) Special events or promotions for thirty (30) days. A business or community service may have one (1) movable, portable or mobile banner or sign on its premises, not to exceed sixteen (16) square feet, not more than two (2) times nor more than a total of thirty (30) days per calendar year, in addition to other permitted signs. Such signs shall be required to have permits, but permit fees shall be waived.
- (2) Special events or promotions for seven (7) days. A business or community service may have one (1) moveable, portable or mobile banner or sign on its premises not to exceed thirty-two (32) square feet for a period not to exceed seven (7) days, not more than two (2) times per calendar year, in addition to other permitted signs. Bunting, pennants and flags will be permitted during this time period. Balloons and other air-filled devices shall not exceed twelve (12) inches in diameter. A total of three (3) off-premises signs not exceeding six (6) square feet each are permitted. Such signs shall be required to have permits, but permit fees shall be waived.
[Added AFTM 11-8-2004, Art. 19, approved 12-30-2004]

D. Sandwich board signs. A business or community service may have one (1) sandwich board sign not to exceed eight (8) square feet in area on each side.

[Added ASTM 4-7-1997, Art. 38, approved 6-27-1997]

(1) Use of signs.

[Amended AFTM 11-15-2010, Art. 48, approved 12-13-2010]

- (a) The sign shall advertise perishable goods for sale only, such as food goods or a menu.
 - (b) For any business in its first year of operation, the sign may be used in the absence of a multi-tenant or freestanding sign. Such signs may be used for a maximum continuous four-month period.
- (2) It shall be placed only within fifteen (15) feet of the main building entrance to the business. The sign must be of a shape to conform with the space it will occupy outside of the business and it may not block pedestrian traffic on any sidewalk. The sign must be brought in at the close of business each day.
[Amended AFTM 11-17-1998, Art. 64, approved 2-25-1999]

Falmouth Commodores "Game Today" Signs:

Request for off-premise promotional signs.

Locations (permission of owners has been obtained):

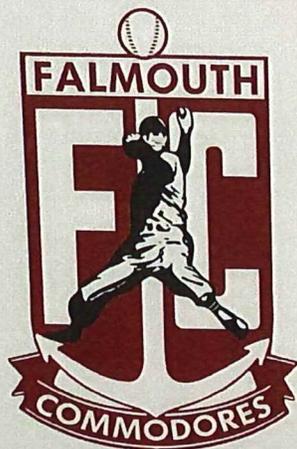
1. Home of Rob Blomberg (559 Woods Hole Rd., Woods Hole)
2. Smitty's Ice Cream (326 East Falmouth Highway, E. Falmouth)
3. Waquoit Grain & Feed (411 Waquoit Highway, E. Falmouth)
4. Admiralty Inn (51 Teaticket Highway, E. Falmouth)
5. Seafood Sam's (356 Palmer Ave., Falmouth)
6. Back gate of Guv Fuller park on Dillingham, Falmouth
7. Kinlin Grover (10 County Rd., North Falmouth)
8. West Falmouth Market (623 Rt. 28-A, Falmouth)
9. Black Dog Heights Café (465 Grand Ave., Falmouth)
10. Black Dog General Store (214 Main St., Falmouth)

Length of time: Put out on game days (22 days total plus playoffs) from June 10, 2019 through August 13, 2019.

Quantity: 10

Size: 27" x 45" (2.25 " x 3.75" = 8.44 sq. ft.)

**Falmouth Commodores
Baseball**



TODAY

@ Guv Fuller Field

Behind

Falmouth Rec. Building

**790 Main Street
Falmouth, MA 02540**

**GAME
TIME:**

WWW.FALMOUTH.COM
800.772.0333
U.S. PATENTS
7537899
Other marks pending

SEASONAL LIQUOR LICENSE and SPRING 2019 RENEWALS – May 6, 2019

Lodging House License

Woods Hole Inn, 28 Water St., Woods Hole

Second-Hand Dealer License

Harmony Hut Repair, 105 Spring Bars Rd., Falmouth

Bowling Alley License

Trade Center Bowl, 89 Spring Bars Rd., Falmouth



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

TO: Board of Selectmen
FROM: Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Edward Marks Advisory Committee
DATE: May 2, 2019

We drafted the attached charge based upon the Board discussion and vote on April 22nd. You will see the composition of the Committee as drafted does not include Finance Committee representation as Town Counsel Frank Duffy points out there is a Charter provision that precludes Finance Committee members from holding any other Town appointments except as a non-voting member – see citation below.

As you know, the Town has not yet determined how the second floor of the Edward Marks building might be used. During the Board meeting on April 22nd, Ed Haddad suggested that parties who might be interested in leasing the second floor should not be represented on the Edward Marks Advisory Committee. We did not include any such limitation in the draft charge given the difficulty of determining who might bid on a request for proposals that has not been drafted and may, or may not, be issued. However, Board members may wish to ask candidates for appointment about their interest in leasing the second floor as part of the interview process.

§ C8-2. B.

No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Finance Committee members may also sit on advisory boards in a nonvoting capacity.

Attachment: Edward Marks Building Advisory Committee Draft Charge

CC: Julian M. Suso, Corey Pacheco

//Marks Advisory Committee Charge - PJS memo 5-2-2019.docx

DRAFT ONLY - May 2, 2019

Edward Marks Building Advisory Committee Charge

The Edward Marks Advisory Committee shall be appointed by the Board of Selectmen in accordance with relevant provisions of the Falmouth Home Rule Charter and Town bylaws. The Committee shall consist of seven (7) members, including one member of the Historical Commission, who shall serve until the Committee is dissolved. In the event that a member resigns prior to the dissolution of the Committee the Board may elect to appoint a new member.

The mission of the Committee is to recommend a preservation plan for the Edward Marks Building, historically known as the Poor House, to restore and preserve the building as a historic resource. In drafting the preservation plan, the Committee will consider:

- Historic preservation;
- Cost of proposed restoration and preservation work;
- The visibility and accessibility of proposed improvements to community members and visitors;
- Use of the first floor as offices for the Falmouth Human Services Department;
- Potential uses of the second floor and attic spaces;
- Community input;
- Potential funding sources in addition to Community Preservation and Falmouth general funds; and,
- Other criteria that the Committee may recommend

The Assistant Town Planner shall serve as the staff liaison to this Committee to provide technical expertise on historic preservation. The Committee members

shall be responsible for posting meeting notices through the Town Clerk's Office and taking minutes in compliance with the open meeting law.

The Edward Marks Advisory Committee is intended to be a temporary, single-purpose committee to be dissolved on December 31, 2020 or sooner if the Board of Selectmen determines the purposes of the Committee have been achieved. The Board of Selectmen may vote to extend the term of the Committee to a date certain if additional time is required to achieve the purposes of the Committee.

Diane Davidson

From: Susan Moran
Sent: Thursday, May 02, 2019 4:45 PM
To: Diane Davidson
Cc: Julian Suso; Peter Johnson Staub; Ehad2
Subject: Re: Marks Bldg Planning Group Mission

Dear Diane:

Please include in Selectmen packets.

Susan Moran, Chair
Falmouth Board of Selectmen
susan.moran@falmouthma.gov

On May 2, 2019, at 4:43 PM, Ehad2 <[REDACTED]> wrote:

I notice that a discussion of the working group mission is on your next agenda. I cannot be at the meeting, but would like to offer my thoughts that also align with CPC funding guidelines:

1. Preserve: Confirm the integrity of the building structure and infrastructure.
2. Restore: restore the exterior of the building to an agreed upon historic profile that complies with Mass Historic Preservation Restriction.
3. Rehabilitate: Develop an interior renovation plan that satisfies office needs based on usage/occupancy requirements provided by the Town Manager, complies with the Mass Historic Preservation Restriction, and preserves important historical architectural details.
4. Develop a funding strategy to execute all aspects of the restoration and rehabilitation.

Ed Haddad

Sent from my iPad

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso JMSuso

DATE: May 3, 2019

- Selectmen will convene at 6:30PM on Monday in executive session to consider a proposed settlement matter on two School-related matters.
- Under Administrative Orders, the Board of Selectmen is asked to approve the Ground Lease for Little Pond Place to allow the important next step in moving forward on these 40 Affordable Housing units.
- Chief Dunne is asking for Board approval of a minor amendment to the Town's existing Traffic Rules to clarify a question on public safety related to maintaining two-way traffic. Ed will be with us should a question arise.
- Selectmen will be convening or re-convening multiple Public Hearings. The first is on a wetland matter. The second is a Dog Hearing, appealing a determination by the Police Department Dog Hearing Officer. The Third is appealing the temporary revocation of a commercial shellfish license. We will have the appropriate staff persons in attendance, including Town Counsel to assist as needed.
- Selectmen will be making appointments to multiple Committees.
- As requested, your Board packet includes a suggested draft "Mission Statement" for the Selectmen's Marks Building Advisory Committee.
- I was pleased to attend the impressive Arbor Day Ceremony at Mullen Hall School on Wednesday, with considerable compliments to Tree Warden Jeremiah Pearson for his comprehensive program of teaching elements to the many young people involved!

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes
MONDAY, DECEMBER 17, 2018
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; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Moran at 7 p.m. No person indicated they were recording the meeting when asked by Chair Moran.

2. Pledge of Allegiance

3. Proclamations:

- a. Proclamation – Honoring Karen Rinaldo
Proclamation read as a motion by Mr. Patterson. Second Mr. Jones. Vote: Yes-5. No-0.

- b. Eagle Scout Proclamation – Zane Otter, Troop 38
Proclamation read as a motion by Mr. Patterson. Second Mr. Jones. Vote: Yes-5. No-0.

- c. Eagle Scout Proclamation – Dominic Italiane, Troop 38
Proclamation read as a motion by Mr. Patterson. Second Mr. Jones. Vote: Yes-5. No-0.

4. Recognition

Ms. English Braga reminded folks there are many families in the community in need and organizations connecting people with people in need over the holiday season.

5. Announcements

Mr. Brown announced the Service Center will accept toys this Wednesday.

6. Public Comment

Michael Heylin, Clifford Lane, Falmouth, hopes all are heard and not repeat of past meeting when the Board of Selectmen meeting was illegally adjourned. He also had a question about the Charter and asked if Mr. Suso is to inform the Board of Selectmen on problems, actions, and submit reports to the Board of Selectmen.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Application for Bowling Alley, Billiard Table and Common Victualler License – Trade Center Bowl, 89 Spring Bars Road
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Vote to Affirm Appointment of Frank Duffy, Town Counsel
Mr. Patterson motion to affirm the appointment. Second Ms. English Braga. Vote: Yes-5. No-0.

- b. Vote to Approve Eversource Petition to Install Two (2) 4" Conduits at 15 Hinckley Road, East of Juniper Point Road
Mr. Patterson motion to affirm the appointment. Second Ms. English Braga. Vote: Yes-5. No-0.

- c. Motion and Vote Regarding November 2018 Town Meeting Petition Article 12

Mr. Suso received an inquiry from Town Clerk Michael Palmer and conversation with Town Counsel Attorney Duffy who suggested this is not mandatory but is warranted if the Board of Selectmen so desires.

Attorney Duffy was not aware he would be asked to comment, he urged the Board of Selectmen to urge the State Legislature to take action to respond to the Town Meeting vote by having the Board of Selectmen submit this to the State Legislature. Attorney Duffy has drafted a letter.

Mr. Jones motion to approve the submission based on the desire and vote of Town Meeting. Second Ms. English Braga. Vote: Yes-5. No-0.

- d. Vote to Approve Historical Commission's Application for CPC Funding of Phase 3 of the Historic Survey Project

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

7:30 p.m. PUBLIC HEARINGS

1. Wetland Hearing – The 300 Committee – Construction of elevated boardwalk, walking trails, bog bridges and informational kiosk to improve public access to “Two Ponds” Conservation Area – body of water affected Jones Pond and Cedar Swamp

Mr. Brown recused himself because he is involved in building this project. Mr. Patterson noted he is an abutter. Exception out of necessity. Attorney Duffy noted the rule of necessity under the Conflict of Interest law. Need 4 out of 5 Board of Selectmen. Mr. Patterson disclosed he lives within 300 feet of this project, he is not predisposed either way and this will not affect his property value.

Chair Moran read the hearing notice.

Jessica Whritenour, Executive Director of the 300 Committee Trust, described what the committee is seeking to do and why. The area is about 15 acres next to Atria Woodbriar, when developed it was required set aside of open space. When acquired it was protected with the Conservation Commission, simple trail system wheelchair accessible, access is limited. Goal of this project is to open up access, enhance, and expand handicap accessibility with an additional trail and boardwalk. Diagram of trails was reviewed. This replaces boardwalks that spanned the stretch of Jones Pond, using the same footprints. Minimizing disturbance and proposing light penetrating decking. Privately funded and they are still actively fundraising.

Mike McGrath, Holmes and McGrath Engineering, passed a document to the Board of Selectmen. Described and reviewed the plans for the structures crossing the cedar swamp. The Conservation Commission issued order of conditions.

Mr. Jones asked about staircase to the path, so wheelchairs beyond the L will not be recommended, but a good place to turn around.

Public Comment: none

Mr. Jones motion to close hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Recused-1. (Mr. Brown)

7:45 p.m. BUSINESS

1. Information Presentation by AIDS Support Group of Cape Cod, including needle exchange program

Chair Moran reviewed the rules and Ms. English Braga explained the goal is to hear from Town Counsel on the role of the Board of Selectmen, purpose is for public comment. They will also hear from the Board of Health, the program, and then the public.

Chair Moran recessed the meeting and will return at 7:50 p.m.

Chair Moran reconvened the meeting.

Chair Moran explained there will be a presentation by Town Counsel, then the Board of Health, then the AIDS Support Group itself, after that public comment for about 10-15 minutes, allowing 2 minutes for each speaker. There are other public discussions that will be announced, Mr. Suso has spoken to the Support Group about another public session. Public comment may also be sent via email.

Attorney Duffy explained this is a meeting for information purposes only; there is no application before the Board of Selectmen tonight. The Board of Selectmen is not a permit granting authority for this project, which is proposed in a business district under the zoning bylaw and explained it is permitted by right. A special permit or variance is not needed, they do not need action by Board of Appeals or the Board of Selectmen. They have been in front of the Board of Health, the Board of Health has no role in the siting. This situation is similar to one that occurred in Hyannis a couple years ago and resulted in a case to the MA Supreme Court and Attorney Duffy provided a summary of that case. The MA Supreme Court focused on a criminal statute that made it a criminal offense to sell needles. The Supreme Court's decision does not apply to the free exchange of needles. The second issue was the legislature established pilot programs around the state for exchanges, the Supreme Court said the statute does not prohibit private exchange programs, the state can support only if the local Board of Health approves. This case applies to all cases with similar facts throughout the State. The Board of Selectmen can take public concerns, consider what may be done, and many ideas will be heard to yet this out.

Chair Moran recognized correspondence from Rabi Lieberman in favor of support and Reverend David Kohlmeier Unitarian Universal Fellowship in support. Chair Moran read a couple questions from Amy Leonardi from Cape Cod Moms, including what are the qualifications of counselors/staff, hours/days open, removal of medical waste, and what is needle retrieval.

Board of Health Chair Dianna Malloy, RN, with a master's degree in community health, The AIDS support group came a couple times to the Board of Health to help with the opioid crisis and asked for letter of support of their program. Reviewed what was presented to them, the Board of Health vote to support the program. Needles are everywhere through Town, they are preventing infection with the needle program. They will collect the dirty needles so they are not on the ground and have opportunity to teach, intervene with people. Any opportunity to interact with people who are trying to get by with this disease is important. Supporting MA Department of Public Health program, Board of Health goal is prevention. Need more services, including mental health. The Board of Health vote on 11/19/18 was to support the AIDS Support Group program.

Katie Ricanda, Director of Prevention and Screening, and Dan Gates, Chief Operations Officer explained their mission to address a public health crisis. In the last two years there has been a decrease in overdose deaths cape wide, however an increase in Falmouth overdoses. They provide free services including access to clean syringe needles, testing, overdose training, access to PREP, health services link, housing, and referrals to transportation to treatment centers. The location would be open 9am-5pm Monday through Friday. They usually meet with the community before they open. Anyone who wants access to clean syringe or programming is welcome. Mr. Gates is a licensed clinical social worker. State law requires that every syringe is counted and track, they take in 20% more syringes than they give out. They are currently working with 60 Falmouth residents who go to the Hyannis office for services. They found the building in Falmouth and it is close to public transportation, which made it desirable. They provide health services for people who use drugs and consider themselves a health clinic. They explored other locations, the availability of space was an issue, and they went for an area appropriate for a health clinic. They are not a safe injection site, people go home and people create their own safe injection facilities. They will not inject on the AIDS Group of Cape Cod property. They work closely with the Community Impact Unit and have great relationship with the Barnstable PD, hope to have similar relationship with FPD.

John Cacciari, 220 East Falmouth Highway and owns 232 E Falmouth Highway, and a St. Anthony's parishioner. He is concerned about the impact on the residential neighborhood. Understands there is a need in Town, his concerns include medical clinic allowed and not defined in the zoning bylaws: are there licensed medical staff at this office? He explained activities that take place at St. Anthony's Church include CCD classes, bible school summers, Girl Scouts, Boy Scouts, Cub Scouts, during the day into evening. The Board of Health took this matter and voted approval in 7 minutes with no public discussion.

Mr. Netto, Clark Street, the Board of Health did not let the community be included in the open dialogue and find a compromise. He is there to protect those who cannot come to the podium and the children, the needles pose a danger to them. He provided the agenda item from Board of Health meeting and minutes, then reviewed the Board of Health agenda item. Mr. Netto read from the minutes on East Falmouth Highway and questioned why the address of 178 East Falmouth Highway put in the minutes or agenda item.

Father Avila, St. Anthony's, noted this seemed to happen overnight, his concern is the children in the area and many people in that area visiting the church and cemetery. These are areas that sometimes they find people and activity that do not belong there and concern this may increase. Concerned about in the evening with activities at the church this may affect the participants. He does not favor it at this location.

Public Comment in favor:

Luisa Gould, Lt. Houser Falmouth, is a licensed independent social worker and does rehabilitative services. She has had a good experience with the AIDS Support Group of Cape Cod, they outreach to the community, pick up needles on the street. She is a lifelong resident of Falmouth and is proud of the openmindedness of this community. The communicable disease risk with the opioid crisis is overwhelming the medical community. The needle exchange piece is very small, mostly they screen, educate, counsel, and link to medical providers in the communities and ask all to be educated and open-minded.

Katie Roman Noley (phonetically) There is an opioid epidemic happening, the people are using drugs in the neighborhoods. Increasing services may assist.

Mary Ellen Alwardt, East Falmouth Village Association President, Falmouth is saturated with drugs. People do not want your services in a neighborhood location, but we do need your services.

Amy Leonardi, Goelletta Drive, researched and provided questions to the Board of Selectmen. She would like clarification on whether people with diabetes could access syringes there. How often medical waste removed and who does it. Cleanup, if child steps on needle outside facility, which covers that. What other services do you provide? What other organizations will they refer to in Town? Has Upper Cape Technical High School been contacted about the proximity to their bus stop? How does needle retrieval work? How many people do you believe you will serve in Falmouth?

Chair Moran noted those are questions to be answered at the next public forum.

Chair Moran called a 3 minute break.

2. Presentation and Vote to Approve Housing Production Plan (HPP)

Carla Feroni presented the plan in the packet. The demographics have shifted, shortage of housing for young families and for single person households. The HPP looks at obstacles of creating the needed housing for them and strategies to present opportunities. Education, support for the Falmouth Affordable Housing Fund, monitoring, and zoning strategies. There are also development and preservation strategies. Goal is 256 affordable housing units over the next 5 years. The HPP is on the Town's website and Affordable Housing Committee's website, once approved it will be on the Planning Boards website.

Tom Bott, Town Planner, 40B was response to crisis in 1960's. Moving away from single family home and sharing strategies with developers to allow the Town to identify what is appropriate and preferable 40B type developments. Having a policy in place would render some comfort and direction to the ZBA when approving something like this.

Mr. Brown read the motion in the packet. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Vote and Appoint Committee Members to the Route 28 Citizens Advisory Committee 6 at large

Mr. Brown motion to appoint James Marshall. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint Rachel Howard. Second Chair Moran. Vote: Yes-3. No-2.

Ms. English Braga motion to appoint Bev Williams. Second Mr. Jones. Vote: Yes-1. No-4.

Chair Moran motion to appoint Greg Berkely. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Jane Perry. Second Mr. Patterson. Vote: Yes-1. No-4.

Mr. Brown motion to appoint Allison Leschen. Second Mr. Jones. Vote: Yes-4. No-1.

Mr. Patterson motion to appoint Mary Barry. Second Mr. Jones. Vote: Yes-3. No-2.

Ms. English Braga motion to appoint John Silvia, Sr. Second Mr. Patterson. Vote: Yes-5. No-0.

4. Vote to Designate the Members of the Route 28 Citizens Advisory Committee as Special Municipal Employees

Mr. Jones motion to designate as Special Municipal Employees. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Consider and Vote on Exemptions from Conflict of Interest Law for Certain Members of the Rt. 28 Citizens Advisory Committee

Mr. Patterson motion to exempt James Marshall. Second Mr. Jones. Vote: Yes-4. No-1.

Mr. Patterson motion to exempt Rachel Howard. Second Chair Moran. Vote: Yes-4. No-1.

Mr. Jones motion to authorize Chair of Board of Selectmen to sign the letter to exempt these members from the Conflict of Interest Law. Second Ms. English Braga. Vote: Yes-5. No-0.

6. Board of Selectmen Chair-Summary of Town Manager Evaluation

Chair Moran provided copy to the Town Manager and Mr. Suso confirmed he received it. Chair Moran passed the compilation to the Board of Selectmen and explained the process. Rating scale reviewed, six goals were reviewed.

Mr. Jones commented that Mr. Suso has done a very good job and he is impressed with Mr. Suso's way of giving department heads a lot of responsibility and takes their advice as useful and informative. He feels Mr. Suso is fiscally conservative, but more expensive solutions may serve the community better.

Chair Moran commented that Mr. Suso has been very good at finances. The Town's finances are goal focused and understandable each year. Keep moving projects without raising taxes. Regular community customer service, need to look at more focus on coordinating communications so all projects are developed in an evenhanded way.

Ms. English Braga commented that the last few years tremendous community projects have gone well and due to Mr. Suso's moving those along and monitoring. Mr. Suso is not afraid to take positions or make a hard decision.

Mr. Patterson finds that Mr. Suso has integrated staff in new positions, we can expect real productivity as a result. Goals agreed to are process goals, he hopes to see a breakdown of those into observable milestones where progress can be evaluated based on those.

Mr. Brown finds the form difficult to capture what Mr. Suso does. It is hard to reflect what Mr. Suso does, the hires are taking up a lot of time and it is hurting him on the form. Maybe next year a retreat to focus on this may be appropriate. He would like the form to be more relative to what Mr. Suso is doing.

Mr. Suso thanked the Board of Selectmen for their thoughtful comments and information.

7. Approve 2019 Annual License Renewals:

ALL ALCOHOL RESTAURANT

99 Restaurant, 30 Davis Straits
Anchor Ale House, 100 Davis Straits
Cape Cod Country Club, 48 Theatre Drive
Grill 500, 500 Waquoit Hwy.
Hong Kong Restaurant, 165 Teaticket Hwy.
Jacks Restaurant and Bar, 327 Gifford St.
Soprano's Casino by the Sea, 286 Grand Ave.
The Cape Club, 125 Falmouth Woods Rd.

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

ALL ALCOHOL CLUB

Amvets Post 70, 336 Palmer Ave.

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

ALL ALCOHOL INNHOLDER

Falmouth Inn, 824 Main St.

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

ALL ALCOHOL PACKAGE STORE

Family Foods, 350 E. Falmouth Hwy.

Johns' Liquor Store, 729 Main St.

Murphy's Package Store, 410 W. Falmouth Hwy.

West Falmouth Market, 623 W. Falmouth Hwy.

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

WINE & MALT RESTAURANT

Falmouth Cinema Pub, 137 Teaticket Hwy.

Ryan's Family Amusements, 23 Town Hall Sq.

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

WINE & MALT PACKAGE STORE

Windfall Market, 77 Scranton Ave.

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

COMMON VICTUALLER

Burrito Loco (Taste of Two Chefs), 420 E. Falmouth Hwy.

Falmouth Hospital Cafeteria, 100 Ter Heun Dr.

Friendly's Ice Cream #1203, 5 Davis Straits

Molly's Tea Room, 227 Main St.

Dana's Kitchen, 881 Palmer Ave.

Prime Time House of Pizza, 338 East Falmouth Hwy.

Prime Time House of Pizza, 286 Old Main Rd.

Subway #29742, 236 Teaticket Hwy.

Subway (K&L Enterprises), 137 Teaticket Hwy.

Supreme Pizza, 147 Teaticket Hwy.

Talk of the Town Diner, 362 N. Falmouth Hwy.

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

MOTOR VEHICLE CLASS II

Battles Used Cars and Trucks, 14 Depot Ave.

Cid's Auto Brokers, 91 Carl Landi Circle

Costa Auto Body Company, 222 Carriage Shop Rd.

Executive Auto, 118 E. Falmouth Hwy.

Falmouth Auto Center, Inc., 614 E. Falmouth Hwy.

Falmouth Auto Sales, 735 Teaticket Hwy.

Falmouth Auto Works, Inc., 151 Worcester Ct.

Petro Brothers, LLC, 20A Village Common Dr.

Seaside Auto Sales, 14 Nye Rd.

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

VEHICLE FOR HIRE

NeveRest Limo Van Services, 33 Village Common Dr.

Falmouth Taxi, 17 Walker St.

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

8. Minutes of Meeting:

Public Session – December 10, 2018

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

9. Individual Selectmen's Reports

Mr. Brown:

Attended the Steamship Authority meeting at the FHS, ongoing process with their report.

Mr. Patterson:

Attended the SSA meeting at the FHS.

Went to Cape Cod Selectman and Councilors meeting Friday, Cape Cod Investigator for the ABCC gave presentation on alcoholism. Research shows the earlier you can school people not to try the drugs.

Requested the SSA Board Representative applicant and make a decision and have it on the next agenda. Chair Moran noted they will re-advertise and put on the agenda.

Ms. English Braga:

This season remembering our community members who may need help and work as a community.

Chair Moran:

Appreciates the Board of Selectmen and important issues that come before them.

Mr. Jones:

Falmouth Service Center Fashion show Friday. This is the time of year to offer your help.

10. Review of Town Manager's Report

Mr. Suso attended the new senior center ground breaking and provided remarks to the Board of Selectmen. Attended Chamber of Commerce after hour's event at MBL Swope Hall. The Board of Selectmen next business meeting 1/7/19 and will involve the fiscal year appropriations budget and recommendations to the Board of Selectmen before the holiday.

Transportation related issues referenced, several years ago began monthly staff review involved in any proposed developments in Town. Mr. Johnson Staub convenes those meetings and Mr. Suso is present at times as well. Have all the staff members involved to collaborate and ensure efforts are not duplicated. Part of that process is focusing on transportation and traffic issues as they relate to those developments. They also involve DPW. That is in furtherance of the community development. New zoning administrator has been brought on board.

Mr. Johnson Staub noted the skate park project has been bid out, change in specifications to allow a longer timeline for completion of the project. Bruce

Mogardo stated Menauhant Beach is eroding worse each year, interdepartmental response to that and permit in place that will allow for putting sand on the parking lot to help shore up the erosion from the next few storms.

11. Review and/or Discuss Correspondence Received none.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

The minutes of the joint meeting on January 26, 2019 were taken by the Planning Board's recording secretary and approved by the Planning Board at its meeting on February 26, 2019.

Julian Suso's edits have been made to page 4 of the minutes.

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

SATURDAY, JANUARY 26, 2019 – 8:30 A.M.
FALMOUTH ACADEMY – MORSE HALL
7 HIGHFIELD DRIVE

JOINT MEETING

**BOARD OF SELECTMEN – PLANNING BOARD – ZONING BOARD OF APPEALS –
WATER QUALITY MANAGEMENT COMMITTEE - EDIC**

8:30 a.m. Open Session

1. Development Issues
 - a. Davis Straits Reset and Form Based Code
 - b. Wastewater Planning Update
 - c. Main Street/Route 28 roadway reconstruction
 - d. Other
2. Status update on zoning recodification
3. Discuss efforts to improve coordination of community development-related functions
4. Recommendations to improve process at Falmouth Town Meetings
5. Other Business
6. Adjourn

Susan L. Moran, Chairman
Board of Selectmen

JOINT MEETING

**BOARD OF SELECTMEN – CONSERVATION COMMISSION – PLANNING BOARD –
ZONING BOARD OF APPEALS – WATER QUALITY MANAGEMENT COMMITTEE – EDIC**

SATURDAY, JANUARY 26, 2019 – 8:30 A.M.

FALMOUTH ACADEMY – MORSE HALL

7 HIGHFIELD DRIVE

<p><u>Board of Selectmen:</u> Susan L. Moran, Chairman Megan English Braga, Vice Chairman Doug Jones Samuel H. Patterson Douglas C. Brown (Julian Suso, Town Manager and Peter Johnson- Staub, Assistant Town Manager)</p>	<p><u>Conservation Commission:</u> Mary Schumacher, Chair Jamie Mathhews, Vice Chair Kristin Alexander Courtney Bird Stephen Patton Mark Gurnee Kevin O’Brien Peter Walsh</p>
<p><u>Zoning Board of Appeals:</u> Terrence (T.J.) Hurrie, Chairman Edward VanKeuren Kenneth Foreman Gerald Potamis Robert Dugan (Noreen Stockman, Zoning Administrator)</p>	<p><u>Planning Board:</u> Jim Fox, Chairman Pat Kerfoot, Vice Chair Paul Dreyer, Secretary Robert Leary Pamela Harting-Barrat Charlotte Harris (Tom Bott, Town Planner)</p>
<p><u>Water Quality Management Committee:</u> Eric Turkington, Chairman John Waterbury Matthew Charette Ronald Zweig Stephen Leighton Thomas Duncan Virginia Valiela</p>	<p><u>EDIC:</u> Christopher Land, Chairman Brooks Bartlett Christopher Simmler Michael Galasso Paul Burke Susan Moran</p>

8:30 a.m. Open Session

Development Issues

• **Davis Straits Reset and Form Based Code**

T.Bott - Proposing to redevelop 88 acres in a waning biz center that involves many stake holders and property owners. Creating a form-based code framework and concluding in March 2019 bring to Town Meeting a year after that. We want to create a place where people can live and work within close proximity of each other.

J.Fox - Euclidean zoning adopted in 1925.

J.Fox explained the different zoning types and form based code: Form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.

Presentation from Jim Fox.

S.Moran - This presentation has given me a much better idea of what form-based code is.

G.Potamis - How would the Staples building be integrated?

J.Fox - The parcel goes all the way down to the street. It's co-mingled. The plan is to incentivize them; they only have one level to rent. We want them to have two and three levels; it's done through financial incentives. It's being done all over the country and is not a new idea.

S.Moran does that mean tax breaks?

J.Fox - It might. An apartment building was built in New York for housing and was done with tax breaks.

D.Brown - we would implement in one section at a time?

J.Fox - yes it will be a tremendous amount of work. All those issues like parking are all done.

P.Kerfoot - I think this is a wonderful step forward. We have to go out and aggressively market this plan to the owners and occupiers of this property. We can't sit here and let our community die economically.

C.Harris - a local example is the Mashpee commons. The town of Mashpee is now working on adopting form based zoning. We are not inventing the wheel here.

J.Fox - we were challenged when we were doing the housing studies.

T.Bott - You have to involve the property owners. It is important to involve them in the process of developing the zoning.

S.Moran - I had a constituent say we should have put land aside for housing. At retirement age, folks want to downsize and they want less to take care of. How would this fit to serve that group

C.Harris - In a sense we did set land aside, but we paved it. A big part of this is to make it multi-use. Commercial below and residential above, or whatever is attractive for the developers. It would be for all ages. We need multifamily zoning and we need to encourage it.

P.Harting-Barrat - The whole concept of smart growth gives you transportation and facilities close by. Here it is trickier because it is so developed. If we don't get fast internet, we won't get young people here.

P.Kerfoot - There are some multi-use pieces of property. A Spring Bars Road project that is open space, and in theory housing. Getting that to happen took years. That lacks in this town. It has been done and we need to do more of it.

G.Potamis - The future of infrastructure and how you plan ahead for it.

M.Schumacher - There would be permitting and to enforce the wetlands regulations. Developers are usually very familiar with the requirements and some are familiar with Falmouth's standards. It would be a good idea to think about that.

J.Fox - It's done in advance. We'd be coming to you to have the codes that you want in those areas. 90 per cent of the work is done in advance; it's almost nothing but administrative reviews. There's a special form based conservation code that you would help us write.

S.Moran - The concept generally, to have a process that lets developers know is incredibly important. It saves money and false starts. That would attract developers. We want to maintain Falmouth's essence

D.Brown - some of this area was a wetland. The future plan for that may not be to redevelop it.

J.Fox - Davis Straits plan that shows that area as being a park. We have a new vision with greens on either end of Main Street. People love living near the stores.

D.Brown - Perhaps it would involve tax breaks to get them to move.

- **Wastewater Planning Update**

Amy Lowell Wastewater Superintendent - More properties within the Little Pond have connected - not 100 per cent complete. Selectmen have held hearings that granted variances for a number of redevelopment projects. The wastewater system capacity is limited by the discharge permit for the plant. We do have some limitations within our system, particularly in the downtown area. The average flow in 2018 was 450,000 gallons per day. 63 per cent of the permitted flow. We are not at a critical point. The permitted flow is 710,000/day. Permit does require that when you reach 80 per cent, you provide the state with a plan of how you'll stay within the permit. I estimate the town would reach 80 per cent by 2021 based on the flow from the little pond service area. The main limitation to accommodating an increase in flow is the permit. In order to get the increase, we'd need to find another site for treated wastewater discharge. There are some collection limitations in the downtown area. We will need to be looking at when we will need to do some work in the downtown area.

S.Moran - if the plan doesn't anticipate the water needs, then it doesn't work. Great plans are thought of well ahead and include all the variables.

Erik Turkington - Five years ago DEP required a plan for the five south estuaries. The gist was to sewer Little Pond and try out all the different alternatives to deal with estuaries without sewerage. Now we have to report back with a new five-year plan. We will decide where we want the discharge site and how much sewerage that we want to do.

G.Potamis - The 80 per cent stage is not a moratorium, it is a planning stage.

E.Turkington - We think we can get to 10. You can put them into people's backyards as a supplement and you can get the majority of our estuaries not to be sewerage. It won't work for Great Pond where the level of nitrogen is so overwhelming.

P. Kerfoot – what kind of target are you looking at for capacity at that discharge site?

E. Turkington – Each option will come with a capacity number. That will be the judgment call the town will have to make.

A. Lowell – There is an implementation lag. We're not at capacity; we are within 20 percent of it. We do have some additional time, I don't expect development would occur immediately. There is some buffer to allow some growth.

J. Suso – These requests for variances are reviewed and the Board can adjust the manner in which you agree. There need not be a concern that we are lacking in process and there are options. One that has not been recognized is working with other Upper Cape communities in a potential wastewater collaboration at Joint Base Cape Cod.

C. Harris – It will be handy to have a prioritized list for developers.

S. Moran – We do not have a list and we should publicize that more.

D. Brown – When we looked at it years ago, we needed multiple sites. The ocean outfall might be the ultimate site. I hope we can still keep it on the table.

P. Kerfoot – What are we doing about the Parking? Where are people going to be parking?

S. Moran – The Cape Cod Commission's planning outreach is coming. Our roads and infrastructure are built for far fewer people than we have right now.

- **Main Street/Route 28 roadway reconstructions**

J. Suso – We are very well aware of the challenges. When we get taxed with 100K people, everything gets taxed. We are very limited in the downtown area and in parking there. That is something we continue to look at. We are looking at off-street parking alternatives and school parking in the off season. There is a tendency to schedule major events during this peak time. Multi-level parking has been suggested, which gives the appearance of an easy solution. We would only need it about three months of the year. A multi-level parking structure is an attractive nuisance for things that are very unpleasant. There is no year-round demand.

S. Moran – Possibility of a transportation committee again. It's about planned growth that keeps in mind the pleasant living that we have right now.

Charlie McCaffrey – The Cape Cod Commission updated the regional policy plan. The County Commission approved it Wednesday. The regional policy plan will provide guidance. Their commission is working on strengthening incentives to match the local and regional plans. The Charter Review Committee has identified about 40 areas where there might be improvements and revisions to the Town Charter. The Town Charter doesn't identify the LCP and there is no indication that these should be aligned and adhered to. Coastal Resiliency Action Committee has a study going on with the Woods Hole Group. It would be helpful to have the energy Committee involved in this.

Other

- Status update on zoning recodification

T.Bott - It's not a rewrite, it's reorganizing and renumbering the code. This has become a much more complicated job than the Town anticipated. We have a great team at an excellent price. The scope has been revised and extended. We hope to bring it to the April Town Meeting, but that has been pushed back to November 2019. Any change or deletions require a vote by the Town Meeting and approval from the Attorney General. Bob Mitchell suggested work be done by a committee not at a Planning Board meeting. Counsel has suggested a working group.

- Discuss efforts to improve coordination of community development-related functions

C.Land, EDIC - One of our goals is we need to help figure out what the obstacles are. One of our ideas was to have a one point person to figure out how to facilitate growing or moving companies and how to make it easier.

D.Brown - we will need a whole section delineating form-based code?

T.Bott - typically form-based code is a district. It would be the prevailing regulations for that area.

P.Kerfoot - How will someone know about the EDIC function being served? People typically come to Town Hall. How would this be coordinated?

C.Land, EDIC - we are sort of independent yet integrated. Once we create the position that would be part of working with the Town. How we build it will be part of the challenge of that person's job.

S.Patterson - we are not looking at how much the internet has allowed people to have home based businesses. That critical communication piece is weak here in Falmouth.

Jim, Route 28 Committee - This is the time to put the infrastructure in place

C.Bird - there doesn't seem to be much sense of urgency about this. It is critical to the future of this town.

D.Brown - we are working on it. It is happening, it's just not happening fast enough. Comcast has been underbidding them. There is group of people in Woods Hole that are mobilizing with OpenCape.

J.Suso - We have attempted to bring in a Community Development Coordinator, and twice town meeting has denied that position.

S.Moran - we have to continuously look at what we can do better.

- **Recommendations to improve process at Falmouth Town Meetings**

Presentation

D.Brown read a list of suggestions.

S.Moran our job as policy makers is to make sure that the policies are efficient.

T.Bott - To improve communications is getting things done early. We are inviting Town Meeting members to the hearings. You will receive another Email after the hearing is closed with a link to the recording. It will include the articles and you will be able to see the meeting from home. Setting the warrant 10 days after the closing of the articles makes it practically impossible to have a hearing process. We are pushing information out to folks. We are happy to hear your suggestions.

D.Brown - is there a way to adjust the timeline so we are not in a rush?

J.Suso - There is some limited latitude for adjustment. We can move one week or we abandon April Town Meeting.

C.Harris - We were all embarrassed by last Town Meeting and we have tried to make the language a lot clearer. The explanations are clearer and less bureaucratic. How it is communicated will make an enormous difference.

S.Moran - This is something that we all share.

P.Kerfoot - a lot of the problem is that the hearing is held after the publication of the warrant. If anything comes out of a hearing, we are forced to change it on town meeting floor. We need to have meetings before the warrant.

P.Harting-Barrat - No one reaches out until right before Town Meeting. I think there are too many town meeting members. I think it would be interesting to see having one Town Meeting open to the community.

S.Moran - would that be in the charter review process?

J.Suso - That would be a fundamental change to the charter. I think that's a discussion for a different forum.

E.Turkington - I don't see much merit in that idea We have trouble getting people to join Town Meeting now.

John - I would hope that we would consider restricting the amount that people can speak. I think we are underutilizing the precinct meetings. We should take attendance and publish it in the Enterprise.

J.Druley - It would be nice if some town meeting members would show up to the meetings rather than wait until the end and being confused.

V.LowelT - my goal is to make the planning board more successful. The Planning Board is doing well with outreach. They owe it to Town Meeting to say why they support a petitioner's article. You can't over explain zoning.

S.Moran - I read everything I get, but I do like to read it in advance.

G.Potamis - You may want to consider a larger venue for the upcoming zoning meeting. It's difficult to type in the space they give you for an online article. You cannot paste in text for a petitioner's article. January is too early.

D.Jones - We need to have a certain amount of days before the election so we can't move the April Town Meeting.

K.Foreman - the context of the zoning articles is always a challenge. People don't see the full context. Maybe we could email the full sections pertinent to particular changes. There are too many people getting up too many times on every article. We need a limit on debates.

S.Moran - Please follow up with an email or in writing on these process suggestions.

P.Hargraves - we typically get half of the people showing up to our Precinct Meeting. I appreciate the emails with the details of what's added and changed. That is what people need to be educated. I hope you will consider applying that to every other department's articles. Petitioners often feel they are not especially welcome and they don't use the resources at their disposal to present their voice at Town Meeting. If we enable the voice of people with something to say, we would have a much better process. We should coach them on how to go about dealing with their issue.

Judy Fenwick - I would recommend a town meeting handbook to educate and enable.

P.Kerfoot - a suggestion for an ombudsman.

Adjournment - Meeting adjourned at 11:01 am.

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary

**TOWN OF FALMOUTH
BOARD OF SELECTMEN**

Meeting Minutes

Open Session

MONDAY, APRIL 22, 2019

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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.

a. Call to Order at 7pm by Chair Moran.

b. Pledge of Allegiance

c. Proclamations

a. Arbor Day – April 30, 2019

Proclamation in the packet read as a motion by Mr. Jones. Second Mr. Chair Moran. Vote: Yes-5. No-0.

b. Art Week – April 26 – May 5, 2019

Proclamation in the packet read as a motion by Mr. Brown. Second Chair Moran. Vote: Yes-5. No-0.

d. Recognition

Ms. Braga thanked FCTV for the work they do for Town Meeting.

e. Announcements

Notification of one-year moratorium by Board of Health on Glyphosate

Mr. Suso noted the Board of Selectmen has copy of the decision by Board of Health, continues to 3/21/2020 on municipal property only.

Ms. English Braga stated there will be more information coming in the next couple weeks regarding the Board of Health, Human Services, Falmouth Fire Department, Falmouth Police Department, Board of Selectmen, and Falmouth Substance Abuse Commission invite to the State legislatures to come hear from the community and education around sober homes. The goal is for public to have a discussion, make comments, get feedback, and interact with State Representatives and Senator.

a. Public Comment

Marc Finneran, Precinct 6, Article 29 in Town Meeting, after Town Meeting he realized some of the presentation from the Water Department was in error. They cannot tell how much it costs to run it until all houses are hitched up to the sewer. We are the only Town in the country that deals with it the way they do. Mr. Finneran reminded all that 5/21/19 is Election Day and voter registration is open until 5/1/19.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

a. Approve Application for a One-Day Wine & Malt Liquor License – Coast Fest – Bandshell/ Marina Park – Saturday, 8/3/19

The applicant was present and explained the event. Mr. Suso will confirm that the Special Events Committee has approved.

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

b. Approve Application for a One-Day Wine & Malt Liquor License – Barnstable County Agricultural Society, Harvest Fest – Cape Cod Fairgrounds – Saturday, 9/28 and Sunday, 9/29/19

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

- c. Approve Application for Nine, One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater – Friday, Saturday and Sunday, May 3, 4, 5, 10, 11, 12, 17, 18 and 19, 2019

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

- d. Approve Application for a Motor Vehicle Class II License – Excel Auto Repair and Sales, 94 East Falmouth Highway, East Falmouth

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 and Two Hand Holes on Hudson Street, South of Lake Leaman Road for Service to 48 Hudson Street

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

- b. Vote to Support House Bill No. 2881 and Senate Bill No. 452S Seeking a 5-Cent Deposit on Nip Bottles

Allen Robinson told the Board of Selectmen he is supportive of anything to reduce litter in Town. His concern is that the State legislation is seeking to redefine definition of a beverage and include nips that would be subject to the 5 cent return requirement. If this is done, will it preclude the Town from selling nips within the Town?

Chair Moran has been working with Representative Randy Hunt; he will have the State House counsel review. Town Counsel opined that this is something that would drive the Town reaction and may be appropriate to table until they have more information.

Barbara Schneider, Precinct 4 and member Falmouth Litter Reduction Team, has picked up trash and found 90 nip bottles in 2 blocks. Her concern is five cents will not change why people drink a nip and toss it out of the car. What would it cost redemption centers to redesign areas to take in another type of bottle?

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

- c. Vote to Approve Application to Massachusetts Dredging Program for a 2019 Massworks Grant in the amount of \$20,000 to Dredge Green Pond Channel

Harbor Master Greg Fraser noted the application is in the packet. This was successful last year; the county was not able to perform either grant in time, hoping this will be done this year. Can focus on inner channels in September, embayment dredging not usually done unless there is a problem. The situation as far as waivers has changed at the DEP, looks like they will not issue waivers unless dredging has begun and seeking waiver for project already on way. He is working with state legislative delegation to go back to the way it was done before.

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

- d. Vote to Approve License from the Town of Falmouth to Allow Eagle Scout Candidate Sam Mack of Boy Scout Troop 42 to Construct a Trail near the Falmouth Dog Park

Barbara Schneider, said that Mr. Mack’s family is out of Town and unable to be present tonight. Mr. Mack will update the Board of Selectmen to keep the Board of Selectmen informed. This is on recreation land, Mr. Mack went before the Recreation Committee and they voted to support it. He has met with DPW and Parks/Recreation Department, reviewed the plan, and staked it out, the dog park board and recreation department board are watching. If the Town does not charge for using it and it is not Town property, you use it at your own risk.

The Board of Selectmen will defer the question of liability if something happens on the Town owned land to Town Counsel.

Mr. Johnson-Staub will follow up with the Board of Selectmen' question about which the license would be granted to, because Mr. Mack is a minor.

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

- e. Approve Warrant for Annual Town Election on May 21, 2019

The Board of Selectmen noted that Precinct 2 is voting at Senior Center instead of the Recreation Center.

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

- f. Approve Expenditure from Historical Commission Account for Temporary Planning Intern

Ed Haddad, Chair Historical Commission, provided a PowerPoint presentation. Reviewed the project to evaluate significant buildings to evaluate whether they should remain or be removed. These are houses that the Commission has no purview over; the current list has over 650 listings. This is required by the demolition delay bylaw. During the 12 month period of delay, the delay makes someone who is thinking of buying a house to demolish it to think about whether it is really worth waiting the time to demolish. They also have option to request a waiver of the 12 months. It offers a cooling off period and allows the public to see if there is a public group that may want to prevent that building from being demolished. Reviewed the list of significant buildings. This is just for demolition because these are outside the historic district. Reviewed the requirements of the person who would do this including education, computer and research skills, car, estimate 100 hours at \$25/hr, Historical Commission earmark account current has over \$20,000 balance. A college student would be considered.

Mr. Jones motion approval of up to \$4,000. Second Mr. Patterson. Vote: Yes-5. No-0.

- g. Approval of Donation Funds for Senior Center Stone Veneer

Mr. Johnson-Staub noted the Building Committee is working, progressing well, on budget, and on time. The Building Committee talked about stone veneer that was shown on early concept design, they and staff would like the stone veneer.

Mr. Jones motion approval of \$59,000 from the donation account. Second Mr. Brown. Vote: Yes-5. No-0.

- h. Vote to Adopt and Execute Orders of Taking for Winthrop Drive and Capt. Davis Lane

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

3. Special Events

Recurring - Recommended:

- a. Cinco de Mayo Woods Hole – Quicks Hole and Landfall Restaurant - Luscombe Avenue, Woods Hole – Sunday, 5/5/19

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

- b. Woods Hole May Festival – Woods Hole Community Association – Taft Playground and Ballpark, Woods Hole – Saturday, 5/25/19

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

- c. Pedal to Parcels – The 300 Committee – Bike Tour of Conservation Lands in Falmouth – Sunday, 6/2/19

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

- d. Falmouth Art Market – Falmouth Cultural Council – Marina Park (bandshell side) – Thursdays, 6/13 – 8/29/19
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- e. Beach Worship Services – John Wesley United Methodist Church – Surf Drive Beach and Parking Lot – Sundays, 6/30 – 9/1/19 (except 7/14 and 8/18)
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- f. Autumn Escape Bike Trek – American Lung Association – Ride through Falmouth, stop at Surf Drive Beach – Friday, 9/27/19
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- g. British Beer Company Beer & Oyster Festival – British Beer Company – BBC/Seaside Inn Property Parking Lot – Sunday, 6/2/19
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

New – Recommended:

- a. Walk for HOPE – Housing Assistance Corp – Village Green Start/Finish, Walk on Sidewalks – Sunday 6/2/19
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- b. Falmouth Kids Day of Play – Falmouth Rotary Club – Mullen-Hall School – Saturday, 6/8/19
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- c. British Beer Company Road Race Beer Garden – British Beer Company – BBC/Seaside Inn Property Parking Lot – Sunday, 8/18/19
Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.
- d. Wings for Falmouth Families Carnival – Wings for Falmouth Families – Marina Park, Tuesday, 8/20/19
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- e. Beach Wedding Ceremony – Insogna – Falmouth Heights Beach – Saturday, 8/3/19
Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- f. Beach Wedding Ceremony – Curran – Surf Drive Beach – Saturday, 8/10/19
Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-5. No-0.

PUBLIC HEARINGS

7:30 p.m.

- 1. 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), Continued from February 25, 2019

Applicant withdrew their application.

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), Continued from February 25, 2019, March 11, 2019

Hearing Notice read by Chair Moran.

Jonathan Polloni, representing the applicants, noted he submitted a packet including 2 full size copies of the proposed project to open attic space, they are seeking to add 2 bedrooms, not 3. Long-time residents of Falmouth, family has expanded and they would like extra space. They followed through the request for variance process and received a letter from the Wastewater Superintendent that stated there was additional capacity in system for these flows and indicated a precedent she was concerned about setting regarding recent sewer line in the LPSSA. Many of those lots are very small, so questions come up when looking at lots of that size that represented obstacles that are not present here. The Board of Health made positive determination that a Title V system could be put on the property. This lot is 10,000 square feet. This

proposal meets the bylaw requirements. Now there are 3 toilets, he will update with low flow faucets and toilets. He is aware of the projected use the Town is looking at in the future and understand the horizon, but believes the concerns had over how much they will add to it are unfounded, it will not be that much flow added.

Mr. Brown noted guidelines include for the public good and Town priorities. The Town has limited discharge ability, so they are trying to prioritize. Focusing on Main Street so they make sure they have enough for that area.

Mr. McGrath explained under Title V a modified house is considered a 4 bedroom house. The Board of Health approved it and it does not matter what the rooms are labeled, Title V says if more than 9 rooms, divide by 2 and round up.

Amy Lowell, Wastewater Superintendent, addressed the Board of Selectmen; she issued a memo in response to the applicant's representative saying there is sufficient capacity for individual house to make this small expansion. At the initial hearing, she felt she needed to respond because of the context. This is an individual application; her understanding was lot size is a little less than 9,000 square feet, which is bigger than many lots in Maravista and Falmouth Heights areas. Primary concern in the memorandum was to outline things to consider regarding precedent in the future: 1. Provision in Title v that allows to count the bedrooms, to Ms. Lowell that may work for Title v but defeats the purpose of the bylaw, which allows expansion up to 4 bedrooms by right. If someone wants to go beyond that, there is a variance requirement, if that was requested on significant basis in LPSSA that would exceed the waste water flow planning numbers in that area. She would not see this part of Title V as applicable under flow neutral bylaw and average flow and how it is lower than Title V numbers. The sewer system has to look to peak flow; Title V systems are designed to accommodate peak flows, same with the sewer system. Peak flows are relevant. This lot is slightly bigger than those in Maravista and the Board of Health made the determination that a Title V system could be sited there to accommodate the flow. She does not think it is appropriate for average flows to be used to review these requests and does not believe halving of bedrooms is appropriate.

According to Mr. Johnson-Staub, the Board of Health reviewed the plan for 7 bedrooms.

Steven Gellis, property owner, told the Board of Selectmen there will be the same number of people there this summer, just more comfortable. The plan had a bathroom added to it as well.

Mr. Johnson-Staub noted low flow toilets are helpful gesture, but it is unknown how the Town could enforce it.

Public comment: none.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones stated if a Title V system would support 7 bedrooms, he would support this variance.

The Board of Selectmen discussed using conditions to look at specifics such as long-time homeowners, list of priorities, and need to look at individuals who are taxpayers/homeowners.

Mr. Brown expressed concern about short term rentals, he considered asking those be excluded. He likes the project, even though he was hesitant, he would like to support it.

The Board of Selectmen made the following findings: 1. There is capacity at the Wastewater Treatment Plant. 2. The Board of Health said the Title V supports 7 bedrooms. 3. The applicant will use low flow appliances. 4. This does not create a hardship for the neighbors. 5. The Board of Selectmen is pleased to see the reason for expansion is to accommodate additional family members per testimony of the property owner.

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

8:00 p.m.

3. 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 (continued from March 25, 2019 to April 22, 2019 at 7:30 p.m.)

Chair Moran read the hearing notice in the packet.

None present.

Ms. English Braga motion to continue to May 6, 2019 at 7:30 p.m Second Mr. Jones. Vote: Yes-5. No-0.

8:15 p.m.

4. Water Rate Hearing (continued from March 25, 2019 to April 22, 2019 at 7:45 p.m.)

Steve Rafferty, Water Superintendent, noted Board of Selectmen has example motion in the packet. This is to ease in over the next three years.

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

Mr. Jones motion no increase on the sewer rate. Second Ms. English Braga. Vote: Yes-5. No-0.

8:20 p.m.

5. Application for Transfer of a Wine and Malt Liquor License, Common Victualler License, and Automatic Amusement License – New England Authentic Eats, LLC. d/b/a Papa Gino's, 56 Davis Straits, Falmouth

Chair Moran read the hearing notice in the packet.

Christine Coulture, Manager, change beer and wine license. Falmouth Police Department has no issue with this request. Falmouth Fire Department noted no issues with request.

Public Comment: none.

Mr. Patterson motion to close the hearing. Second Mr. English Braga. Vote: Yes-5. No-0.

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

6. Application for Transfer of Wine and Malt Package Store License – Wild Harbor General Store, Inc. d/b/a Wild Harbor General Store, 200 Old Main Road, North Falmouth

Chair Moran read the hearing notice in the packet.

Caroline Gabriel present, new owner manager of the establishment. Falmouth Police Department have no issue with the transfer.

Public comment: none.

Mr. Jones reminded the applicant that any violation of sale of alcohol to someone under age is her responsibility whether there or not.

Mr. Patterson motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

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

8:30 p.m. BUSINESS

1. Woods Hole Oceanographic Institution (WHOI) Update – Colin Reed and Mark Abbott

Mark Abbot, President of WHOI, provided WHOI's impact in Falmouth, the second largest employer in the area. Reviewed their land use and ships. Reviewed their two campuses and pictures. Important role in area economy, about \$150,000 million and \$47 million spending across 650 MA companies. Reviewed

their impact on the blue economy. Reviewed In Kind partnerships and sponsorships they do that make them a good neighbor. The work ahead includes continue open communication, expand areas of opportunity of mutual interest, long term financial stability and strong local economy while supporting environmental stewardship, affordable housing, and ethnic diversity.

Chair Moran noted they appreciate how WHOI makes Falmouth special, it is an attraction to visitors, provides jobs, and there are many existing partnerships with WHOI employees who are on voluntary boards.

Ms. English Braga noted the Affirmative Action Committee was talking about ethnic diversity and how we make the community welcoming.

Mr. Jones stated that the School Street parking lot is a disaster, all that pavement where there were trees and bushes, it is very disappointing.

Mr. Patterson noted WHOI staff bring much artistic talent to the community.

Mr. Brown noted the success of Science fair at the FHS at which WHOI employees participate.

Mr. Suso noted Seaport Economic Council collaborative work, the Town and WHOI recently received a \$1 million grant in furtherance of the planning on the island dock that is designed to accommodate the anticipated sea level rise.

2. Interview, Vote and Appoint Committee Members:

a. Cable Advisory Committee

Robert Mascali

38 Oxbow Road, Teaticket, interested in this committee, member of Commission of Disabilities, he will resign that position and would like to volunteer for this position. His experience as a practicing attorney in private and public sector would be helpful. He is current president of the Rotary Club of Falmouth.

Diane Jemmott

Jones Rd., retired back to Falmouth after growing up here. She learned about the need of this committee, it is an area she has done some work. She was government relations professional, lobbyist. Worked for a county and ran office of Citizen and Community Affairs, took complaints, worked with the cable operator, outages, awful services, she got engaged in how things could be improved and how the county could help the cable operator be a better service provider and help the public understand. She got involved in recertification process along the lines of what will happen here in Falmouth. Cable function is important, FCTV operates public access television, and there is an important issue that will require thoughtfulness.

Jay Zavala

He offered his thoughts in writing to the Board of Selectmen due to illness. The Board of Selectmen is familiar with Mr. Zavala and his work in this area and beyond.

Ms. English Braga motion to appoint Mr. Mascali to a term ending 6/30/19. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion to appoint Ms. Jemmott to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion to appoint Mr. Zavala to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.

b. Energy Committee

Matthew Patrick

Mr. Jones motion to appoint Mr. Patrick to a term ending 6/30/20. Second Mr. Patterson. Vote: Yes-5. No-0.

c. Human Services Committee --

Lawrence Langer, Ph.D.

Dr. Langer has been a psychologist for over 40 years, reviewed his resume. In MA since 1978, property owner here for 20 years. Resident of Falmouth for 3 years. Worked in and part of mental health facilities in PA and MA, including inpatient, outpatient, HIV outpatient program, assistant professor at UMASS Medical School. Helped residents better understand mental health issues and general interviewing techniques. Over the last 14 years he has been consultant to the Disability Determination Services regarding level of disability and whether they can receive funding from the SSA. Recently retired, read summary of the report from the Human Service Committee, aware of the areas that are deemed essential: housing, people leaving the area, mental health services, and substance abuse. Sat in on some meetings of the committee and feels he has a lot to offer.

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

- d. Zoning Board of Appeals –
Gerald Potamis

James Morse

545 West Falmouth Highway, Precinct 6, he is an attorney and has been in Falmouth for 6 months. He has been an attorney for 12 years, was a Martha's Vineyard Police Officer for 20 years and acknowledged he made a professional mistake and it caused him his professional career, he was disciplined for violating department rules and regulations. He is familiar with purview of ZBA.

Mr. Patterson motion to appoint Mr. Potamis to a full member term ending 6/30/20. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint Mr. Morse to an associate member term ending 6/30/21. Second Mr. Brown. Vote: Yes-4. No-1. (Chair Moran)

3. Aquaculture Plan Presentation for Falmouth Estuaries

Chuck Martinsen, Deputy Harbor Master, reviewed plan goals to improve water quality and maintain estuaries so we all benefit. Looking to create a community benefit, and facilitate opportunities for local aqua farmers. Reviewed municipal projects since 2015 including Snug Harbor Reef, Waquoit Bay, Bourne Pond, Little Pond Farm. They are at about 12,000 hours of volunteer time for these projects. Plan drafted in 2017 looking at how much nitrogen has to be removed from the estuaries and how this can be done with aquaculture. Moving forward with pilot project, which can address Eel Pond and 400kg of nitrogen or 63 sewer connections. Take a small project and see if they can make it work, if it works they may be able to apply it in other areas of Town. Aquaculture can be much less expensive than sewerage areas. Areas of the pilot project include three areas of Washburn Island, he reviewed the 3 locations. When working through the pilot, he heard concerns from the committee and they were able to address those issues. Recommendations to the Board of Selectmen will be hope the Town will select sites for increased aquaculture with minimized impact to those using the impact areas. Licenses issued to the Shellfish Constable/Harbor Master, which would be transferred to private growers selected through a competitive process. License to private growers contingent on demonstration of reasonable effort to achieve nitrogen removal target. Aquaculture resource rental fees were reviewed, the Town can offer resources for rent to the growing public for a rental fee that would ultimately be for certain items. Timeline was reviewed via PowerPoint presentation. Hoping the Board of Selectmen awards licenses to private growers by sometime in June/July 2019.

Requesting to update the aquaculture plan by Town consultants and seek Board of Selectmen approval to proceed to adopt policy aquaculture within the estuaries at a future meeting, have future license hearing, and fee hearing.

Work would be done in shellfish and there could be increased benefits from seaweed. They do not want to impact the bottom. Hoping to get eelgrass back, so need to be cautious how they affect that.

Access through the farm area needs to be provided so small boats can access the land, they will move away from island to limit affecting the soft shell clam areas. They will have more community meetings regarding what is going on.

According to Mr. Johnson-Staub one reason this took more time is because there was desire to create a benefit for the community and for recreational/commercial wild harvest shellfish harvesting. That is why this rental fee is important, that they demonstrate the amount of shell fishing available to wild shell fishing.

Chuck noted scalloping. Put out questionnaire to recreation permit holders and gave to the advisory board, they heard people want more scallops, they will double the amount they grow this year and started a scallop seeding program in Falmouth waters and use Little Pond to raise them.

Mr. Jones motion to give the Committee approval to proceed as they see fit. Second Mr. Brown. Vote: Yes-5. No-0.

4. Falmouth Affordable Housing Fund: Carla Feroni is not able to be here tonight.

a. Vote Falmouth Affordable Housing Fund Guidelines

Ms. English Braga read the fund guidelines in the packet

Mr. Jones noted the Trustee is the Board of Selectmen.

Ms. English Braga motion approval of the guidelines and they still apply. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones noted a letter expressing the work Ms. Feroni has been doing as the first Housing Coordinator ever. She needs to be commended. The CPC funds this position according to Mr. Patterson and it should put it in the operating budget, Mr. Suso noted that has been their plan.

b. Falmouth Affordable Housing Fund Overview

Mr. Johnson-Staub reviewed a 2 page document in the packet, wanted to highlight there are significant projects approved to date and those are the Falmouth Housing Corporation including Little Pond Place and the Board of Selectmen will look at approving the lease next week and break ground in May 2019. Another project at 87 Gifford 10 units, Falmouth Housing Trust 65,000 for single family home, Megansett Crossing 10 apartment units, 2 pending requests and they will hear from one tonight, timeline for Brick Kiln Apartments was received and recommended to CPC, the CPC recommended approval of that project which was described as a 20 affordable rental units at 123 Brick Kiln Rd., recommendation from working group and CPC is \$650,000 and additional \$325,000 subject to future appropriation. Clipper Ship Apartments will add to theirs, it is expedited because the grant deadline is for the end of April.

Mr. Patterson noted the developers will put the infrastructure in for the development, but may not build all units right away. That was rational for the larger amount of money up front. Also need the ongoing operation of the subdivisions and monitoring how well these projects are managed.

Mr. Brown suggested an agenda items for the joint meeting next Monday to address monitoring long term.

c. Authorize Expenditure of up to \$12,000 for Legal and Financial Assistance Expenses

Mr. Johnson-Staub noted these are complex transactions and in house counsel has requested outside counsel to expedite the production of legal documents and financial review.

Mr. Jones motion the Board of Selectmen acting as the Trustees for the Falmouth Affordable Housing Fund authorize \$3,000 for each project up to \$12,000 total. Second Mr. Patterson. Vote: Yes-5. No-0.

d. Presentation and Vote Fund Request from Northstar Place LLC for 123 Brick Kiln Rd., East Falmouth

Nick Marioni (phonetically) representing Northstar Place LLC for a development located between Jamie and Sophie Lanes, to include 20 units in 10 duplex buildings. Approved by comprehensive permit in 10/2017 required 5 affordable and 15 market rate units. They met with the working group, led to approval that went to the CPC and now to the Board of Selectmen. Units are on a cul-de-sac road, 2-3 bedroom, extra parking for each unit, underground utilities, and noted this is addressing need of rental housing.

Mr. Brown stated this has been through the Planning Board for. Letter from a citizen was received asking about multiple grant sources so that the Town gets better value for the money the Town puts in. Marioni noted they have conventional financing that works for now, gets it built. The permanent financing for rental projects will be through MA Housing.

Mr. Johnson-Staub noted the Board of Selectmen should have had more info in the packet, shows more of the financial details.

Chair Moran noted consideration of more units being in the Town's best interest. Partnering allows the Town to spread it out more.

Ms. English Braga noted you need to look at what the product is, what need does it serve. Rentals are a deficit in the community. Those are the pieces that are helpful to know.

Recommendation from working group is \$650,000 and additional \$325,000 subject to the additional funds being available.

John Druley, Working Group, \$65,000 is for each additional unit units, so this applicant needs to do 5 units and offered deed restriction on 15 units, so all are affordable with deed restriction. Another application has been received, but it has not been reviewed yet.

Ms. English Braga motion approval by the Board of Selectmen acting as Trustees of the Falmouth Affordable Housing Fund \$650,000 with the additional \$325,000 subject to available funds for this project. Second Mr. Jones. Vote: Yes-5. No-0.

5. Vote to Approve Request for Waiver of Special Event Permit Fee:

a. Falmouth Farmer's Market

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

b. Falmouth Art Market

Ms. English Braga motion approval for permit reduction to \$300. Second Mr. Patterson. Vote: Yes-5. No-0.

c. John Wesley United Methodist Church Sunday Beach Worship

Ms. English Braga motion to reduce to \$262.50 permit fee. Second Mr. Patterson. Vote: Yes-5. No-0.

6. Approve 2019 Annual/Seasonal License Renewals:

Lodging House License

Elizabeth Hathon, 165 N. Falmouth Highway, N Falmouth
Woods Hole Passage, 186 Woods Hole Road, Falmouth
Inn on the Sound, 313 Grand Avenue, Falmouth

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

Second-Hand Dealer License

Cape Cod Gold & Silver Coin, 424 Main Street, Falmouth
Cash Point, 350 East Falmouth Highway, East Falmouth
Falmouth Service Center d/b/a Hand in Hand Thrift Shop, 141 Sandwich Road, East Falmouth
Falmouth Stamp & Coin, 11 Town Hall Square, Falmouth
Fay's Gallery, 556 Main Street, Falmouth
Hannoush Jewelers, 352 Main Street, Falmouth
Home Again, 93 East Falmouth Highway, East Falmouth
St. Vincent de Paul Thrift Shop, 18A Davisville Road, East Falmouth
Uncle Bill's Country Store, 412 N Falmouth Hwy, North Falmouth
Village Lamp Repair Shoppe, 628 West Falmouth Highway, West Falmouth

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

Bowling Alley License

Ryan Family Amusements, 23 Town Hall Square, Falmouth
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

7. Discussion of Make-up and Structure of a Poor House Working Group

What the options are and what would be a good makeup for the working group.

Mr. Suso reminded the Board of Selectmen that in January he committed to Edward Haddad that he would share with him and seek his review and comment from Historical Commission of activities related to this building. Mr. Suso's intent was to have the Historical Commission act as the working group. Is the Board of Selectmen comfortable with that template continuing? Any other interested parties could participate in the public meetings held by the Historical Commission in that forum.

Chair Moran said they could have the Commission represented on the working group and Ms. English Braga noted that there has been so much from the public about this property, it warrants the working group.

Ed Haddad, Historical Commission, long term complex project due to age, preservation restrictions, and any design plan would be what is the ultimate use. Idea of different parties as part of a working group makes sense.

Susan Shepherd, Precinct 1 and member of Preservation Alliance, in favor of having the building restored and agrees with the approach. Need a builder, local people, and a number of people who were involved in working on the building in the past.

Holly Wilson, Precinct 2, member Human Services Committee, hopes the working group would include presentation from that group. She is in favor of having the building restored but would also like to see it function in a way to benefit the Town and used as it was in the past.

Mr. Suso reminded that Human Services Department has been voted by the Board of Selectmen to be in the main level of the Marks Building and that is underway with an architect.

Mr. Suso needed to know if it will be a Board of Selectmen committee or Town Manager appointed working group.

Ms. English Braga thinks it should be Board of Selectmen appointed committee because of the public interest.

Mr. Jones does not want a Board of Selectmen appointed working group, if it is a working group appointed by the Town Manager, they could have one of the Board of Selectmen appointed to it.

Makeup of the group was discussed: builder, Board of Selectmen, staff, Historical Commission, a couple community members, Human Services, working appointed by town mgr would need to report to the town mgr.

Ms. English Braga motion to create a working group appointed by the Board of Selectmen with no more than 7 members. Second Chair Moran. Vote: Yes-3. No-2 (Mr. Patterson and Mr. Jones)

Ms. English Braga motion that the makeup would be 1 member from the Historic Commission, 1 Finance Committee, 1 CPC, and 4 at large positions for a total of seven. Second Mr. Patterson. Mr. Jones amended removing the CPC and including 5 at large members. Vote: Yes-5. No-0.

Charge of the committee will be a future agenda item.

8. Minutes of Meetings:

a. Public Session

November 19, 2018

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

March 25, 2019

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

April 8, 2019

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

April 9, 2019

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

- b. Review of Executive Session Minutes and Vote to Release
No vote was taken, the Board of Selectmen will consult with Town Counsel.

9. Individual Selectmen's Reports

Mr. Brown:

Attended meeting in New Bedford the MA Development and Marine Operations Manager, initial consultant looked at the state pier, they have more concerns about the bulkhead condition, that wall has failed and all that holds it in place is the failing pier. The North Terminal is permit ready and more likely if any NB freight was to be done.

Mr. Patterson:

Attended Town Meeting

Chair Moran: announced invitation to Eversource announcement 4/24/19 at 11am parking lot outside MBL Swope Center to mark install of electric vehicle charges at MBL and WHOI. Municipalities and businesses can apply for these through Eversource.

10. Town Manager's Report

Reminded all that the Board of Selectmen gathering with Town boards and commissions will be on Wednesday at the Falmouth Yacht Club and posted as a Board of Selectmen meeting

The next regular Board of Selectmen meeting will be held on 4/29/19 special business meeting regarding the drug court and joint meeting regarding affordable housing.

Thanked Jeremiah Pearson and DPW for work this last week at Town Hall.

11. Review and/or Discuss Correspondence Received

Ms. English Braga motion to adjourn at 10:50 p.m. Second Chair Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary