

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, SEPTEMBER 23, 2019 – 7:00 P.M.

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations
 - a. Proclamation Honoring Gil Rapoza
 - b. 100th Birthday Proclamation for Alfred G. Irish
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for a Special One-Day Wine and Malt Liquor License – British Beer Company – 263 Grand Avenue, Seaside Inn parking area – Outdoor Food & Music Festival – Sunday, 10/13/19
 - b. Approve Application for Sunday Entertainment License – British Beer Company – Lennonfest – Falmouth Heights Ball Field – Sunday, 10/13/19
 - c. Approve Application for One-Day Entertainment License – Shirley Baker – Wedding Event at Highfield Hall, south lawn, 56 Highfield Drive, Falmouth – 7/18/20
 - d. Approve Application for a Change of Manager of an All Alcohol Liquor License and Common Victualler License – The Black Dog Heights Café located at 465 Grand Avenue, Falmouth
2. Administrative Orders
 - a. Vote to Approve Grant of License for Ashumet Valley Property Owners, Inc. to Place, Erect and Maintain a Sign to be Located within the Town Layout of Club Valley Drive
 - b. Vote to Approve a Temporary Easement for Access from Gifford Street to the Project Site at 430 Locustfield Road
 - c. Vote to Accept Donation from The Herren Project in the Amount of \$700 to the Recreation Department Donation Account
 - d. Approve Eversource Energy Petition to Install Two (2) Poles on St. Marks Road, South of Seabrook Drive
 - e. Vote to Approve Regulatory Agreement for Affordable Housing Located at '0' Locustfield Road and Authorize Town Manager to Execute
 - f. Approve Notice of Intent (NOI) Application to the Conservation Commission for Mill Pond
3. Special Events

Recurring - Recommended:

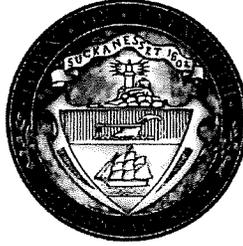
- a. Lennonfest – British Beer Company – Falmouth Heights Ball Field – Sunday, 10/13/19

7:30 p.m. BUSINESS

1. Report – School Committee – William Rider, Chairman and Lori Duerr, Superintendent
2. Report – Solid Waste Advisory Committee
3. Presentation on Eversource Double Poles – Ronit Goldstein, Eversource Community Relations
4. Update on the Committee Email Policy and Access Control Protocol

5. Interview, Vote and Appoint Committee Member – Cable Advisory Committee – Michael Eder
6. Petition Article Presentations for November 2019 Town Meeting (5 Minutes Each):
 - a. Present Petition Article #17 – Nathan A. Holcomb
 - b. Present Petition Article #18 – C. Grant Walker
 - c. Present Petition Article #20 – Gerald Lynch
 - d. Present Petition Article #21 – Sandra Faiman-Silva
 - e. Present Petition Article #22 – Christine Kircun
 - f. Present Petition Article #23 – Ahmed Mustafa
7. Appointment of Board of Selectmen Sub-Committee on Proposed Municipal Broadband
8. Minutes of Meetings:
 - a. Public Session – September 9, 2019; September 16, 2019
 - b. Executive Session – August 5, 2019; September 9, 2019
Vote to Release/Not to Release Minutes of Executive Sessions
 - c. Review of Executive Session Minutes and Vote to Release
9. Individual Selectmen’s Reports
10. Town Manager’s Report
11. Review and/or Discuss Correspondence Received

Megan English Braga, Chairman
Board of Selectmen



PROCLAMATION

WHEREAS, Gil Rapoza has been an active member of the Falmouth Theatre Guild for 61 years. He joined the group in 1958, performing his first role as a prisoner in the play "Stalag 17" in 1960, the first show that The Falmouth Theatre Guild performed on the stage at Highfield Theater; and

WHEREAS, Over the years, Gil Rapoza has remained active in the Guild, both on stage as an actor, singer, and dancer in 98 productions, and has served as either director, assistant director, or choreographer for 15. Off-stage he has utilized his artistic talents designing sets, costumes, posters, programs, dressing sets, and decorating the theater both inside and out; and

WHEREAS, Gil Rapoza has served on the Board of Directors of the Falmouth Theatre Guild for most of this time, serving as Vice-President, Secretary, Chairman of the play reading and scholarship committees, and nine years as a board director. Most recently, he has served as Historian archiving photographs, articles, and memorabilia for all past productions until now; and

WHEREAS, Gil Rapoza shared his artistic talents with the children and families of Falmouth for 30 years retiring in 1989 as an art teacher in the Falmouth Public Schools serving children in grades Kindergarten-8th Grade; and

WHEREAS, Gil Rapoza, through his dedication and commitment to sharing his time and talents to the Falmouth Theatre Guild, has been at the forefront of entertainment in the Town of Falmouth, selflessly and enthusiastically bringing quality theater and abundant joy to generations of families for 61 years;

NOW, THEREFORE, we, Megan English Braga, Douglas C. Brown, Douglas H. Jones, Susan L. Moran and Samuel H. Patterson as Selectmen of the Town of Falmouth, by the authority vested in us, do hereby officially proclaim as selectmen in the Town of Falmouth, by authority vested in us, do hereby declare Sunday, September 29, 2019, to be **Gil Rapoza Day in the Town of Falmouth**.

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this 23rd day of September, 2019 in Falmouth

Megan English Braga, Chairman

Susan L. Moran

Douglas C. Brown

Samuel H. Patterson

Douglas H. Jones

BOARD OF SELECTMEN



PROCLAMATION

WHEREAS, Alfred George Irish, born October 13, 1919 in New Bedford, MA, and a Falmouth resident since 1927, will be 100 years old on October 13, 2019.

WHEREAS, Alfred, a member of the “Greatest Generation”, was drafted during World War II to the Signal Intelligence Service (SIS) for Cryptology for the Army. He applied and was accepted to Officer Candidate School and achieved rank of Corporal.

WHEREAS, Alfred graduated Lawrence High School in 1937, and Northeastern University in 1942 with a degree in Business Administration. He was a Falmouth Town Meeting Member for 15 years.

WHEREAS, Alfred joined St. Barnabas Memorial Church on March 15, 1961. During that time he was a member of the Vestry for 14 years—a Senior Warden for 4 of those years and a Treasurer for 7. He was Chairman of the “Behren’s Fund for 13 years, a Finance Committee member for 15 years and an Usher for 48 years. He was married at St. Barnabas to his wife, Esther, in September, 1954.

WHEREAS, Alfred was Director of the “Falmouth Historical Society” for 9 years, a Treasurer for 8 years, and a Property Committee member for 1 year. In 2002, Alfred was voted the “Notable Person of the Year” for the Falmouth Heritage Award.

WHEREAS, Alfred has been a member of the Falmouth Marine Lodge since 1961 and received his 50-year medal in 2011. He has held the posts of Master Mason (1 year), Past Master (48 years). On 12/1/2014 he was awarded the highest honor of the Grand Master Masons - the “Joseph Warren Medal” which is bestowed only to those Masons who have demonstrated their devotion, dedication and significant contribution to their Community, Church and Masonry.

WHEREAS, Alfred was a Treasurer and Director for the Samaritans Organization for 7 years in the 1980’s; he was Director for the Belvidere Plains Association for 6 years; and he served as Director of the Oak Grove Cemetery for 26 years (until 4/2016) and as the Treasurer for 20 years

WHEREAS, Alfred has been a Board member of the “Falmouth Commodores” for the past 17 years and was voted a “Lifetime Member”. During those years he worked the front gate, and several times threw out the first pitch! He was honored on July 9, 2013 with an “Al Irish Appreciation Night”.

WHEREAS, Alfred has been a long-time member of the Hall of Fame Committee of the Cape Cod Baseball League and in 2007 was honored by said committee with a “Lifetime Achievement Award”.

WHEREAS, Alfred had his historical debut in the Falmouth book, “Local Legends”.

NOW, THEREFORE, the Board of Selectmen of Falmouth, MA, do hereby proclaim, **Sunday, October 13, 2019** as:

ALFRED G. IRISH DAY

IN WITNESS WHEREOF, We, Megan English Braga, Douglas C. Brown, Douglas H. Jones, Susan L. Moran and Samuel H. Patterson have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 23rd day of September, 2019.

Megan English Braga, Chairman

Susan L. Moran

Douglas C. Brown, Vice Chairman

Samuel H. Patterson

Douglas H. Jones

BOARD OF SELECTMEN

Diane Davidson

From: Brian Reid
Sent: Friday, August 30, 2019 2:51 PM
To: Diane Davidson
Cc: Phyllis Downey; Edward Dunne; Sean Doyle
Subject: RE: Special Events Applications

Hello Diane,

This department has no objection to the below listed applications.

Respectfully,

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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From: Diane Davidson
Sent: Thursday, August 29, 2019 11:49 AM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mel.trott@falmouthfirema.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Special Events Applications

To all,

Attached please find three applications for your review and recommendation. Please provide your responses by Friday, September 13, 2019.

1. Lennon Fest – Special Event and Sunday Entertainment applications
– Applicant: The British Beer Company

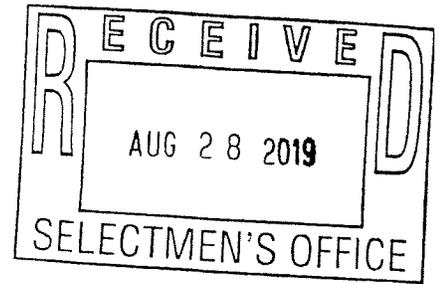
- Location: Falmouth Heights Ball Field
 - Date: Sunday, October 13, 2019 from 11:00 a.m. to 6:00 p.m.
2. Outdoor Food & Music Festival – One-Day Wine & Malt Liquor License application
- Applicant: The British Beer Company
 - Location: The parking lot behind BBC and the Seaside Inn, 263 Grand Ave.
 - Date: Sunday, October 13, 2019 from 12:00 p.m. to 6:00 p.m.
3. Wedding Reception at Highfield Hall – One-Day Entertainment license application for outdoor music
- Applicant: Shirley Baker
 - Location: Highfield Hall, under tent on the south lawn
 - Date: Saturday, July 18, 2020 from 7:00 p.m. to 10:30 p.m.

These applications are scheduled for review by the Board of Selectmen on Monday, September 23, 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*



August 20, 2019

The British Beer Company is planning to host our 14th annual Lennonfest event on Sunday, October 13th from 12 pm to 6pm. As in years past, we plan on hosting the main part of the event on Falmouth Heights ballfield. Lightly amplified live entertainment will be provided by Beatles tribute band Walrus Gumboot, inflatable activities for all ages (bounce house, obstacle course, etc.), face painting, and food items off the grill (hot dogs, burgers, etc. prepared by BBC kitchen staff). This portion of the festival is a charity event, recipient for the proceeds of this year's Lennonfest has not yet been determined.

per phone conversation with Scott McGann on 8/20/19, the Health Department does not require a food service permit to be filed to utilize the charcoal grill on the Heights ballfield. Appropriate food storage and sanitation practices will be followed in accordance with health code regulations

We are planning on hosting an adjoining Beer Garden in the Seaside Inn parking lot as we did in 2018 without incident. There will once again be professional security posted at all entrance and exit points of the parking lot, checking IDs and providing wristbands to those over 21. No vehicular traffic will be allowed to enter or exit the parking lot / Beer Garden area during the event (from set up to take down). Beer will be poured from a stationary trailer that will be parked at the Seaside Inn by TIPS certified BBC employees. Parking Lot entrance/ exit will be roped off for security (removable barrier in case of emergency / emergency vehicles would be able to easily access the Seaside Inn parking lot area). No alcoholic beverages will be allowed to leave the Beer Garden area for any reason. Temporary seating will be available in parking spaces for attendees to enjoy their brews while listening to music from the ballfield.

The British Beer Company prides itself on being an upstanding member of the Falmouth community and looks forward to hosting Lennonfest for the 14th year running. Please forward any questions or concerns to us here at the pub.

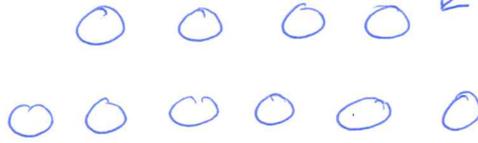
Sincerely,

Rob Loewen, General Manager

SEASIDE INN

temporary seating
for attendees

Roped off
entrance to
parking lot -
(security/
ID checks)



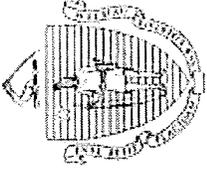
CENTRAL PARK AVE.

BBC

Seaside
INN

Roped off
exit from
hotel
courtyard
(security)

GRAND AVE.



THE COMMONWEALTH OF MASSACHUSETTS
Town of Falmouth

LICENSE

For PUBLIC ENTERTAINMENT ON SUNDAY

State Fee, \$ 2.00
Municipal Fee, \$ 5.00

The Name of the Establishment is BRITISH BEER COMPANY in or on the property at No. 203 GRAND AVE FALMOUTH MA 02510 (address)

The Licensee or Authorized representative, _____ in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
10/13/19	12-1ep	Live music / lightly amplified for annual Lennonfest event

Hon. _____ Mayor/ Chairman of Board of Selectman, _____ (City or Town)

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

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

Do not write in this box

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

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

Number:
19-ENT-2 1 day

Fee
\$100.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that

Shirley Baker

Highfield Hall

56 Highfield Drive

Falmouth, MA 02540

is hereby granted this

Entertainment License

Highfield Hall, South Lawn, 56 Highfield Drive, Falmouth,
MA 02540. Wedding Reception.

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

Band: 5 musicians, guitars, piano, drums.

Valid from: July 18, 2020

Valid until: July 18, 2020

By order of The Falmouth Board of Selectmen

September 23, 2019

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

Diane Davidson

From: Brian Reid
Sent: Friday, August 30, 2019 2:51 PM
To: Diane Davidson
Cc: Phyllis Downey; Edward Dunne; Sean Doyle
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Falmouth Police Department
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diane.davidson@falmouthma.gov
(508) 495-7321*

Diane Davidson

From: Timothy Smith
Sent: Monday, September 16, 2019 1:55 PM
To: Diane Davidson
Cc: Boyd Demello; Mel Trott
Subject: RE: Special Events Applications

Hi Diane,

My apologies for missing the 9/13/19 deadline. After review, no issues noted with the Lennon Fest or the 7/18/20 wedding.

Thank you.

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

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diane.davidson@falmouthma.gov
(508) 495-7321

PAID
\$10
CK# 3230

PAID
\$30
Background V CK# 49041

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540



Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

PAID
\$70
CK# 3259

August 21, 2019

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

Megan English Braga, Chairman
Board of Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Request for Amendment to Liquor License for Change of Manager – ABCC
License Number 04970-RS-0390, Black Dog Tavern, 465 Grand Avenue

Dear Ms. English Braga:

Please accept this letter as a request for approval of an amendment to the existing liquor license for the **Black Dog Tavern** located at 465 Grand Avenue and held by the Black Dog Tavern Company, Incorporated. The applicant is amending the license for a Change of Manager. Submitted herewith are the following documents:

- 1) Amendment – Change of Manager;
- 2) CORI Request Form;
- 3) Copy of Passport for Joseph Dominic Ellia;
- 4) Applicant's Statement;
- 5) Corporate Vote;
- 6) ABCC Payment Transmittal Form and Receipt; and
- 7) Check for \$10.00 made payable to the Town of Falmouth for the application fee.

Please schedule this matter on the Selectmen's agenda as soon as convenient.

Please contact me if there are questions or if you require additional information. Thank you for your consideration.

Very truly yours,

A blue ink handwritten signature of Matthew M. Terry, Esq.

Matthew M. Terry, Esq.

MMT

cc: Dan Pucillo, COO, Black Dog



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

04970-RS-0390

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

Type (i.e. restaurant, package store) Class (Annual or Seasonal) Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

Single story building with customer service area and dining room holding 14 seats. There is an enclosed outdoor patio area with a total of 27 seats.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

The Local Licensing Authorities By:

Number:
041-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Black Dog Tavern Company, Inc. dba The Black Dog
Heights Café
Joseph D. Ellia, Manager
465 Grand Avenue
Falmouth, MA 02540
is hereby granted this
Common Victualler's License

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

Valid from: September 23, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

September 23, 2019

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

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

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: GRANT OF LICENSE – CLUB VALLEY DRIVE
DATE: 9/9/2019
CC:



I enclose herewith a license to grant the Ashumet Valley Property Owners, Inc., to place, erect and maintain a sign to be located within the town layout of Club Valley Drive. Please present the Grant of License to the Board of Selectmen for approval and signatures. Thank you.



GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to Ashumet Valley Property Owners, Inc., whose address is 123 Fordham Road, East Falmouth, Massachusetts 02536, the following license to place, erect and maintain a sign to be located within the layout of Club Valley Drive by the utility pole at the boundary line between houses #268 and #276. A sample of the proposed sign is attached hereto as Exhibit A.

The sign shall be no larger than 20 square feet and shall not be illuminated and must be at least 3' from the edge of pavement of the road.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Board of Selectmen at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the licensee, its successors and assigns shall, if and when directed by the Board of Selectmen, remove said sign from within the Town's road layout;
- c. If the licensee, its successors and assigns, fails to remove said sign all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the licensee, its successors and assigns to the Town upon demand;
- d. Until such revocation, this License shall continue from time to time;
- e. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the grant of this License.
- f. Nothing contained in the License shall authorize the licensee, its successors and assigns to do any work or undertake any activity or to continue any

activity not otherwise in full compliance with all applicable laws, rules and regulations; and

- g. The terms, conditions, agreements and covenants contained herein shall be binding on the licensee, its successors and assigns.

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

Town of Falmouth
By its Board of Selectmen

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Susan L. Moran

Samuel H. Patterson

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared _____
(name(s) of Signers(s))

personally known to me

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

_____ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they signed it voluntarily for the purpose stated therein

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

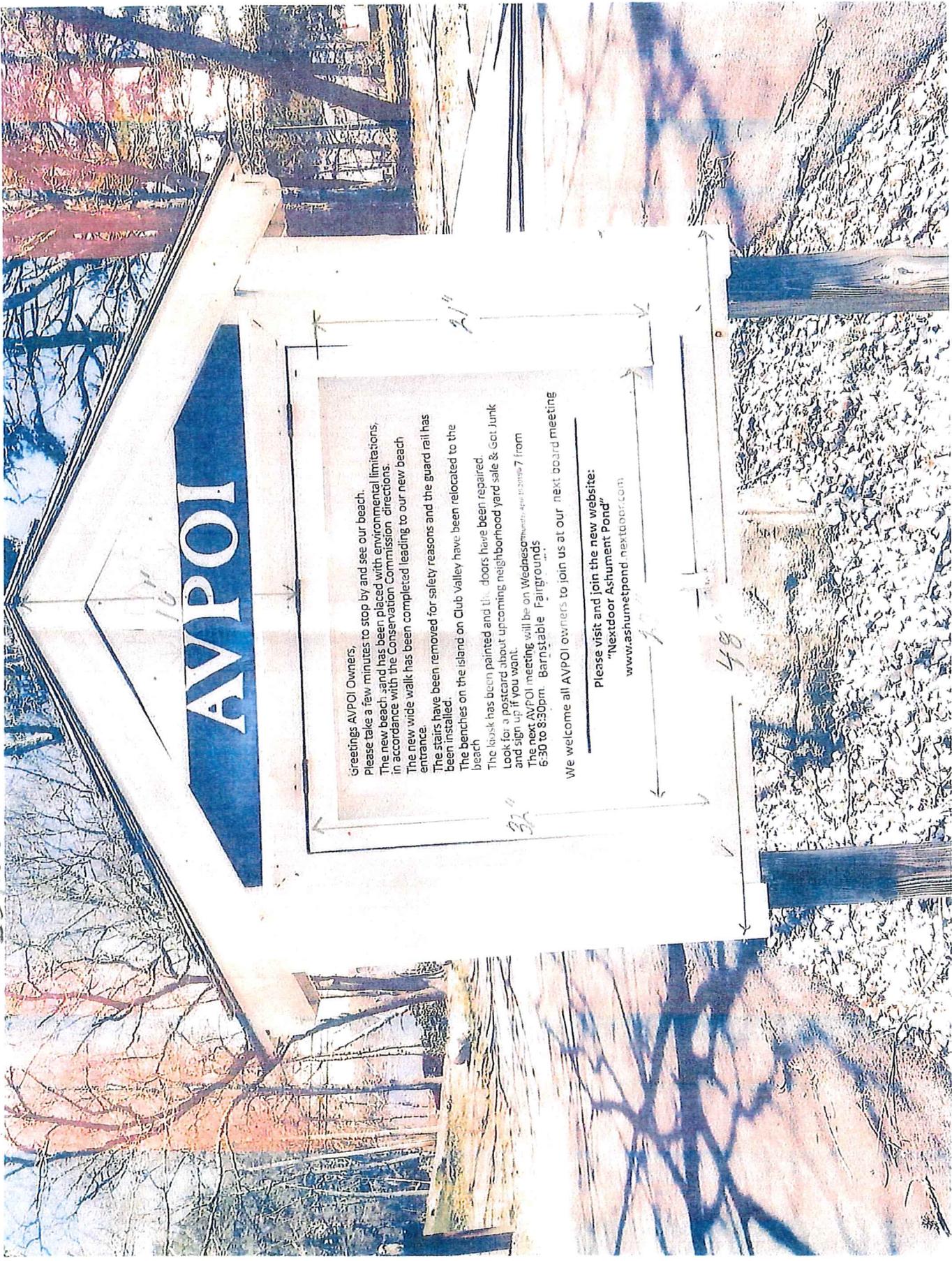
Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

White-Letter: 4" H - 3/4" wide



AVPOI

Greetings AVPOI Owners,
 Please take a few minutes to stop by and see our beach.
 The new beach sand has been placed with environmental limitations,
 in accordance with the Conservation Commission directions.
 The new wide walk has been completed leading to our new beach
 entrance.
 The stairs have been removed for safety reasons and the guard rail has
 been installed.
 The benches on the island on Club Valley have been relocated to the
 beach.
 The kiosk has been painted and the doors have been repaired.
 Look for a postcard about upcoming neighborhood yard sale & Get Junk
 and sign up if you want.
 The next AVPOI meeting will be on Wednesday, April 18, 2018, 7 from
 6:30 to 8:30pm. Barnstable Fairgrounds
 We welcome all AVPOI owners to join us at our next board meeting

Please visit and join the new website:
 "Nextdoor Ashumet Pond"
www.ashumetpond.nextdoor.com

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

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: TEMPORARY EASEMENT – GIFFORD STREET
DATE: 9/11/2019
CC:



I enclose herewith a Temporary Easement in duplicate for access from Gifford Street to the project site at 430 Locustfield Road. Please present the Temporary Easement to the Board of Selectmen to vote approval and signatures on both copies. Thank you.

TEMPORARY CONSTRUCTION EASEMENT

GIFFORD STREET

FALMOUTH, BARNSTABLE COUNTY, MASSACHUSETTS

The Town of Falmouth (the Grantor), a municipality in Barnstable County, Massachusetts, with a principal place of business at 59 Town Hall Sq., Falmouth, MA 02540, acting by and through its duly elected and presently serving Board of Selectmen, for nominal, non-monetary consideration and for the purpose of facilitating the construction of a 12 unit affordable housing project sponsored by said town and the Grantee under the Local Initiative Program and further authorized by a G.L. Ch. 40B comprehensive permit issued by the Falmouth Zoning Board of Appeals on June 27, 2019, grants to Locustfield, LLC (the Grantee), a Massachusetts limited liability company, with a principal place of business at 150 Timothy Bourne Cartway, East Falmouth, MA 02536, its successors and assigns, without covenants:

A Temporary Construction Easement for access from Gifford Street to the project site at 430 Locustfield Road, also known as 0 Locustfield Road (Lot 2), for the purpose of facilitating the construction of the project and allowing construction vehicles and equipment to enter the project site from Gifford St. and avoid Locustfield Road which serves a residential neighborhood. Said Temporary Construction Easement is shown on a sketch plan attached hereto as Exhibit A.

The Grantee shall prepare the Temporary Construction Easement with a temporary stone stabilization pad to protect the area, prevent storm water runoff and protect underground utilities. The Town Engineer shall approve the stabilization pad before the Temporary Construction Easement is used for its intended purposes.

The Temporary Construction Easement shall expire on December 31, 2020 unless the project is sooner completed as evidenced by a use and occupancy permit issued by the Building Commissioner of the Town of Falmouth.

The Grantee 1) assumes all responsibility for work done in the Temporary Construction Easement area, including work done by its subcontractors, 2) agrees to unconditionally indemnify the Town of Falmouth of and from any and all claims arising out the Grantee's (including subcontractors and suppliers), use of the Temporary Construction Easement and 3) agrees to restore any disturbed area to its original condition when construction is complete.

The Grantee shall furnish the Grantor with satisfactory proof of the following insurance coverages which shall be maintained in full force and effect for the duration of the construction project with the Town of Falmouth noted as an additional insured party, namely: General Liability of at least \$1,000,000 with property damage and bodily injury liability coverage combined single limit with a \$3,000,000 annual aggregate limit; Automobile Liability of at least \$1,000,000 property damage and bodily injury per accident limit; and Worker's Compensation as required by law.

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

Town of Falmouth
By its Board of Selectmen

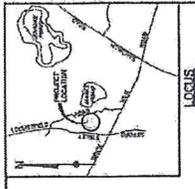
Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

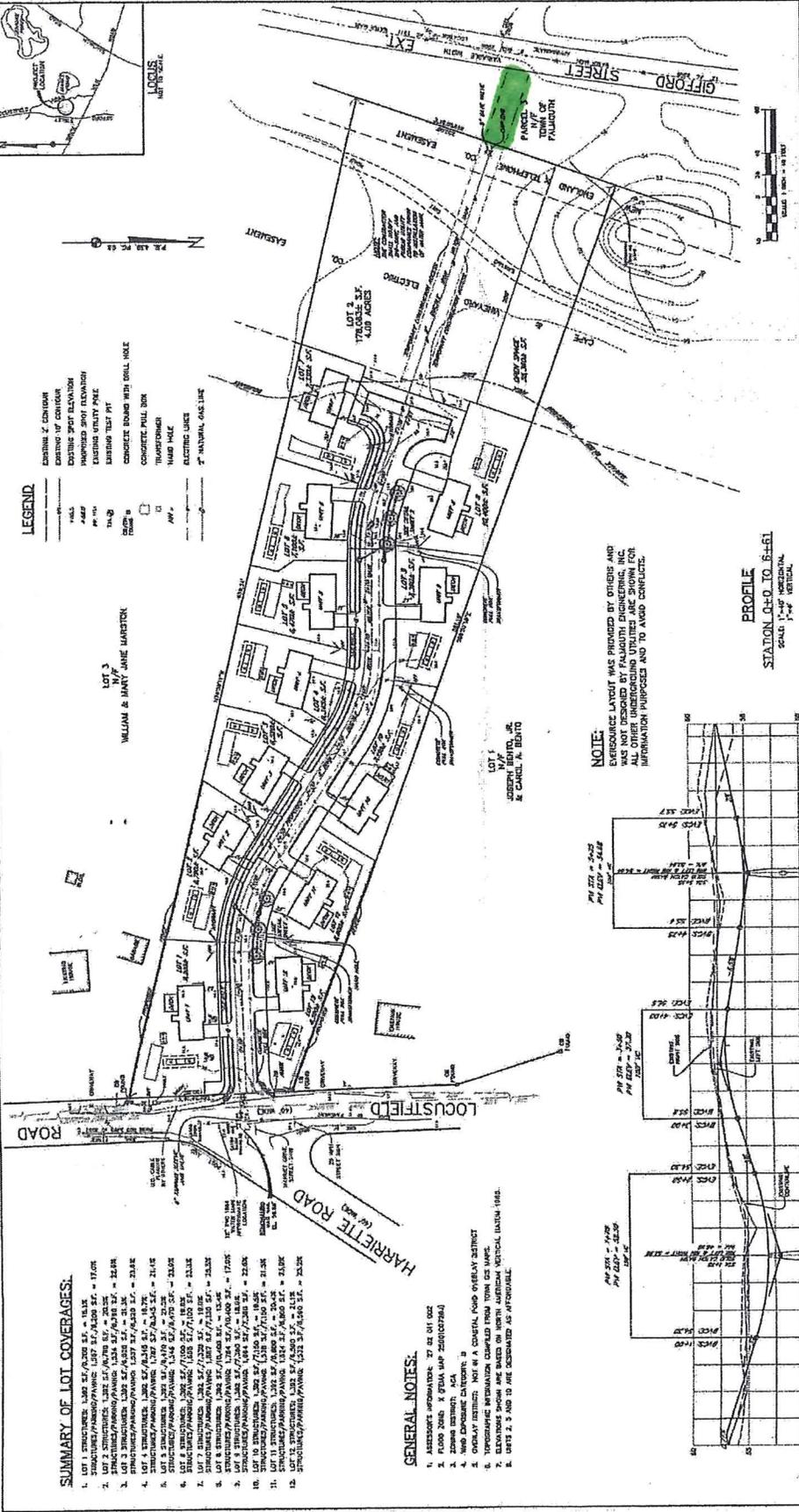
Susan L. Moran

Samuel H. Patterson



- LEGEND**
- EXISTING 2" CONTOUR
 - EXISTING SPOT ELEVATION
 - EXISTING SPOT ELEVATION
 - EXISTING UTILITY PIPE
 - EXISTING UTILITY PIPE
 - EXISTING TEST PIT
 - CONCRETE BOARD WITH DRILL HOLE
 - TRANSFORMER
 - UTILITY POLE
 - ELECTRIC CABLE
 - 2" NATURAL GAS LINE

LOT 3
WILLIAM & MARY JANE HARSTEN



PLAN & PROFILE
LOT 3 LOCUSTFIELD ROAD
FALMOUTH, MAINE
LOCUSTFIELD LLC

PLAN DATE: JULY 23, 2018
PLAN SCALE: 1" = 40'

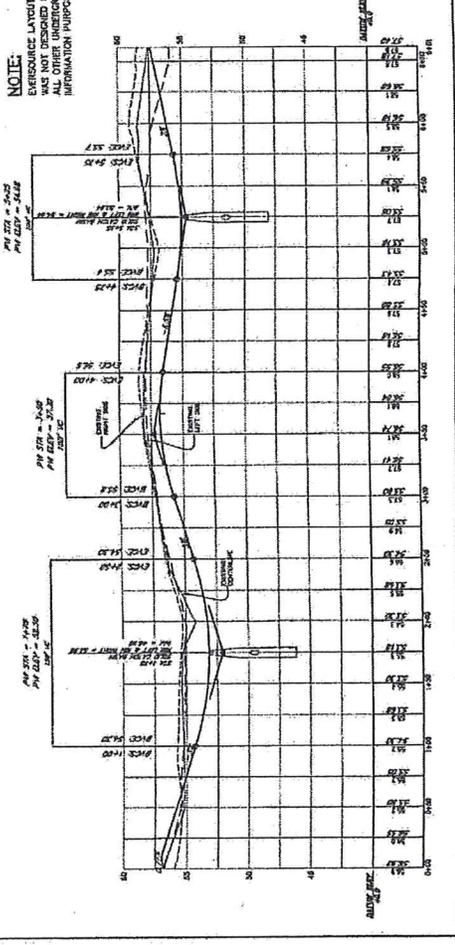
DESIGNED BY: FALMOUTH ENGINEERING, INC.
CHECKED BY: [Name]
DATE: [Date]

REVISIONS

NO.	DATE	DESCRIPTION
1	7/27/18	REVISED DIMENSIONS BY 24"
2	7/27/18	ADD OFFICE STREET EXT. AND WATER MAIN FROM EXIST. TO 100'
3	8/2/18	REVISE APPROXIMATE UNIT ASSUMPTIONS (8 TO 10) AND EXISTING FORCE MAIN
4	8/2/18	REVISE OFFICE STREET, RANGE UNIT #1, AND RANGE AND WATER MAIN
5	12/28/18	REVISE DIMENSIONS AND SITE DISTANCES
6	12/28/18	ADD NATURAL GAS AND ELECTRIC

NOTE:
EVERSOURCE LAYOUT WAS PROVIDED BY OTHERS AND WAS NOT DESIGNED BY FALMOUTH ENGINEERING, INC. ALL UTILITIES SHOWN ARE BASED ON THE MOST RECENT INFORMATION PURPOSES AND TO AVOID CONFLICTS.

PROFILE
STATION 0+0 TO 6+61
SCALE: 1" = 40' VERTICAL



SUMMARY OF LOT COVERAGES:

1. LOT 1 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
2. LOT 1 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
3. LOT 2 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
4. LOT 2 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
5. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
6. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
7. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
8. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
9. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
10. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
11. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X
12. LOT 3 STRUCTURES: 1,200 S.F. / 0.280 AC. = 18.1X

GENERAL NOTES:

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. FLOOD ZONES: X FEMA MAP 500010196A
3. ALL UTILITIES SHOWN ARE BASED ON THE MOST RECENT INFORMATION PURPOSES AND TO AVOID CONFLICTS.
4. OVERLAY DISTRICT: NOT IN A COASTAL FLOOD OVERLAY DISTRICT
5. TOPOGRAPHIC INFORMATION OBTAINED FROM TOWN GIS MAPS.
6. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
7. CURBS 2, 3 AND 4 ARE DESIGNATED AS APPROXIMATE.

HERREN
PROJECT
P.O. BOX 131
PORTSMOUTH, RI 02871
401-243-8590

CITIZENS BANK
PORTSMOUTH, RI

8253

8/22/2019

PAY TO THE ORDER OF Town of Falmouth

**700.00

\$

Seven Hundred and 00/100*****

DOLLARS

Town of Falmouth

MEMO Herren Project Dodgeball Tournament 8/14/19

Laurie Spang
AUTHORIZED SIGNATURE

SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT

THE HERREN PROJECT
Town of Falmouth

WWW.COMPUCHECKS.COM 844.338.6541

8/22/2019

8253

Building Use Fee-GC Community Center 8/14/19
Building Use Fee-GC Community Center 8/14/19

350.00
350.00

10000 Checking - Citiz Herren Project Dodgeball Tournament 8/14/19

700.00

Lindsey Demers

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
AUGUST 2, 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:-

**ST MARKS ROAD, North of Neves Way
WO# 2345663**

**Two (2) Poles
POLE #574/5 & 574/6**

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. **2345663**, Dated **AUGUST 2, 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.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....
Manager Rights of Way

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 **2** day of **AUGUST, 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. **2345663**, Dated **AUGUST 2, 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:-

ST MARKS ROAD, North of Neves Way
WO# 2345663

Two (2) Poles
POLE #574/5 & 574/6

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 23rd day of September, 2019.

Clerk of Selectmen.

(over)

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

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 **2** day of **AUGUST, 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. **2345663**, Dated **AUGUST 2, 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:-

ST MARKS ROAD, North of Neves Way
WO# 2345663

Two (2) Poles
POLE #574/5 & 574/6

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 23rd day of September, 2019.

Clerk of Selectmen.

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

Verizon New England, Inc.
385 Myles Standish Blvd
Taunton, MA 02780
Attn: Darryl Crossman

We hereby certify that on September 23 2019, at 7:15 o'clock, P 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.

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

.....
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: September 18, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install two new 45' Utility Poles on Saint Marks Road

A petition was submitted by Eversource to install two new 45' CL1 (JO) Poles (574/5 & 574/6) on Saint Marks Road to provide service for #115 Saint Marks Road.

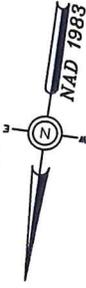
The Engineering recommendation is to approve the request as submitted on Plan No. 2345663, W/O #2345663, dated Aug. 2, 2019. At the petition hearing on September 12, 2019 the homeowner at 100 Saint Marks Road requested that Eversource straighten pole 574/6-5 in conjunction with the installation of the two proposed poles.

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 two new 45' CL1 (JO) POLES 574/5 & 574/6 for new underground service for 115 St. Marks Rd.



PARCEL ID: 34 06 007 004
 100 SAINT MARKS RD
 PAVAN ROBERT J
 PAVAN BARBARA N

PARCEL ID: 34 06 007 000A
 0 DEXTERS MILL DR (NO ADDRESS #)
 DEXTERS MILL REALTY TRUST

PARCEL ID: 34 06 008 000B
 0 SAINT MARKS RD (NO ADDRESS #)
 MCGOVERN KATHLEEN M
 MCGOVERN III PHILIP P

574/6-5(JO-ES)

APPROX. R.O.W.

EDGE OF ROAD

EDGE OF ROAD

ST MARKS RD

120'

120'

APPROX. R.O.W.

APPROX. 377'
 TO NEVES WY

PROPOSED
 574/5(JO-ES)

PROPOSED
 574/6(JO-ES)

LEGEND

- Proposed Pole
- Existing Pole
- Pole with Riser

PARCEL ID: 34 06 013 002
 0 SAINT MARKS RD (NO ADDRESS #)
 MCGOVERN KATHLEEN M
 MCGOVERN III PHILIP P

PARCEL ID: 34 06 013 001
 0 SAINT MARKS RD (NO ADDRESS #)
 MCGOVERN ALEXANDRIA D



SCALE IN FEET

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 AGENTS, ATTORNEYS, OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR SUPPLIERS SHALL BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM ANY USE OF THIS INFORMATION. USE AS 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. THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE, AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, WHETHER OR NOT THE INFORMATION IS OBTAINED FROM A PUBLIC SOURCE. THE INFORMATION OR USE OF THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

Plan # 2345663

Ward #

Work Order # 2345663

Surveyed by: -

Research by: PG

Plotted by: PG

Proposed Structures: TL

Approved: A DEBENEDICTIS

P#

NSTAR EVERSOURCE
 ELECTRIC
 d/b/a
 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of ST MARKS ROAD

FALMOUTH (TEA TICKET)

Showing PROPOSED POLE LOCATIONS

Scale 1"=30'

Date AUGUST 2, 2019

SHEET 1 of 1

Diane Davidson

From: Michael Pavan <[REDACTED]>
Sent: Thursday, September 19, 2019 6:59 PM
To: Falmouth Selectmen
Cc: Megan English Braga; Doug Brown; Doug Jones; Susan Moran; Samuel Patterson; Falmouth Town Manager
Subject: Eversource Energy Petition to Install Two (2) Poles on St. Marks Road

Selectmen,

We can not attend the Board of Selectmen's Meeting on Monday, September 23, 2019, but would like to comment on:
Eversource Energy Petition to Install Two (2) Poles on St. Marks Road

| 2. Administrative Orders

| d. Approve Eversource Energy Petition to Install Two (2) Poles on St. Marks Road, South of Seabrook Drive

MAJOR CONCERN

The Pole from which service will be extended south on St. Marks Rd is leaning badly (away from the street).

(All the poles on the street lean a little, but this one is more extreme)

Pole 574/6-5(JO-ES) is on the property line between 100 St. Marks Rd and 3 Rivers End Rd.

If this Pole falls or is straightened after service is extended, wires across the street (and service to at least the homes at 3 Rivers End Rd, 100 & 115 St. Marks Rd) will be affected; not to mention the issue of SAFETY.

I expressed our concerns at the Hearing at Falmouth Town Hall in the Small Conference Room (2:00pm Thursday, September 12, 2019).

Also at the Hearing were:

Mike Leger, owner of 115 St. Marks (under construction, which needs service), agreed with our concerns.

Nicholas Croft, Hearing Officer & DPW Engineering Technician said he would note it in his recommendation to the Board of Selectman

Donna L Rosa, Eversource representative said Eversource would check it and do what was necessary.

I also talked to the Eversource field agent when he looked at the Pole (Tuesday, September 17, 2019).

He said it could be straightened by digging on the opposite side and then 'wedging it straighter' with a quick-hardening substance, and would recommend that.

We have no objection to the 2 new Poles, but are concerned that the existing pole should be made right first.

MINOR DISCREPENCY:

The Public Hearing Notice we received as an Abutter reads:

| ... Two (2) Poles on St. Marks Road, North of Neves Way

The Board of Selectmen Agenda reads:

| ... Two (2) Poles on St. Marks Road, South of Seabrook Drive

Seabrook Drive is parallel to St. Marks Rd 1 block west, and is not involved.

Neves Way is approximately 377' south of the last (2nd) new Pole proposed.

Actually, the most accurate description would probably be:

'Two (2) Poles on St. Marks Road, South of Rivers End Rd'
as service will be extended south on St. Marks Rd from
Pole 574/6-5(JO-ES)

which is on the property line between 3 Rivers End Rd and 100 St. Marks Rd
(119' from the previous Pole on St. Marks Rd, at the corner of Rivers End Rd)

Thank you for your consideration,

Michael Pavan

Robert Pavan

Barbara Pavan

100 Saint Marks Rd

Teaticket MA



Attached:

4 pictures (JPGs), taken with camera plumb and level:

St. Marks Pole pic.1 -looking north at leaning pole (toward Rivers End Rd)

St. Marks Pole pic.2 -looking east at leaning pole

St. Marks Pole pic.3 -looking south at leaning pole

St. Marks Pole pic.4 -looking south at leaning pole from corner of Rivers End Rd

(I CC'd each of you individually so the photos would not need to print out for you each to see them)









Commonwealth of Massachusetts

Barnstable, ss.

Town of Falmouth
Board of Selectmen

Certificate of Vote

The following vote was adopted by the Board of Selectmen of the Town of Falmouth at a meeting held in said Falmouth on September 23, 2019 by a majority vote and said vote has not been repealed, amended or modified.

1. That the Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project between the Massachusetts Department of Housing and Community Development (“DHCD”) and the Town of Falmouth (“Town”) and Locustfield LLC (the “LLC”) with respect to property owned by the LLC located at “0” Locustfield Road (Lot 2), Map 27, Section 02, Parcel 011, Lot 002, East Falmouth, Massachusetts, is approved in the form submitted to the Town on September 9, 2019;
2. That the current Town Manager, or his successor in office, be and is hereby authorized for and on behalf of the Town’s Board of Selectmen to execute said Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project between the Town, the DHCD, and the LLC with respect to said property of the LLC located at “0” Locustfield Road, East Falmouth, Massachusetts, and to execute in such form as may be required by DHCD and/or the LLC all additional documents as may be required, and to do all other acts necessary to affect such purposes.

BOARD OF SELECTMEN OF
THE TOWN OF FALMOUTH

Date: _____

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Susan L. Moran

Samuel H. Patterson

Diane Davidson

From: Phyllis Downey
Sent: Wednesday, September 18, 2019 9:51 AM
To: Diane Davidson
Subject: FW: Select Board Meeting 9/23 - Mill Pond NOI
Attachments: Mill Pond NOI Project Narrative.pdf; Mill Pond Macrophytes.pptx

From: Kristen Rathjen [<mailto:krathjen@sciencewares.com>]
Sent: Wednesday, September 18, 2019 9:21 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Select Board Meeting 9/23 - Mill Pond NOI

Hello Julian and Phyllis,

I have attached the Mill Pond project narrative as requested by Julian for the Select Board meeting on 9/23. This was to be added to the agenda for the meeting. The summary of the document is within the first two pages.

I have also attached a single simple power point slide with several images of the macrophytes (mainly Watershield) that are plaguing the pond.

The key highlights for the proposed project are:

- to trim the nuisance aquatic vegetation
 - trimming reduces the amount of plant matter that ultimately dies off in the fall and decays over the winter in the pond, thus adding more nutrients/fertilizer which promotes increased plant growth the next season.
 - trimming increases the ability for wind-driven mixing of the water to occur, thus delivering oxygen to the sediments.
 - we are planning to trim, NOT REMOVE the plants by the roots. We want the plants to continue to grow to continue to take up nitrogen from the water column AND remove phosphorus from the soil (done through the root uptake) – this is an ecosystem service that the plant provide.
 - less recirculating nutrients means that over time there should be less recurring plant growth and a more balanced ecosystem within the pond.
- Second strategy in the proposed project plan is aerating the sediments
 - this will deliver oxygen to the bacterial communities in the sediments so they can naturally remove the nitrogen from the sediment. When the sediment is anoxic, denitrification by these bacterial communities cannot occur thus creating black muck.
- The overall goal of the project is to get Mill Pond back to a healthy ecosystem balance. No proposed activities will permanently alter the pond, but they will begin the path to restoration. Management of Mill Pond is part of the CWMP for Green Pond as Mill Pond attenuates a significant amount of nitrogen that would otherwise be discharged directly into Green Pond. We want Mill Pond to be able to attenuate the maximum amount of the nitrogen load it receives from the watershed and not have to attenuate as much of its own recirculated load from the excessive plant growth.

Julian, thank you for taking the time to speak with Doug and myself yesterday. I appreciate the support from both of you on this project. If you would like any additional information prior to the meeting on Monday I would be happy to provide you with more. I will be in attendance Monday for any questions.

Kristen

Kristen Rathjen
Water Quality Technical Consultant
Science Wares, Inc.
87 Hamlin Ave.
Falmouth, MA 02540
[REDACTED]
krathjen@sciencewares.com

Notice of Intent

Mill Pond – Macrophyte Harvesting East Falmouth, Massachusetts

September 2019

Prepared for:
The Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Submitted by:
Science Wares, Inc.

Mill Pond Notice of Intent Project Narrative

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Summary

As part of Falmouth's approach for examining strategies to meet the Total Maximum Daily Load (TMDL) compliance in Green Pond, the Town partnered with the University of Massachusetts Dartmouth School of Marine Science and Technology (SMAST) to conduct a study on nutrient cycling in Mill Pond. Mill Pond is a shallow (≤ 1.6 m deep), 15.6-acre pond that intercepts groundwater and surface water run-off from upstream agricultural operations. Mill Pond removes significant amounts of nitrogen from this water before discharging it directly into Green Pond.

Mill Pond is classified as a 'Great Pond' and under the Chapter 91 Waterways Regulations (310 CMR 9.00) and the Massachusetts Surface Water Regulations (314 CMR 4.00) Great Ponds are required to attain certain water quality standards and promote public interests. The 2016 MassDEP Integrated List of Waters does not include an assessment of Mill Pond. However, SMAST conducted a characterization study on Mill Pond from September 2015 to December 2017 providing a detailed assessment of the water quality of the pond titled 'Diagnostic Assessment of Nutrient Cycling in Mill Pond' (Unruh et al. 2018). Data from Unruh et al. (2018) indicate that Mill Pond is in a eutrophic and impaired state during a large portion of the year due to high nutrient loading primarily from the anthropogenic activities located upstream. Qualitative observations from abutters reporting increasing amounts of surface macrophytes and sulfur gas odors over the past three decades also suggest that Mill Pond is eutrophying in response to anthropogenic activities, and that intervention is necessary to protect and maintain it.

Unruh et al. (2018) made several recommendations for implementation strategies to improve the overall water quality in Mill Pond. The Falmouth Water Quality Management Committee has evaluated the recommendations made by Unruh et al. (2018) and is initiating efforts to improve the health of Mill Pond. Because Mill Pond directly discharges into the head to Green Pond, the effects from all proposed restoration efforts for Mill Pond are being considered in the approach for meeting the TMDL compliance for the Green Pond estuary.

The proposed management plan for Mill Pond is to trim and remove large portions of the nuisance aquatic vegetation (macrophytes) at the surface of Mill Pond that contribute to the nutrient loading in the pond during its decay. To achieve this, macrophytes will be cut below the surface of the water (0.5 - 0.6m) either by hand or with the use of a mechanical aquatic harvester, collected and removed from the pond. This proposed project will trim the surface vegetation in the pond that is accessible (up to 11.8 acres) and all harvesting activities will occur strictly on or in the water. The second part of the proposed management approach is to provide supplemental oxygen to the sediment layer via a seasonal aeration system. Aeration in the inherently shallow pond will further increase the vertical mixing and delivery of oxygen throughout the water column thus increasing the dissolved oxygen concentration in the pond. Increased dissolved oxygen concentrations will facilitate the natural denitrification processes in

the sediments which are currently hindered by anoxic conditions. The need for aeration will be assessed based on the results of the macrophyte harvesting. This overall strategy is part of an adaptive management approach which includes monitoring the results of the actions taken prior to taking additional actions.

The proposed project qualifies as an Ecological Restoration Limited Project with the primary goal of improving the overall ecosystem health of Mill Pond by removing excessive nuisance vegetation to allow wind-driven vertical mixing to increase dissolved oxygen levels and promote the natural nitrification-denitrification cycling in the sediments. Macrophyte harvesting also provides quantifiable removal of nitrogen and phosphorus that has been assimilated in the plant tissues reducing the overall potential amount of nutrients regenerated into the water column of the pond and discharged downstream into Green Pond during plant matter decay. Seasonal aeration may also be used to further enhance favorable nitrogen cycling in the sediments. The proposed management activity is necessary to achieve the project's ecological restoration goals.

1.0 Introduction

Mill Pond serves a critical role in decreasing the overall nutrient input load into Green Pond from Backus Brook due to its ability to attenuate of a significant fraction (~60%) of the upstream nitrogen load prior to discharging into the head of Green Pond (Unruh et al. 2018). Mill Pond is a shallow (≤ 1.6 m deep), 15.6-acre pond that intercepts groundwater and surface water run-off from upstream agricultural operations (Figure 1). Ninety percent of the water volume received by Mill Pond arrives by way of Backus Brook after passing through 52 acres of active cranberry bogs. During the critical impairment period (summer months) when the pond is eutrophic and the dissolved oxygen levels decline, the coupled nitrification-denitrification cycle cannot occur in the sediments, resulting in an efflux of nitrogen into Green Pond. The 2016 MassDEP Integrated List of Waters does not include an assessment of Mill Pond, however data from Unruh et al. (2018) show that the nutrient levels in Mill Pond exceed the Cape Cod ecoregion limits for freshwater ponds (TP ≤ 10 $\mu\text{g/L}$, TN ≤ 0.31 mg/L, chlorophyll-a ≤ 2.1 $\mu\text{g/L}$).

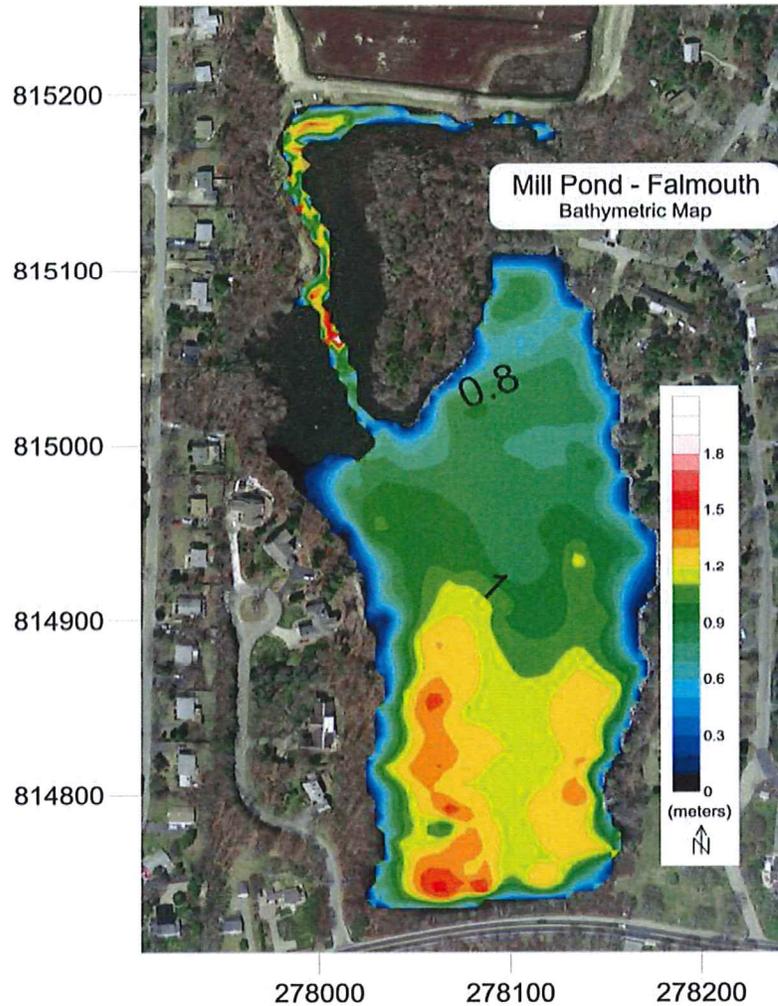


Figure 1. Bathymetric profile of Mill Pond (Unruh et al. 2018)

The ability of the pond to naturally attenuate nutrients is largely dependent on the residence time of the water in the pond. Mill Pond is unique in that the flow from Backus Brook is manually controlled to support upstream agricultural activities. During the cranberry harvest or flooding of the bogs, the water residence time in Mill Pond is at its maximum of up to 60 days. During the critical summer months, the water residence time was determined to be an average of 6.3 days (Unruh et al. 2018).

Based on the results from Unruh et al. (2018), water quality conditions in Mill Pond indicate that the pond is primarily phosphorus limited. However, the significant amount of nutrients available in Mill Pond supports extreme plant and algal growth. During the summer, aquatic vegetation covers approximately 95% of the pond (Unruh et al. 2018). As the excess of macrophyte growth begins to decay there is an even higher biological oxygen demand in waters with inherently low dissolved oxygen. This lack of available oxygen restricts the nitrification-denitrification cycle from occurring and causes the release of ammonium and hydrogen sulfide

gas from the sediments into the water column, causing a noxious odor frequently experienced by the nearby residents.

The proposed project qualifies as an Ecological Restoration Limited Project because the primary goal is to restore the natural capacity of the pond's ecosystem *"to protect and sustain the interests identified in M.G.L. c. 131, § 40, when such interests have been degraded or destroyed by anthropogenic influences"*, and to support nitrogen reduction efforts to meet TMDL compliance downstream in Green Pond. The proposed project will improve and restore Mill Pond's ecosystem and overall water quality which have been degraded by nutrients derived from the upstream anthropogenic activities. Although the activity proposed occurs on and in the water, there will be no impact to the resource area, Land Under Waterbodies or Waterways. The proposed management activity is necessary to achieve the project's ecological restoration goals.

1.1 Project Description

The Falmouth Water Quality Management Committee has reviewed the recommendations by Unruh et al. (2018) and has decided to adopt an adaptive management approach to restoration efforts in Mill Pond, with the primary goal of nutrient reduction through the harvesting of macrophytes. The approach includes trimming and removal of nuisance aquatic vegetation, seasonal monitoring of returning surface vegetation growth and measuring the amount of nitrogen removed per wet weight of harvested material. Additional management activities may include seasonal delivery of oxygen to the sediments via an aeration system to facilitate the natural nitrification-denitrification cycle.

The proposed strategy includes:

- Annual late summer/early fall (ideally to coincide with the cranberry harvest) macrophyte harvesting with the collection of clippings targeting as much of the surface macrophytes as accessible (up to 11.8 acres) (see Figure 2);
- Additional harvesting to occur the following early/mid-summer depending visual assessments of vegetation coverage;
- Analytical determination of the amount of nitrogen removed per kg of dry weight of harvested surface vegetation material and establishment of a working ratio of nitrogen removal of dry weight:wet weight for surface level macrophyte harvesting;
- Monthly water quality measurements of the pond from approximately June – final seasonal harvest;
- Facilitating water column mixing by delivering oxygen to the bottom layer of the pond to increase the potential for denitrification to occur in the sediments.

The initial management activities will occur for three years, after which a formal assessment of the impact of efforts will be made to adjust future restoration efforts.

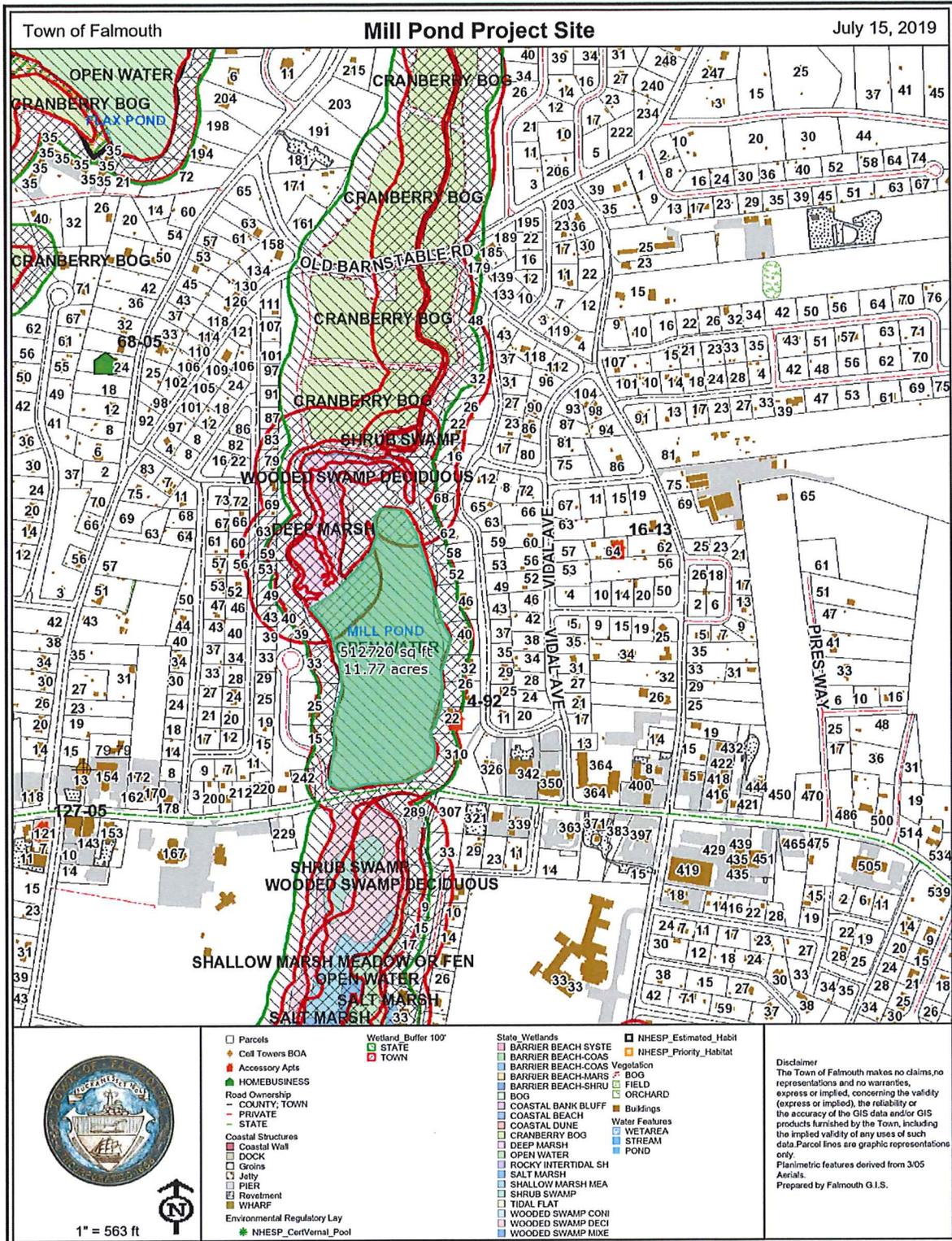


Figure 2. Mill Pond Project Site

1.2 Project Purpose

The primary purpose of this project is to improve the ecosystem health of Mill Pond by managing macrophyte growth by means of aquatic harvesting and pond aeration, and ultimately aid nutrient reduction efforts downstream in Green Pond. Trimming the vegetation below the surface will allow for continued plant growth during the season, which promotes continued uptake of nitrogen from the water column and phosphorus stores from the sediments while allowing for wind-driven vertical mixing to occur.

Unruh et al. (2018) calculated the nitrogen removal potential for the entire depth of each of 6 – 0.25 square-meter quadrants. They determined an average nitrogen removal of 7.1 g N/m². Complete removal of all vegetation from the 15.6-acre pond would result in a nitrogen removal potential of 450 kg. However, this project proposes to only trim the vegetation just below the surface of the water (0.5 – 0.6 m) or about 23% of the estimated wet weight per square-meter reported by Unruh et al. (2018). It is estimated that if 100% of the surface area of the pond is harvested, the nitrogen removal potential could be 100 kg N total per surface harvesting event.

2.0 General Site Description

The proposed project is located at Mill Pond in Falmouth, just north of Route 28 within the Green Pond watershed (Figure 3). Mill Pond is a Great Pond with heavy agricultural activities directly upstream.



Figure 3. Mill Pond Site Location

Mill Pond has a maximum depth of 1.6 meters, an average summer water residence time (when vegetation growth is highest) of 6.3 days and a volume of 36,050 m³ (Unruh et al. 2018). Mill Pond is considered impaired due to its regular anoxic bottom waters, high nutrient concentrations and high chlorophyll levels. One controllable source of impairment is the excessive plant growth on the surface which prevents wind-driven vertical mixing. The subsequent decaying plant matter creating a high biological oxygen demand that cannot be supported by the anoxic state of the pond. This releases assimilated nitrogen, ammonium and hydrogen sulfide gas into the water column, which ultimately flows downstream.

2.1 FEMA Designation

According to the FEMA Flood Insurance Rate Map, Community Panel 25001C0729J, effective on 07/16/2014, the pond is located in flood hazard Zone AE which is defined as “Areas subject to inundation by the 1-percent-annual-chance flood” (Figure 4).

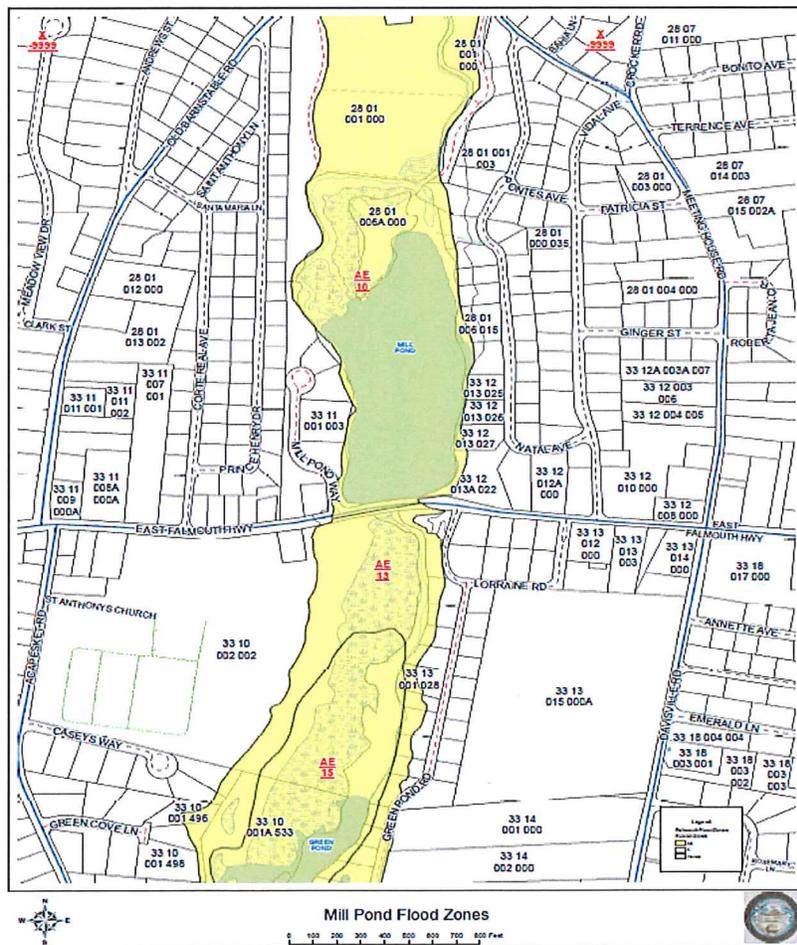


Figure 4. FEMA National Flood Hazard Layer – Mill Pond

2.2 State-listed Rare Species Habitat

According to the most recent edition of the *Massachusetts Natural Heritage Atlas* (14th, August 1, 2017), Mill Pond is not located within areas of *Estimated Habitat of Rare Wildlife* (EH 71) or *Priority Habitat of Rare Species* (PH 1385) as designated by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) (Figure 5).

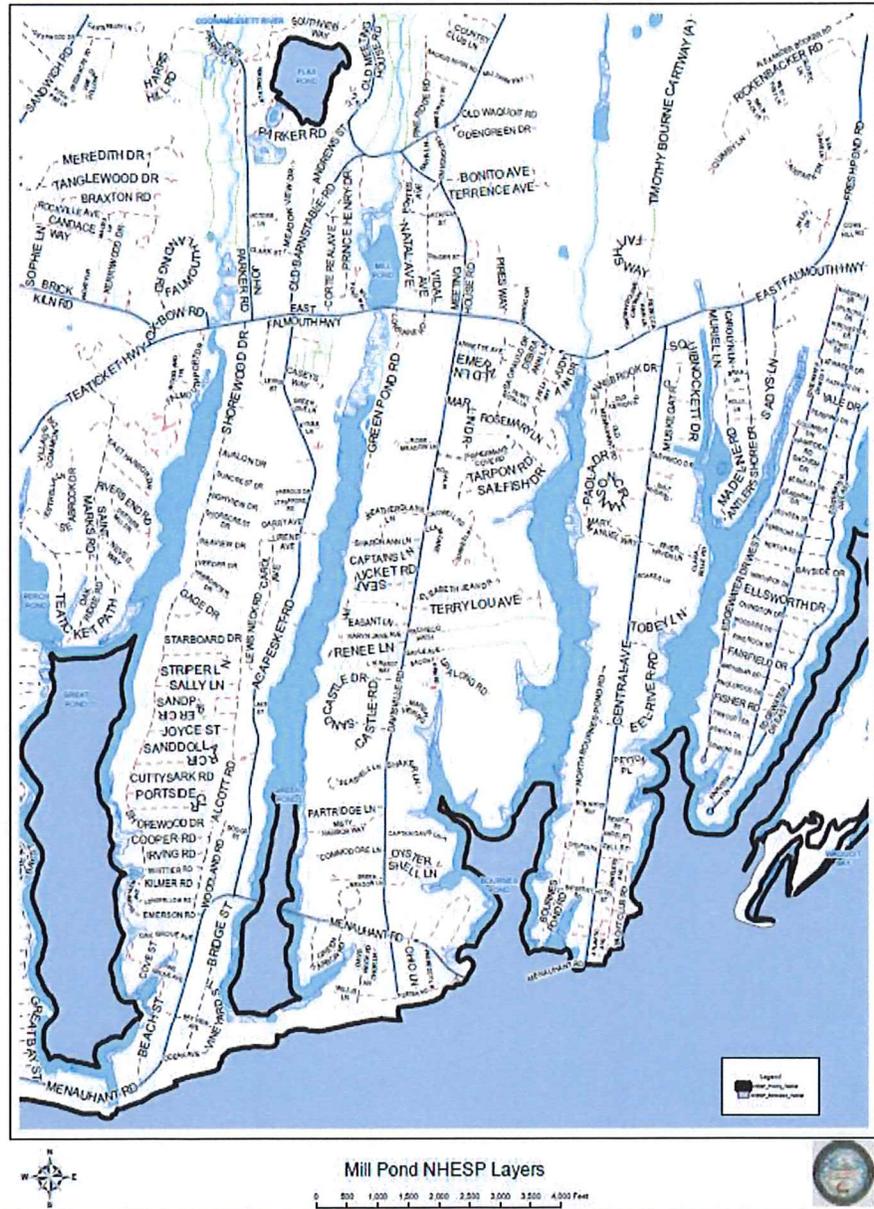


Figure 5. NHESP Determination for Mill Pond.

2.3 Wetland Resource Area

The Wetland Resource Areas occurring at Mill Pond are Inland Bank, Land Under Waterbodies and Waterways (LUW), and Bordering Land Subject to Flooding (BLSF) as defined under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 § 40), its regulations, and the Town of Falmouth Wetlands Regulation (Code of Falmouth Chapter 235).

Land Under Water Bodies and Waterways

Land Under Water Bodies and Waterways is defined at 310 CMR 10.56(2)(a) as *“the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock. The boundary of LUW is the mean annual low water level.”* The boundary of Land Under Water Bodies is the mean annual low water level.

Mill Pond is a Great Pond located in the Town of Falmouth. It discharges directly into the Green Pond estuary which is currently listed as impaired. Mill Pond is surrounded by primarily by rural residential neighborhoods and agricultural lands.

During the warmer months of the year, the surface of the pond is covered with floating and submerged aquatic vegetation and filamentous macroalgae. The predominant plant species covering the pond include bladderwort, milfoil, pondweed, watershield and water lily (see Figure 6). For numerous periods during June through October Unruh et al. (2018) measured dissolved oxygen levels that were below the State standard for Class B surface waters of maintaining a minimum concentration of 5.0 mg/L for 16 hours of any 24-hour period indicating the pond is in a eutrophic state.

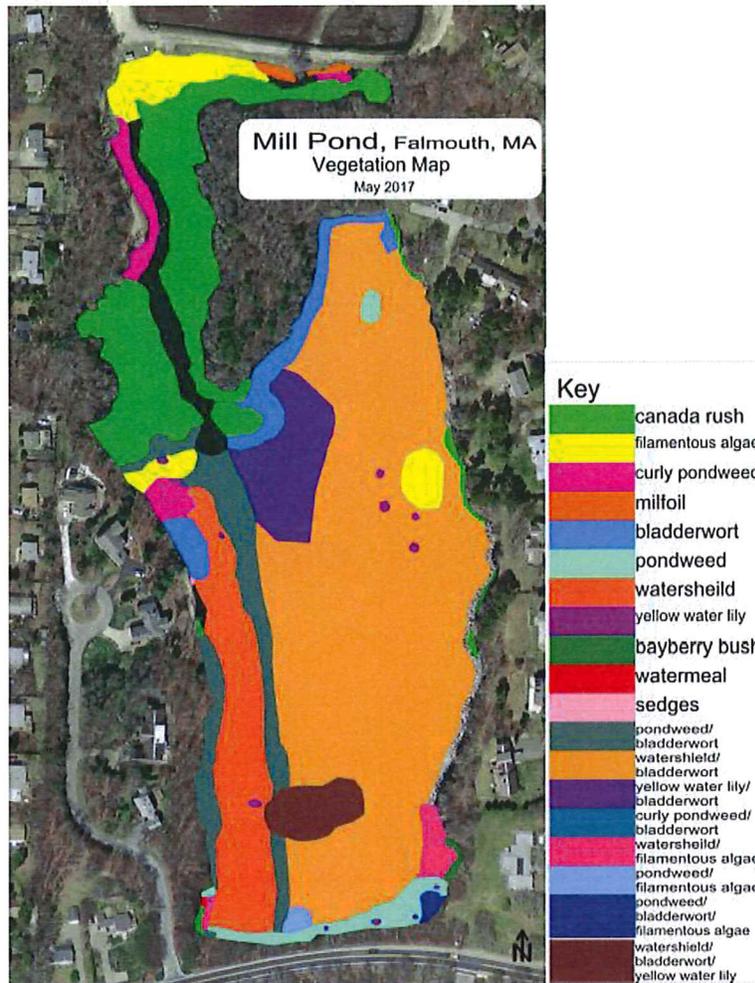


Figure 6. Aquatic Vegetation Distribution in Mill Pond (Unruh et al. 2018)

In its current condition the resource area does not have the capacity to protect or sustain the interests identified in M.G.L. 130 § 40 such as wildlife habitat, food, shelter, and breeding areas for wildlife. The proposed harvesting activities will occur on or in the water near the surface and will not impact the resource area. Aeration to the sediments is typically delivered through tubing placed on top of the sediments and connected to a generator on shore. The proposed approach includes the option to deploy an aeration system on a seasonal basis, removing the equipment from the pond during the winter and spring season. The presence of the oxygen delivery tubing would not alter the resource area.

Inland Bank

Bank is defined at 310 CMR 10.54(2)(a) as *the portion of land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent floodplain, or, in the absence of these, it occurs between a water body and an upland. A Bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone. The upper boundary of a Bank is first observable break in the slope or the mean annual*

flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level [310 CMR 10.54(2)(c)].

The Inland Bank associated with Mill Pond is primarily vegetated with shallow slopes. Proposed management activities will occur only on or in the water near the Inland Bank. The resource area will be minimally impacted at the access point where the harvested material is removed from the pond. The primary access point will be from the East Falmouth Public Library lawn at 310 East Falmouth Highway.

Bordering Land Subject to Flooding (BLSF)

Bordering Land Subject to Flooding (BLSF) is defined at 310 CMR 10.57(2)(a) as "an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland."

The proposed project activities will not impact BLSF as the harvesting of macrophytes will occur on the surface of the pond and aeration will occur in the bottom waters of the pond, not within BLSF.

3.0 Proposed Project

3.1 Description

Through the primary means of macrophyte harvesting, the objectives of this project are to reduce the overall potential nitrogen load output from Mill Pond into Green Pond and to make aesthetic improvements to Mill Pond that improve the overall ecosystem health of the pond. Harvesting will occur in all accessible areas in the main body of the pond up to 11.8 acres (approximately 75% of the pond) targeting the areas with the highest density of macrophytes as determined by visual inspection. The macrophytes will be cut below the surface of the water (0.5 – 0.6m), collected and removed from the pond for disposal.

Ideally the macrophytes will be harvested in late summer/early fall to coincide with the upstream cranberry harvest. This is during the period of maximum water residence time in Mill Pond which will allow suspended particulates maximum settling time after the macrophyte harvesting event instead of being flushed into Green Pond. Once harvested, the pond macrophyte growth will be monitored monthly during the following spring and summer beginning in late May. Additional harvesting will occur if macrophyte growth visually impairs an estimated minimum of 80% of the surface area of the pond. Once water quality conditions have been judged to be sufficiently improved or no further nitrogen reduction efforts are needed for Green Pond, no further harvesting or restoration efforts will be recommended.

Mill Pond Macrophyte Harvesting

- A. The initial macrophyte harvesting will begin in late summer/early fall prior to plant die off and decay, ideally to coincide with the cranberry harvest typically in October.

- B. The target harvest area will be up to 11.8 acres covering approximately 75% of the surface area of the pond with the primary focus area being on the southernmost portion of the pond along Route 28.
- C. The primary access site for all harvesting activities will be from the East Falmouth Public Library lawn at 310 East Falmouth Highway. The primary access site will be staked.
- D. Harvesting will involve cutting of macrophytes approximately 0.5 to 0.6 meters below the surface of the water; cut plant material will be corralled by a boom/net system and collected on a truck or in a trailer.
- E. Harvested plant material will be weighed as a total wet weight measured using a truck scale along the route used to transfer it to the Town of Falmouth Yardwaste & Composting Site at 565 Blacksmith Shop Road and composted.
- F. A sample of harvest material will be analyzed for nitrogen and phosphorus content as a percent of harvested wet weight.
- G. Harvested sections will be monitored for growth monthly beginning the following May.
- H. Ongoing harvesting will be conducted as needed to meet water quality goals. Effects of the harvesting will be assessed on an annual basis at the end of each growing season.

3.2 Affected Jurisdictional Areas

Proposed management activities will occur within Land Under Waterbodies and Waterways, as surface vegetation will be removed from these resource areas. However, in the Pond's current condition, the capacity of this resource area to protect and or sustain the interests identified in M.G.L. 131 § 40 and in the local wetland regulation bylaw, such as providing food, shelter or breeding areas for wildlife, is severely impaired. This condition has also resulted in diminished water quality which adversely affects downstream resource areas within the Green Pond watershed.

4.0 Alternatives Analysis

The report titled '*Diagnostic Assessment of Nutrient Cycling in Mill Pond*' by Unruh et al. (2018) made several recommendations for reducing the nutrient load entering Mill Pond and improving the overall health of Mill Pond. Several of the recommendations made by Unruh et al. (2018) and efforts that the Water Quality Management Committee has made in pursuing these recommended strategies are detailed below.

Alternating Bog Fertilizers

It was recommended that the bog operations alternate between 'low P' and 'no P' fertilizers as a strategy to reduce phosphorus export from the bog. The bog owner is reported as being agreeable to altering his operating procedures and practices. The Town will continue to communicate with bog owner periodically to assess the effectiveness of this strategy.

Slow Release of Bog Flood Water

A strategy to remove the dam boards one at a time over a period of several days was proposed to minimize water velocities and fine sediments from being washed into the pond. The bog owner is reported as being agreeable to altering his operating procedures and practices. The Town will continue to communicate with bog owner periodically to assess the effectiveness of this strategy.

Increase Flow During Harvest and Winter Floods

Careful consideration of the board height placement when damming for the harvest and winter floods was recommend in order to increase flushing in the pond during these periods. The bog owner has indicated that this is a practice that can be implemented but is dependent on annual water flows. The Town will continue to communicate with bog owner periodically to assess the effectiveness of this strategy.

Grate Between Bog and Mill Pond

Placing a metal grate at the bog discharge point would catch debris and prevent large plant matter from being washed downstream into Mill Pond. The installation of a grate would require periodic cleaning to ensure adequate water flow. While the bog owner has indicated he is willing to alter some practices, he seems less in favor of assuming the periodic maintenance to ensure the grate is clean. The Town is pursuing grate options that meet regulatory requirements and is continuing discussions with the bog owner about the feasibility of this management strategy.

Construct a Detention/Tailwater Recovery Pond

This is a preferred management option. Constructing a 0.25-acre detention/tailwater recovery pond at the bog discharge point would allow plant matter and fine sediments to settle prior to being washed downstream into Mill Pond. Unruh et al. (2018) estimates this strategy could reduce the nitrogen and phosphorus loads to Mill Pond by 192 and 40 kg/yr respectively.

The bog owner has agreed to work with the Town and is agreeable to the idea of installing a detention/tailwater recovery pond. The bog owner has also verbally indicated that he would be willing to accept the periodic maintenance of a detention/tailwater recovery pond. The Town is currently having discussions with the MassDEP on investigating an option of obtaining an agriculture exemption to 310 CMR 10.00 to install a tailwater recovery system in accordance with best management practices for bog operations as described in the University of Massachusetts Cranberry Experiment Station's 'Best Management Practices Guide for Massachusetts Cranberry Production' (2000). Installation of a tailwater recovery system would allow for some recycling of nutrient runoff from irrigation practices back into the cranberry bog operations.

Macrophyte Harvesting

Reducing the macrophyte biomass in the pond will reduce the nutrient load to the sediments and water column of Mill Pond when the plants begin to decay in the fall. Under hypoxic conditions denitrification in the sediments cannot occur and the nutrients from the decaying macrophytes are released back into the water column. In addition, a reduction in the surface-level plants will allow for more wind-driven surface layer mixing which may aid in odor control.

Harvesting is a process of trimming macrophytes to a depth below the surface of the water and is the primary approach to macrophyte management being explored by the Town. Harvesting would have multiple benefits including

- the removal of the harvested macrophyte material and its associated nutrient load;
- exposing the surface to natural aeration, which is also enhanced when wind can cause ripples on the surface, which is not possible when high levels of surface vegetation are present;
- visual and odor reduction to reduce the neighborhood concerns; and
- allowance for the ecosystem service of plant growth that continually removes phosphorus from the sediments.

This form of macrophyte management is considered an adaptive management approach and may need to be monitored and adjusted in the future to meet the desired management outcomes for the pond.

Improving Bottom Water Oxygen

Anoxic conditions created by the decaying of vegetation promotes the release of nutrients into the water column. One method to address anoxic conditions is to supplement the pond with aeration or enhanced mixing. As part of this NOI a seasonal aeration option is being considered together with macrophyte harvesting to deliver oxygen to the bottom sediments to support the high biological oxygen demand created by the decaying of vegetative matter.

Preferred Alternative: Based on the review of the alternatives presented in Unruh et al. (2018), the most feasible techniques to pursue for the management and restoration of Mill Pond include macrophyte harvesting by mechanical means or by hand, and aeration of the bottom sediments.

5.0 Protection of Resources Area Interests

As previously stated, the proposed project will have no adverse effects on the interests of the Resource Areas in accordance with the presumptions of significance set forth in the regulations for each area subject to protection under the Massachusetts Wetlands Protection Act and the Falmouth Wetlands Regulation Bylaw. Compliance with each interest is discussed below. Non-applicable interests are defined as such.

5.1 Massachusetts Wetlands Protection Act

Land Under Waterbodies and Waterways (310 CMR 10.56(4))

(a) Where the presumption set forth in 310 CMR 10.56(3) is not overcome, any proposed work within Land under Water Bodies and Waterways shall not impair the following:

1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;

The proposed macrophyte harvesting and seasonal aeration will not change or impair the bank or bottom of the pond and therefore will not impair the carrying capacity of the pond. The intent of the activity is to preserve the carrying capacity by minimizing the impact of anthropogenically driven eutrophication processes.

2. Ground and surface water quality;

The proposed macrophyte harvesting and aeration will lead to an improvement in the surface water quality of Mill Pond and subsequently the surface water output flow into Green Pond. Mill Pond intercepts groundwater prior to Green Pond and has very little contribution to the downstream conditions of the groundwater. The proposed activities will have minimal impact on the groundwater water quality.

3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and

There will be no direct impacts to Land Under Waterbodies and Waterways or its banks. The proposed macrophyte harvesting activities will remove nuisance aquatic vegetation from the surface of Mill Pond while the vegetation is actively growing and assimilating both nitrogen and phosphorus in the tissues prior to the plant die off which promotes the regeneration of nutrients into the water column. Aeration to the bottom waters will facilitate the pond's natural nitrification-denitrification cycle in the sediments which is presently hindered by anoxic conditions. These proposed activities will improve the LUW's ability to provide breeding habitat and other ecosystem functions.

4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that cumulatively alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures established under 310 CMR 10.60.

The intent of the proposed activities is to improve the overall water quality within Mill Pond and the downstream estuary. None of the proposed activities will directly impact LUW or within its associated Inland Bank. Removing these macrophytes and providing aeration to the

pond will improve water quality and the Land Under Waterbodies' ability to provide wildlife habitat functions.

5. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.56(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bank full width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirements of 310 CMR 10.56(4)(a)4., the impact on Land under Water Bodies and Waterways caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures established under 310 CMR 10.60.

Not applicable.

5.2 Falmouth Wetlands Regulation (Code of Falmouth chapter 235)

Public Water Supply: This project will not adversely affect public water supply. It will serve to improve the water quality of the surface water of Mill Pond and Green Pond.

Private Water Supply: These practices will serve to improve immediate surface water quality, along with the overall reduction in nutrients that lead to eutrophication, degraded water quality, and pond health.

Groundwater: The proposed activities will not affect the groundwater flowing into and downstream from Mill Pond.

Flood Control: Not applicable. This project will have no impact on flood control. There is no change in impervious cover, stormwater management or flood control properties or the functions and values of BLSF at this site.

Erosion and Sedimentation Control: There will be no construction activities and therefore, no potential for sediment or erosion on the project site. Proposed work only occurs in the water, on the pond, and will be accessed primarily via the Town-owned property of the East Falmouth Public Library lawn at 310 East Falmouth Highway.

Storm Damage Prevention: Not applicable. The restoration project location is inland, and not in an area subject to storm damage.

Water Pollution Control: The proposed management activities will benefit this interest. This project will improve water quality by removal nitrogen and phosphorus assimilated in the tissues of nuisance aquatic vegetation and providing increased oxygen to support the high

biological oxygen demand of the natural processes of the pond thereby reducing eutrophication.

Fisheries: The proposed management activities in Mill Pond will not adversely impact the fish in the pond, as fish are mobile and can readily relocate to other areas of the pond to avoid the harvesting activities. The goal of the proposed project is to improve the water quality of the pond thereby providing better quality habitat for this interest.

Shellfish: This interest will not be adversely affected by the proposed restoration project as there are no shellfish consumed by humans in these ponds.

Wildlife & Plant Species and Habitats: The proposed management activities will reduce the overall nitrogen and phosphorus concentrations in the pond, thus reducing the amount of nuisance aquatic vegetation. These activities will improve the natural ecological functions of the pond and provide improved habitat to benefit local flora and fauna.

Agriculture: This project will not impact any agriculture activities that utilize Mill Pond.

Aesthetics: Reduction in the nutrients available in the pond will ultimately reduce the resources for excessive nuisance macrophyte growth. An overall reduction of aquatic plant growth will visually improve the appearance of the pond and allow for wind-driven surface layer mixing delivering oxygen to the sediments to prevent the release of noxious gases. The proposed project will restore the aesthetic values of this resource.

Recreation: The proposed project will not adversely affect any historic values of the site. In fact, improving the water quality and pond health will improve the recreational value of Mill Pond.

Aquaculture: This project will not impact any aquaculture activities in Mill Pond.

6.0 Mitigation

During the summer months Mill Pond is in a eutrophic state leading to the waters being choked with nuisance aquatic vegetation. In this state, the capacity of the resource area to sustain and protect fisheries and wildlife habitat, interests identified in M.G.L. c. 131 § 40 and the local wetland regulation bylaw is severely reduced. The proposed Ecological Restoration Limited Project will improve surface water quality, aquatic habitat and aesthetics to allow for overall improved ecosystem function of Mill Pond. Additionally, nitrogen reduction credit may be granted by the State for the reduced nutrient input into Green Pond as a result of these management efforts. The restoration of Mill Pond itself will serve as mitigation for any temporary impacts as a result of the macrophyte harvesting or aeration activities conducted as part of this proposed project.

7.0 References

Massachusetts Year 2016 Integrated List of Waters: Proposed Listing of the Condition of Massachusetts' Waters Pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act, prepared by: Massachusetts Division of Watershed Management, Watershed Planning Program (CN: 470.0), June, 2017.

University of Massachusetts Cranberry Experiment Station. 2000. Best Management Practices Guide for Massachusetts Cranberry Production.

http://www.umass.edu/cranberry/downloads/bmp/mineral_soil_bog_construction.pdf

Unruh, A., Howes, B.L, et al. 2018. Diagnostic Assessment of Nutrient Cycling in Mill Pond. Report submitted to the Town of Falmouth. Coastal Systems Program, School for Marine Science and Technology, University of Massachusetts Dartmouth, New Bedford, MA. 68 pp.

Appendices

Appendix A: Site Photographs



Photo 1 - Mill Pond Macrophyte Coverage June 2019

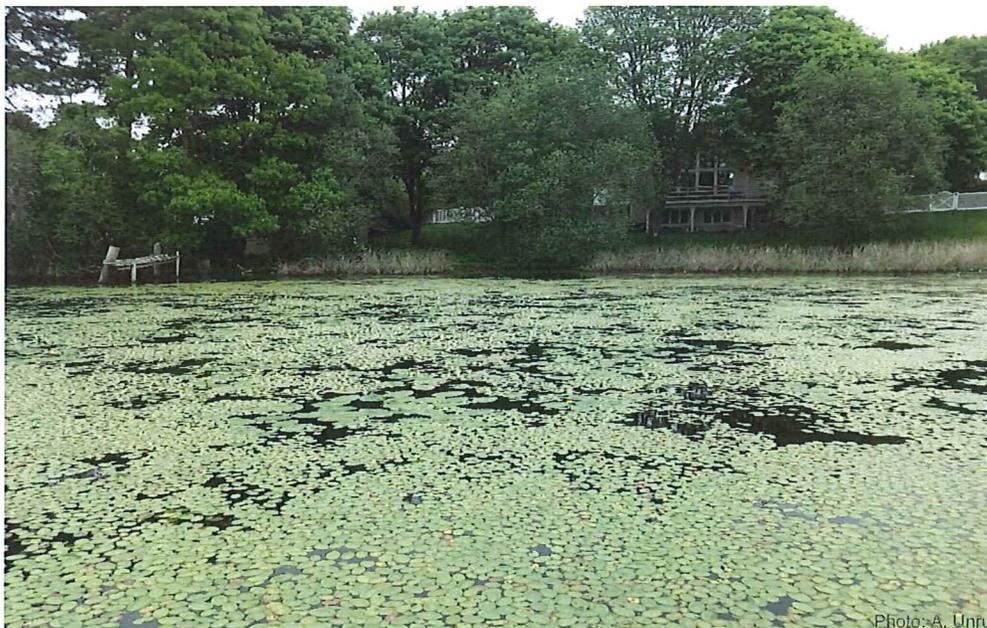


Photo 2 - Mill Pond Macrophyte Coverage June 2017

Appendix B: Time of Year Predetermination

From: Slater, Caleb (FWE) <caleb.slater@state.ma.us>
Sent: Friday, August 23, 2019 8:17 AM
To: krathjen@sciencewares.com
Subject: FW: Time of Year NOI Predetermination Request

Kristen,

MassWildlife will not request any TOY restrictions for this project to protect freshwater fisheries. The UMASS suggestion to limit harvest to late summer/early fall to minimize discharge of suspended particulates resulting from harvesting into Green Pond sounds reasonable.

Caleb

Caleb Slater, PhD
Anadromous Fish Project Leader
Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6331 | e: Caleb.Slater@state.ma.us
mass.gov/masswildlife | facebook.com/masswildlife



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito

Lieutenant Governor

Kathleen Theoharides

Secretary

Ronald Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

August 27, 2019

Kristen Rathjen
Water Quality Technical Consultant
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Ms. Rathjen:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent along with a request for a written determination for the Town of Falmouth to either hand harvest or to mechanically cut/harvest/remove nuisance vegetation (macrophytes) and to seasonally aerate the sediment surface to Mill Pond. Aeration will deliver oxygen to the bottom sediments to support the high biological oxygen demand created by the decaying vegetative matter. The anticipated timeline for this project will coincide with the cranberry harvest typically in October, with additional harvesting to occur the following early/mid-summer depending on visual assessments of vegetation coverage. An additional management option will be for the bog owner to construct a 0.25-acre detention/tailwater recovery pond at the bog's discharge point to allow plant matter and fine sediments to settle prior to being washed downstream into Mill Pond. For Ecological Restoration Projects, MA DEP requires a written determination from MA DMF if a project is located in a coastal waterbody with a time-of-year (TOY) or a fish passageway.

Mill Pond, which discharges directly into Green Pond, has been identified by MA DMF as providing habitat for American eel (*Anguilla rostrata*). The watershed formerly provided spawning and nursery habitat for alewife (*Alosa pseudoharengus*) and white perch (*Morone americana*); however, modifications to the culvert at Rt. 28 presently prevent upstream passage of those species.

MA DMF written determination is as follows:

- American eel occupying Mill Pond will have the capacity to avoid the limited footprint of a surface-operated plant harvester. No fall TOY will be necessary for this proposed activity.
- The contracted harvester staff should make observations for fish encountered in harvested plant material and report on the frequency, number, disposition and approximate sizes of American eel, and report a metric of biomass on plant material removed daily.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 742-9721.

Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

cc: Kristen Rathjen, Town of Falmouth – Water Quality Management Committee
Chuck Martinsen, Shellfish Constable
Barbara Newman, ACOE
Robert Boeri, CZM
John Sheppard, DMF
Brad Chase, DMF
Ryan Nuttall, DMF

EF/m

References

1. Evans NT, Ford KH, Chase BC, Sheppard J (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47.
2. Division of Marine Fisheries Technical Report # 15- # 18 dated May 2004 & January 2005.

Appendix C: Abutter Notification

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, Kristen Rathjen of Science Wares, Inc., as a representative for the applicant, hereby certify under the pains and penalties of perjury that on _____ I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the **DEP Guide to Abutter Notification** dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by

The Town of Falmouth

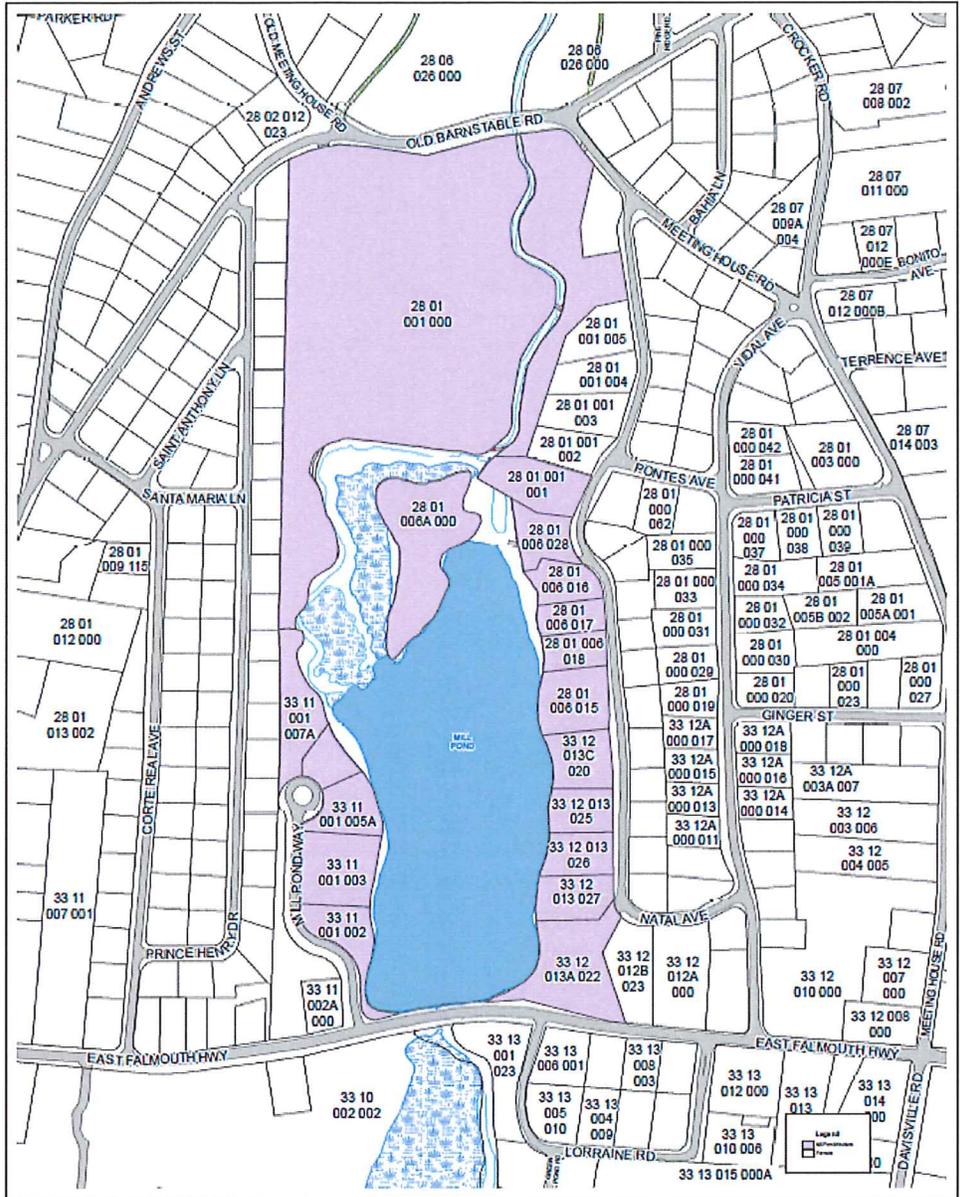
with the Falmouth Conservation Commission on _____ for property located at

Mill Pond, north of Route 28

The form of the notification, and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.

Signature

Date



Mill Pond Direct Abutters



0 100 200 300 400 500 600 700 800 Feet



List of Direct Abutters

MAP_PAR_ID	Owner1	Owner2	Owner3	Billing Address	City	State	Zip
28 01 001 000	HANDY BRIAN S			PO BOX 75	POCASSET	MA	02559-0075
28 01 001 001	BYRNES TRUSTEE NEILL M	N M BYRNES TRUST		9 WHITING LN	HINGHAM	MA	02043
28 01 006 015	MONIZ THOMAS A	MONIZ RITA		46 NATAL AVE	EAST FALMOUTH	MA	02536-5311
28 01 006 016	CROCKETT JOHN D			62 NATAL AVE	EAST FALMOUTH	MA	02536-5311
28 01 006 017	MURPHY TRUSTEE JAYCEE LEIGH	LOT 17 NATAL AVE NOMINEE TR		62 NATAL AVE	E FALMOUTH	MA	02536-5311
28 01 006 018	ROWE JOHN D	DARMAN MARTHA A		52 NATAL AVE	EAST FALMOUTH	MA	02536
28 01 006 028	LEONARD TIMOTHY P	LEONARD CARRIE A		68 NATAL AVE	E FALMOUTH	MA	02536-5311
28 01 006A 000	HOWARD JAMES F	VIDAL JR ARTHUR P		PO BOX 127	EAST FALMOUTH	MA	02536-0127
33 11 001 002	KOWALSKI TRUSTEE JAMES T	MILL POND WAY TRUST		15 MILL POND WAY	E FALMOUTH	MA	02536-5360
33 11 001 003	VIDAL JR ARTHUR P	VIDAL NANCY C		PO BOX 127	EAST FALMOUTH	MA	02536
33 11 001 005A	DAVIS ROBERT E			33 MILL POND WAY	E FALMOUTH	MA	02536-5360
33 11 001 006A	SISSENWINE MICHAEL P	CARROLL NINA M		39 MILL POND WAY	EAST FALMOUTH	MA	02536-5360
33 11 001 007A	MILLER JR PHILIP M			PO BOX 726	FALMOUTH	MA	02541-0726
33 12 013 025	LYONS MICHAEL F			32 NATAL AVE	EAST FALMOUTH	MA	02536-5311
33 12 013 026	ZACCARINO RAYMOND A	ZACCARINO TERECE A	ZACCARINO MATTHEW J	37 NECKHILL RD	MENDON	MA	01756
33 12 013 027	WATHIER CHRISTOPHER L	WATHIER KELLY A		22 NATAL AVE	EAST FALMOUTH	MA	02536
33 12 013A 022	FALMOUTH TOWN OF			59 TOWN HALL SQ	FALMOUTH	MA	02540-2761
33 12 013C 020	RUDDEN LAWRENCE W	RUDDEN KATHERINE E		67 LINCOLNDALE ACRES	WASHINGTONVILLE	NY	10992

NOTIFICATION TO ABUTTERS UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, § 40, you are hereby notified of the following work within a resource area or within the 100' buffer zone of a resource area:

- A. The name of the applicant is: The Town of Falmouth

The proposed project is the harvesting of the nuisance aquatic vegetation (macrophytes) from the surface of Mill Pond to reduce the excess nutrient load in the pond for improvements both aesthetically and to the overall ecosystem health of the pond. Additional management activities may include seasonal delivery of oxygen to the sediments via an aeration system to facilitate mixing within the water column. Harvesting will occur mechanically or by hand in all accessible areas in the main body of the pond.

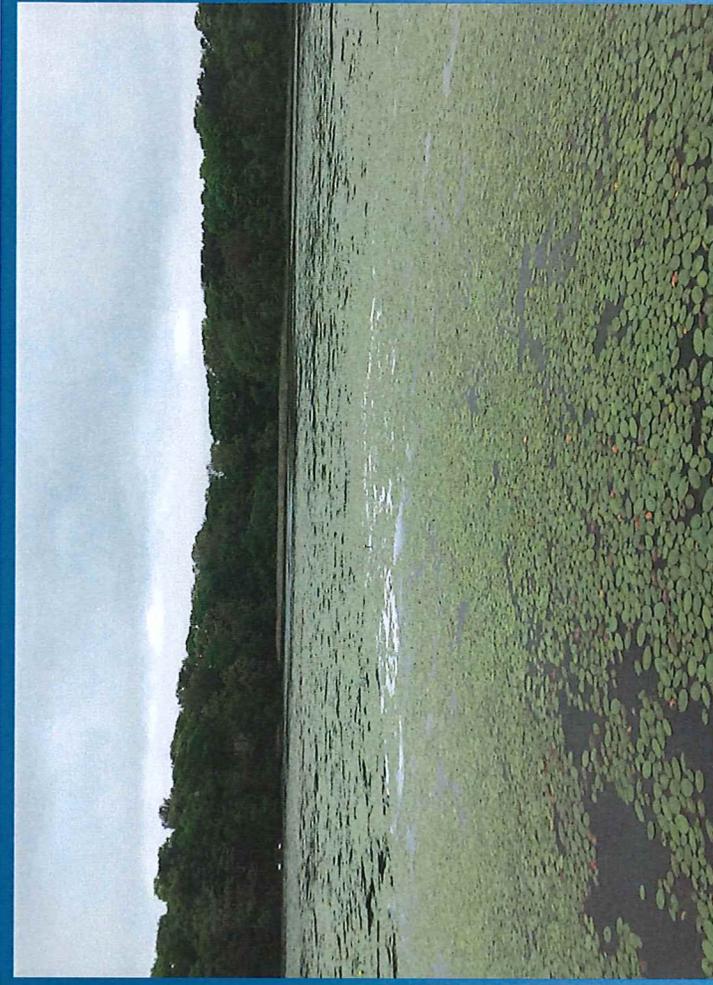
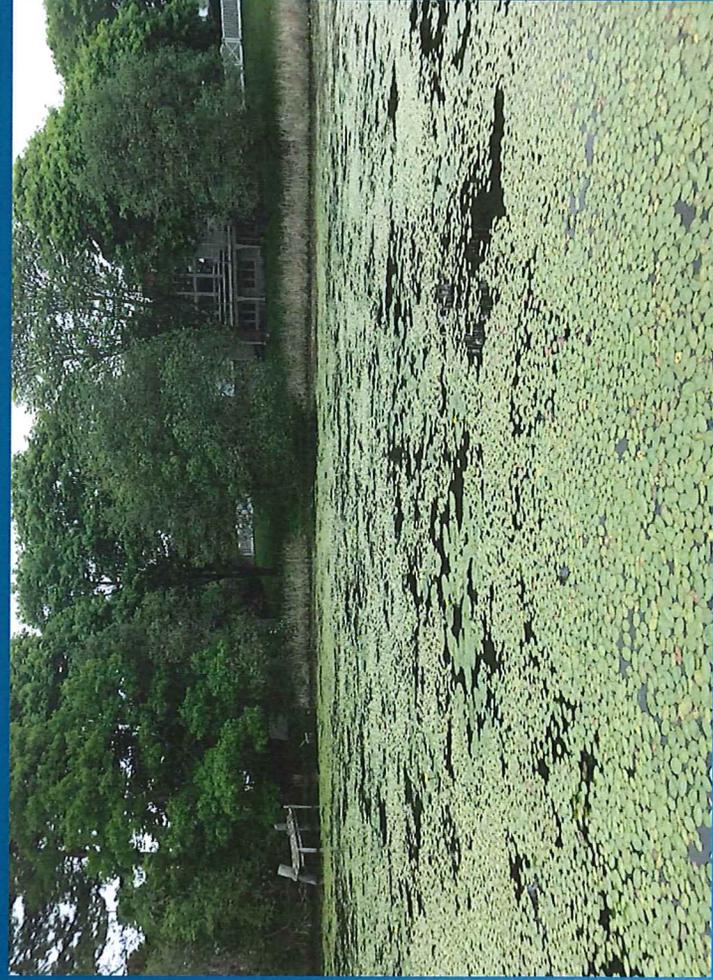
- B. The address of the lot where the activity is proposed is: Mill Pond, north of Route 28
- C. The applicant has filed a Notice of Intent with the Conservation Commission for the Municipality of Falmouth seeking permission to conduct work within a wetland, water body or resource area or a buffer zone to a wetland, waterbody or resource area subject to protection under the Wetlands Protection Act (MGL c. 131, § 40).
- D. Copies of the Notice of Intent may be examined at:

**The Falmouth Conservation Commission
between the hours of 9 AM – 3 PM, Monday through Friday**

For more information, contact the **Falmouth Conservation Commission** at: **508-495-7444**

- E. The **Falmouth Conservation Commission** will hold a **Public Hearing** under Section 40, Chapter 131 of the General Laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw. Information regarding the date, time and place of the hearing can be obtained by contacting the Falmouth Conservation Commission at this telephone number: **508-495-7444** between the hours of **8 am – 5 pm Monday through Friday**.

NOTE: At least five days in advance, notice of the Public Hearing will be published in **The Falmouth Enterprise**. The notice will include the hearing date, time and place. Notice of the Public Hearing will be posted in the Town Hall not less than forty-eight (48) hours in advance.



Macrophyte Coverage in Mill Pond