

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, MARCH 9, 2020 – 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. Eagle Scout Proclamation – Sam Mack
 - b. 100th Birthday Proclamation – Anita LaFrangé
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Special One-Day All Alcohol Liquor License – Belonging to Each Other – Trade Center Bowl, 89 Spring Bars Road – Sunday, 3/15/20
 - b. Approve Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striperfest – Marina Park – Saturday, 9/26/20
 - c. Approve Application for Special One-Day Wine and Malt Liquor License – Beth Colt – Cinco de Mayo – Quicks Hole Taqueria/Woods Hole Inn Parking Lot, Luscombe Ave. – Saturday, 5/2/20
 - d. Approve Application for Special One-Day Wine and Malt Liquor License – Bands for Badges, Inc. – Bands for Badges Music Festival – Cape Cod Fairgrounds – Saturday, 8/22/20
 - e. Approve Application for Special One-Day Wine and Malt Liquor License – Matt Gray, Cape Cod Brew Fest – Cape Cod Fairgrounds – Friday, 9/18/20 & Saturday, 9/19/20
 - f. Approve Application for Entertainment License and Sunday Entertainment License – The Black Dog Heights Café, 465 Grand Avenue, Falmouth
 - g. Approve Application for Special One-Day Wine and Malt Liquor License – The Station Grill – 59 Depot Avenue – Tuesday, 3/17/20
 - h. Approve Application for One-Day Entertainment License – Falmouth EDIC – The Station Grill, 59 Depot Avenue – Tuesday, 3/17/20
2. Administrative Orders
 - a. Approve Eversource and Verizon New England Petition for the Installation of One (1) Joint Pole and the Removal of One (1) Joint Pole on Brick Kiln Road, East of Jamie Lane. The proposed relocation is required for commercial development.
 - b. Approve Letter of Commitment for the Cape Cod Blue Economy's Expedition Blue Project
 - c. Approve Grant of License Temporary Seasonal Canvas Vestibule at Water Street Kitchen, 56 Water Street, Woods Hole, continued from 2/24/20
 - d. Vote to Accept Donations from Falmouth Road Race and Friends of Falmouth Senior Center for Senior Center
 - e. Vote to Approve Cape Cod Baseball League Memorandum of Understanding for Guv Fuller Field
 - f. Vote to Accept Check in the Amount of \$1,300.00 from the Med Project USA Grant Program to the Falmouth Police Department
 - g. Vote to Affirm Appointment of Paul Grunden as the Commission on Disabilities Representative to the Transportation Management Committee
 - h. Acknowledge Zoning Board of Appeals Vacancy and Request to Advertise and Fill Position
 - i. Vote to Approve Conservation Restriction from Buzzards Bay Coalition, Inc. to The 300 Committee Land Trust, Inc. on a 30.42-Acre Parcel of Land, Wheeler Forest Reserve, Quissett Avenue and Woods Hole Road, Falmouth
 - j. Vote Intention to Layout William Road and Refer to the Planning Board
 - k. Vote to Accept Donation of Fill from Cape Cod Aggregates and Labor to Repair Matt Sousa Conservation Area Dirt Roadway

3. Special Events

Recurring - Recommended:

- a. Cinco de Mayo – Elizabeth Colt – Quicks Hole Taqueria/Woods Hole Inn Parking Lot – Saturday, 5/2/20 (*rain date Saturday, 5/9/20*)
- b. Arts Alive Festival – ArtsFalmouth, Inc. – Library Lawn and Shore Street Extension – Friday – Sunday, 6/12 – 6/14/20
- c. Jazz Stroll – ArtsFalmouth, Inc. – Queen’s Buyway, Main Street & Peg Noonan Park – Saturday, 10/17/20
- d. Sunday Worship Services – Rev. Rebecca Mincieli, John Wesley United Methodist Church – Surf Drive Beach – Sundays, 6/28/20 – 9/6/20 (except 7/12 and 8/16)
- e. Falmouth Art Market – Falmouth Cultural Council – Bandshell side of Marina Park – Thursdays, 7/2/20 – 8/27/20
- f. Autumn Escape Bike Trek – Paul Curley, American Lung Association – Ride through Falmouth, Stop at Surf Drive Beach Lot and Bath House – Friday, 9/25/20
- g. Harbor Light Illumination Concert Series & Night Market – Lillian Kazanis, New England Festivals, Inc. – Bandshell – Saturdays: 7/18/20, 8/15/20 and 8/29/20

7:30 p.m. PUBLIC HEARINGS

1. Wetland Hearing – David and Loretta Garrison – Install a walkway and a 29’ x 4’ dock with a 6’ x 16’ “T” at the end to enhance water access in the Waters of Flax Pond – 1 Southview Way, East Falmouth
2. Wetland Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4’x20’ floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth
3. Application for New All Alcoholic Common Victualler License – Attwood, Inc. d/b/a Clarke’s Pub to be exercised at 444 North Falmouth Highway (Rt. 28A), North Falmouth, MA
4. Application to Amend Underground Storage Tank License – Cumberland Farms, Inc., 8 Old Meetinghouse Road, East Falmouth

7:45 p.m. BUSINESS

1. Presentation – Mayflower Wind Energy, LLC – Christopher Hardy, External Outreach Manager
2. Status/Update on Proposed Tommy Leonard Monument at Edge of Town Hall Square; Vote to Authorize
3. Vote to Approve Request for a Fee Waiver/Reduction of Special Event Permit Fee – Falmouth Art Market
4. Acting as Trustees of Falmouth Affordable Housing Fund, Consider Action to Preserve Affordable Deed Restriction for 110 Dillingham Ave., Unit #313
5. Review/Discuss Draft Policy on Use of Metal Detectors on Town Property
6. Discuss/Consider Petition for Board of Selectmen to Sponsor a Non-Binding Ballot Question
7. Briefing/Update on Coronavirus Preparations from Board of Health/Town Manager
8. Vote April 2020 Town Meeting Article Recommendations
9. Summary of Town Manager Evaluation
10. Minutes of Meetings: Public Session – December 16, 2019; February 24, 2020
11. Individual Selectmen’s Reports
12. Town Manager’s Report



PROCLAMATION

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

WHEREAS: Sam Mack met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Sam Mack is now an Eagle Scout with all its rank and privilege;

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, do hereby declare and PROCLAIM

SATURDAY, MARCH 14, 2020 AS SAM MACK DAY

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

Megan English Braga, Chair

Susan L. Moran

Douglas C. Brown

Samuel H. Patterson

BOARD OF SELECTMEN

Douglas H. Jones



Certificate of Recognition

This Honor Is Bestowed Upon

Anita LaFrangé

*In Recognition of Your 100th Birthday
on
March 10, 2020*

*This Certificate Is Awarded By The
Falmouth Board of Selectmen*

This 9th Day of March, 2020

Megan English Braga, Chair

Susan L. Moran

Douglas C. Brown, Vice Chair

Samuel H. Patterson

Douglas H. Jones

2020

License Alcoholic Beverages

20-4-AA

Fee:

25

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

Special License For The Sale Of All Alcoholic Beverages

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

To Be Drunk On the Premises

To Belonging to Each Other
Norma Railey, Manager

Trade Center Bowl
89 Spring Bars Road, Falmouth MA

On the following described premises:

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

This license is valid from the 15th day of March 2020 until the 15th day of March 2020, unless earlier suspended, cancelled or revoked.

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

11 am to 5 pm

Conditions: 1. Certificate of liquor liability insurance required. 2. Servers must be TIPS certified. 3. 12C carterer to provide Selectmen written notification of service at the event. 4. Rope or fence off area where alcohol will be sold and consumed.

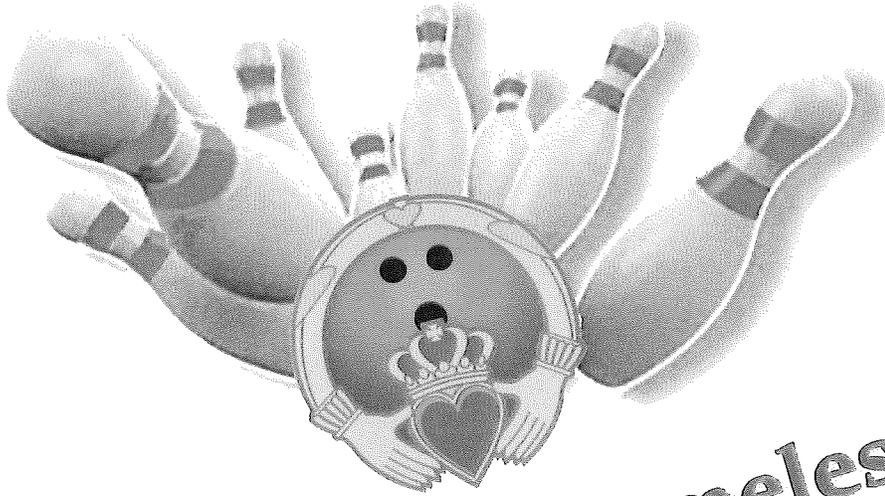
IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 9th day of March 2020

Licensing Board

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

Third Annual — Belonging to Each Other

CLADDAGH BOWL



Help strike out homelessness!

Sunday, March 15th

Session 1: 11 am—2 pm

Session 2: 2 pm—5 pm

Trade
Center
Bowl

89 Spring Bars Road
Falmouth, MA

FAMILY
FRIENDLY

SIGN UP TODAY — \$60 per bowler
includes bowling, food and 2 drink tickets

For more information — www.bteofalmouth.com

Sign up as a team of 4 or as an individual

FOOD • BEVERAGES • RAFFLE PRIZES



Founded in 2015 to provide temporary housing and loving support to our homeless neighbors in Falmouth during the cold-weather months.

Special Events (and associated one-day liquor licenses)

On Tuesday, March 3, 2020, the Town Manager's Internal Working Group for Special Events met to review and discuss the applications listed, below. The applicants were invited to the meeting to discuss the details of their special events.

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

All applicants have been informed of the Town meeting vote to adopt a ban on the sale of single-use plastic bottles on town property effective September 1, 2020, and they will be asked to submit a solid waste and recycling plan for their events.

Recurring – Recommended:

- a. Cinco de Mayo – Elizabeth Colt – Quicks Hole Taqueria/Woods Hole Inn Parking Lot – Saturday, 5/2/20 (rain date Saturday, 5/9/20)
- b. Arts Alive Festival – ArtsFalmouth, Inc. – Library Lawn and Shore Street Extension – Friday – Sunday, 6/12 – 6/14/20
- c. Jazz Stroll – ArtsFalmouth, Inc. – Queen's Buyway, Main Street & Peg Noonan Park – Saturday, 10/17/20
- d. Sunday Worship Services – Rev. Rebecca Mincieli, John Wesley United Methodist Church – Surf Drive Beach – Sundays, 6/28/20 – 9/6/20 (except 7/12 and 8/16)
- e. Falmouth Art Market – Falmouth Cultural Council – Bandshell side of Marina Park – Thursdays, 7/2/20 – 8/27/20
- f. Autumn Escape Bike Trek – Paul Curley, American Lung Association – Ride through Falmouth, Stop at Surf Drive Beach Lot and Bath House – Friday, 9/25/20
- g. Harbor Light Illumination Concert Series & Night Market – Lillian Kazanis, New England Festivals, Inc. – Bandshell – Saturdays: 7/18/20, 8/15/20 and 8/29/20

One-Day Liquor Licenses Associated with Special Events:

- a. Approve Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Marina Park – Saturday, 9/26/20
- b. Approve Application for Special One-Day Wine and Malt Liquor License – Beth Colt – Cinco de Mayo – Quicks Hole Taqueria/Woods Hole Inn Parking Lot, Luscombe Ave. – Saturday, 5/2/20

One-Day Liquor Licenses for non-agricultural events approved at the Cape Cod Fairgrounds:

- a. Approve Application for Special One-Day Wine and Malt Liquor License – Bands for Badges, Inc. – Bands for Badges Music Festival – Cape Cod Fairgrounds – Saturday, 8/22/20
- b. Approve Application for Special One-Day Wine and Malt Liquor License – Matt Gray, Cape Cod Brew Fest – Cape Cod Fairgrounds – Friday, 9/18/20 & Saturday, 9/19/20

2020

License Alcoholic Beverages

20-2-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To On the Water LLC
Chris Megan, Publisher/Owner

Striper Fest
Marina Park, Scranton Avenue
Falmouth, MA 02540

On the following described premises:

Marina Park, Scranton Avenue, Falmouth

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

This license is valid from the 26th day of September 2020 until the 26th day of September 2020, unless earlier suspended, cancelled or revoked.

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

Saturday, September 26, 2020. Hours: 12:00 p.m. to 6:00 p.m. Striper Fest.
Rain Date: 9/27/20.

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 9th day of March 2020

Licensing Board

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

Assessors • Building • Con/Com • Engineering • Health • Historical Comm.
Fire Department • Marine & Environmental Services • Planning • Board of Selectmen
Water • Wastewater

Zoning Board of Appeals
Falmouth, MA

Referral under MGL C 40A, § 11 and Chapter 240-219 of the Code of Falmouth

Applicant: Barnstable County Ag. Society, Inc. Date of Referral Request: 02/27/20
Address: 1220 Nathan S. Ellis Hwy., East Falmouth
Map Section Parcel Lot ** See attached**

Application No: 015-20

Date Referral Due to ZBA: 04/01/20

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38, 240-109 A., 240-109 B., 240-160 and 240-18 of the Code of Falmouth to allow non-agricultural events with associated parking and parking for a fee on subject property.

The Board of Appeals requests that you consider the above-referenced special permit under this referral request as required by Falmouth Bylaws. If there are any questions relative to this request please contact the Board of Appeals.

Plans are on file in the Board of Appeals Office.

Thank you,
Noreen Stockman
Zoning Administrator

Your Comments on above-referenced:

Note: If you have no comment on the above-referenced appeal, or you feel it is of no interest or concern to your department or board, please sign below, date and return this form to the Board of Appeals office.

_____ Date _____

**Cape Cod Fairgrounds Schedule of Events
Barnstable County Agricultural Society**

2020

DATES	NEW EVENT	TIMES	PROPERTY USE	PARKING LOT	Paid	ALCOHOL	PUBLIC	NON PROFIT
April								
May								
2/7/20	Construction Day	8am-3pm	C, D, Marketplace	Lot 4	NO	NO	Private	Home Builders/W
5/16/2020	Master Gardeners	8am-2pm	C, D	Lot 4	NO	NO	Public	County Ext.
June								
6/8/2020								
6/13-6/4 2020	Naukabout Concert	12-10pm	A	Lot 1 Reserve E	Yes	Yes	Public	
6/21/2020	CC Jerk Fest	12-10pm	A	Lot 1 Reserve E	Yes	Yes	Public	
6/27/2020	Comedy Festival	4pm-10pm	Marketplace	Lot 4	NO	YES	Public	
July								
7/20-7/26/20	Barnstable Fair	4-11 & 12-11	A,B,C,D	1,2,3,4 and E	1 & 4	YES	Public	Yes
August								
8/8/2020	Food Truck Festival	10am-6pm	A, C	Lot 1, 2 & 4 and E	NO	YES	Public	
8/15-8/16/20	Race Team Road Race	10am-6pm	B,C,D	Lot 4	NO	YES	Private	non profit

Number:
049-AAENT

Fee
\$100.00

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
Entertainment License

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

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

FRIDAY THROUGH MONDAY 11 AM - 9 PM

Valid from: March 9, 2020

Valid until: December 31, 2020

By order of The Falmouth Board of Selectmen

March 9, 2020

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

Number:
007-SENT

Fee
\$75.00

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
Sunday Entertainment License

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

FRIDAY THROUGH MONDAY 11 AM - 9 PM

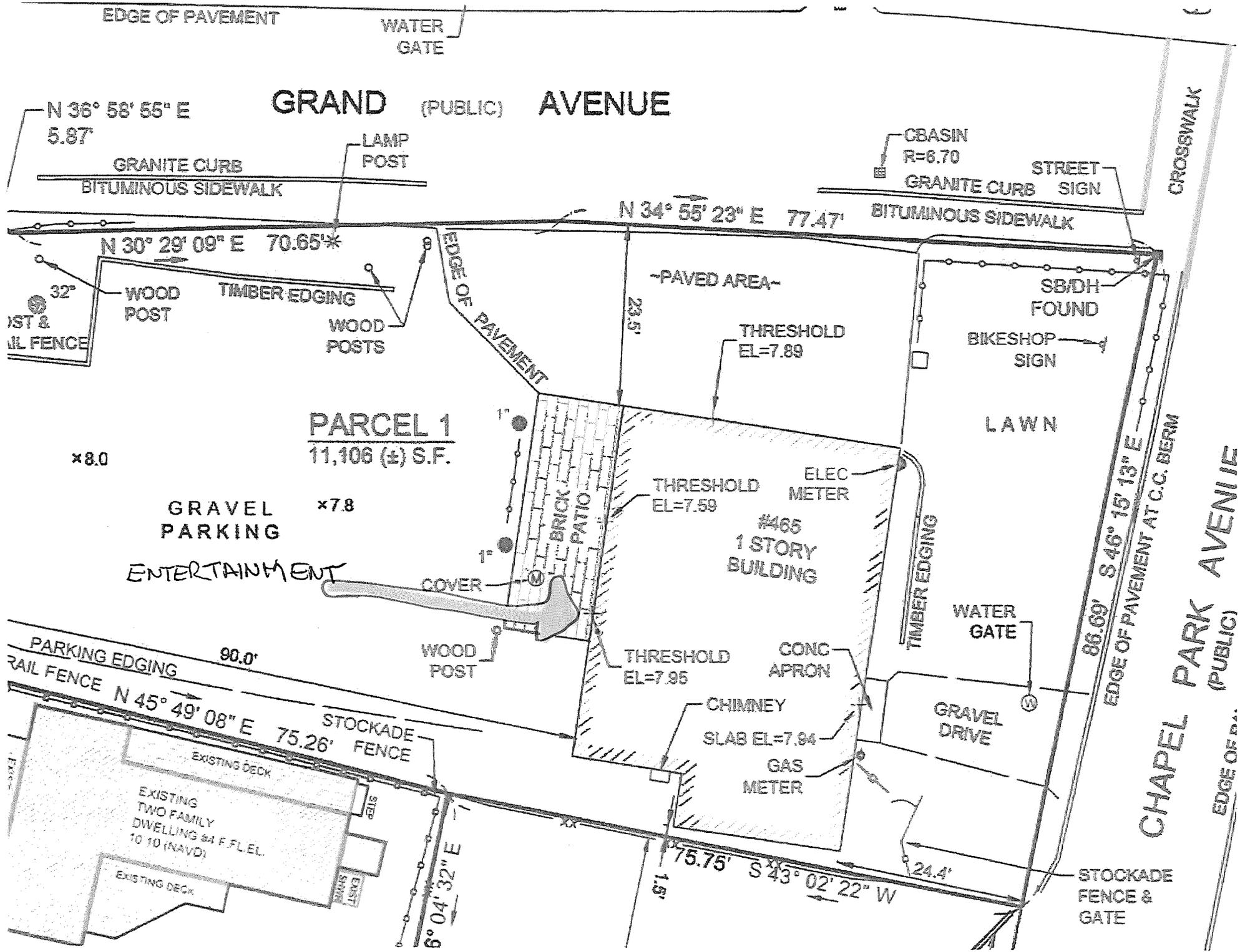
Valid from: March 9, 2020

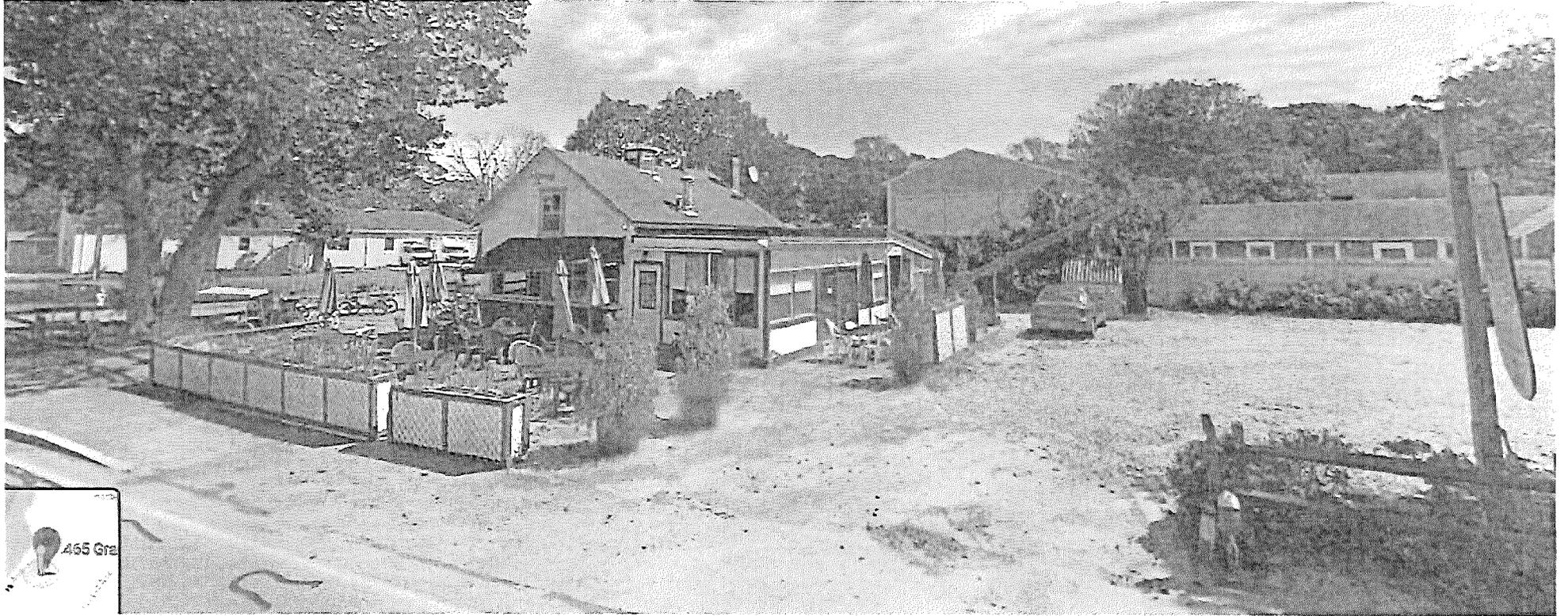
Valid until: December 31, 2020

By order of The Falmouth Board of Selectmen

March 9, 2020

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





Monday, February 24, 2020 1:19:43 PM - Window

Phyllis Downey

From: Brian Reid
Sent: Tuesday, February 18, 2020 3:01 PM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: Entertainment License application - The Black Dog Heights Cafe

This department has no objection.

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

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

From: Phyllis Downey
Sent: Tuesday, February 18, 2020 11:26 AM
To: Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Tracey Cecil <tracey.cecil@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>
Cc: info@fhmna.org
Subject: Entertainment License application - The Black Dog Heights Cafe

Good morning,

The Black Dog Heights Café at 465 Grand Avenue, Falmouth has applied for an Entertainment License and a Sunday Entertainment License, copies attached. May we please request your recommendations to the Board of Selectmen by Tuesday, March 3, 2020?

The Selectmen will review recommendations before their meeting scheduled Monday, March 9, 2020.

Thank you,

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Phyllis Downey

From: Thomas Bott
Sent: Thursday, February 27, 2020 3:44 PM
To: Phyllis Downey; Timothy Smith; Linda Kinchla; Pamela Marshall; Rod Palmer; Scott McGann; Brian Reid; Sean Doyle; Melinda Rebelo
Cc: Paula Lichter; Debbie Scott; info@fhmna.org
Subject: RE: FYI - Update on application - Entertainment License application - The Black Dog Heights Cafe

Dear Phyllis:
No issues from the Planning Dept.
TBott

From: Phyllis Downey
Sent: Monday, February 24, 2020 4:22 PM
To: Timothy Smith <timothy.smith@falmouthfirema.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>
Cc: Paula Lichter <paulalichter@fhmna.org>; Debbie Scott <fhmnassoc@gmail.com>; info@fhmna.org
Subject: FYI - Update on application - Entertainment License application - The Black Dog Heights Cafe

Good afternoon,

For your information, an update on the application for an Annual Entertainment License and a Sunday License by The Black Dog Heights Café at 465 Grand Avenue has been submitted by COO, Daniel Pucillo. There is no change to the application except the days and hours have been clarified and a picture showing where the performer will be located on the patio has been provided:

Fridays, Saturdays, Sundays, and Mondays 11:00 am to 9:00 pm. Mondays are included to provide for special holidays such as Memorial Day. There are no special days or hours for in or off season. If you have already provided a recommendation to the BOS nothing further is required at this time.

Thank you very much,
Phyllis
Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

From: Phyllis Downey
Sent: Tuesday, February 18, 2020 11:26 AM
To: Timothy Smith (timothy.smith@falmouthfirema.gov) <timothy.smith@falmouthfirema.gov>; Rod Palmer (rod.palmer@falmouthma.gov) <rod.palmer@falmouthma.gov>; Scott McGann (scott.mcgann@falmouthma.gov) <scott.mcgann@falmouthma.gov>; Thomas Bott (thomas.bott@falmouthma.gov) <thomas.bott@falmouthma.gov>; Tracey Cecil (tracey.cecil@falmouthma.gov) <tracey.cecil@falmouthma.gov>; Sean Doyle (sean.doyle@falmouthpolicema.gov) <sean.doyle@falmouthpolicema.gov>; Brian Reid (brian.reid@falmouthpolicema.gov) <brian.reid@falmouthpolicema.gov>; Noreen Stockman

(noreen.stockman@falmouthma.gov) <noreen.stockman@falmouthma.gov>; Ashley DeMello
(ashley.demello@falmouthma.gov) <ashley.demello@falmouthma.gov>; Pamela Marshall
(pamela.marshall@falmouthma.gov) <pamela.marshall@falmouthma.gov>; Melinda Rebelo
(melinda.rebelo@falmouthpolicema.gov) <melinda.rebelo@falmouthpolicema.gov>; Linda Kinchla
(linda.kinchla@falmouthma.gov) <linda.kinchla@falmouthma.gov>

Cc: info@fhmna.org

Subject: Entertainment License application - The Black Dog Heights Cafe

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The Selectmen will review recommendations before their meeting scheduled Monday, March 9, 2020.

Thank you,

Phyllis Downey

Administrative Assistant

Town Administration

508-495-7325

Phyllis Downey

From: Julie Menendez [REDACTED]
Sent: Wednesday, February 26, 2020 2:37 PM
To: Falmouth Selectmen
Cc: Joe Menendez; Kevin Schelenski; Barbara Menendez
Subject: We fully support entertainment license for black dog heights cafe

Hello,

We are residents at:

29 Mass Court Falmouth and 7 Hawthorne Court in Falmouth and fully support giving the Black Dog Heights cafe an entertainment license.

Thanks for your consideration,
Julie, Kevin (7 Hawthorne), Barbara & Joe (29 Mass)

Phyllis Downey

From: [REDACTED]
Sent: Saturday, February 29, 2020 11:16 AM
To: Falmouth Selectmen
Subject: Black Dog Entertainment License Application

To: Board of Selectmen

From: Nancy Lichter
4 Deacons Avenue
Falmouth, MA

Date: 2/29/20

Subject: The Black Dog Entertainment License Application

I am writing to you today because I own a condo at 4 Deacons Avenue, located directly across the street from The Black Dog Cafe, and I'm concerned about the use of amplified music at the restaurant.

Amplification:

If the purpose of the music is to entertain Cafe patrons, I believe and hope that can be accomplished without having the music impact the surrounding neighborhoods. I am aware that the application specifies acoustic and/or low amplification of music but I do not know what low amplification means in terms of how far the sound of the music will travel, how loud it will be, and where the speakers will be located.

In the past, when amplified music was played at that location, the music reached far beyond the patrons of the restaurant and could be heard as far away as the Harbor.

Planning Board Recommendations for Bad Martha's:

The Planning Board recently made recommendations regarding Bad Martha's entertainment license and I'm in favor of the determination that the volume of the music should be low enough for customers to "easily" speak over it. If the same condition is applied to The Black Dog's license, I believe the music will not be an issue.

My Request:

I urge you to approve the entertainment license with the provision that the volume of the music be loud enough for Cafe patrons to enjoy and low enough so it will not impact the neighbors and the peace and quiet of the Harbor.

In advance, thank you for your consideration.

Nancy Lichter
[REDACTED]

Phyllis Downey

From: Lee Barnum [REDACTED]
Sent: Saturday, February 29, 2020 10:07 PM
To: Falmouth Selectmen
Subject: Black Dog entertainment license

My husband and I would like to express our strong objection to the request by The Black Dog Heights Cafe's request for an outdoor amplified entertainment license.

I do not believe that such a license exists elsewhere in town where the housing is so dense, particularly during the summer season.

Last summer I had serious problems accessing my driveway on Quinsigamond Ave. because of parking issues at this same venue and after repeated complaints and extremely unpleasant encounters with the very rude female manager, finally had to contact corporate. They very kindly put two "no parking" signs on my fence and were to put out three traffic cones by the fence. The cones were put out daily for less than three weeks before it became too much trouble. Despite the wording of the license, I very much doubt that these folks would be responsive to requests to lower volume as the management is left primarily to very young employees.

They have also allowed entry only on Quinsigamond Ave. so turning onto that street from Grand Ave. is often challenging due to an inadequate amount of parking at the cafe.

Last year they often played music outside (with no notification to neighbors) destroying the peaceful enjoyment of our yards, decks and personal outdoor spaces. Also, one of their patrons pulled out on Quinsigamond, turning left onto Grand Ave. and then turning hard left into my yard, destroying my split rail fence and several shrubs and small trees. The implementation of outdoor amplified music will result in far more work for our local police dealing with noise and crowding complaints. This is supposed to be a family cafe, not a neighborhood bar.

Please keep some semblance of peace in our neighborhood and deny this decidedly non-specific license

Sincerely,
Lee and Verts Barnum
455 Grand Ave.
Falmouth, MA 02540
[REDACTED]

Sent from my iPad

Phyllis Downey

From: S. Daniels [REDACTED]
Sent: Sunday, March 1, 2020 4:43 PM
To: Falmouth Selectmen
Subject: Black Dog Heights Cafe Entertainment License Application

To the Board of Selectmen,

We are writing to you to request that you **please deny the entertainment license for "acoustic, low amplified music" to take place on the outdoor patio of the Black Dog Heights Cafe as requested** in their recent application. My wife and I have lived up over the hill on Hope Ave in the Heights for many years. We had to deal with hearing "acoustic, amplified music" a few years ago all the way up the hill on the green from the former Shanty restaurant that used to operate at the same location. It was a nuisance to all Heights residents to hear unwanted music instead of the ocean waves when opening our windows. Think of how you would feel if you left your house to take a walk or walk your dog and it sounded like your neighbor was having an out door party with live entertainment every weekend. That's what it feels like when music is played out doors there. Depending on which way the wind blows, you can hear music from that patio anywhere in the neighborhood. Last summer it was finally peaceful again and the dining experience at the cafe was just fine without any disturbance to the neighborhood. It is upsetting to think that our quaint "quiet" residential neighborhood is again under siege again. We said good by many years ago to the noise and chaos created by past businesses and now value has come back to the Heights with families investing hundreds of thousands of dollars in their family homes...now to be opening their windows to unwanted music and narration noise...during the most precious time of the year. Again, we urge you to deny giving license as requested "out doors" as the noise places much stress on our quiet neighborhood.

Thank you for your consideration.

Stephen and Susan Daniels
4 Hope Ave.
Falmouth, MA 02540

--

S. Daniels | [REDACTED]

Phyllis Downey

From: Kevin Smith [REDACTED]
Sent: Saturday, February 29, 2020 3:43 PM
To: Falmouth Selectmen
Subject: Black Dog Heights Cafe

This letter is in regards to the upcoming entertainment request from the Black Dog Heights Cafe. As a neighboring homeowner I am strongly opposed to this application. Nearby residents should be able to enjoy their homes and yards without being subjected to amplified music. Have not other businesses been required to contain all entertainment sounds within the confines of their building? Others have needed to install soundproofing, double doors, fences...why not this place which has neighboring abutters? Please deny this current application. Thank You.

Kevin Smith
5 Wachusett Ave
Falmouth, Ma

Phyllis Downey

From: [REDACTED]
Sent: Thursday, February 20, 2020 1:22 PM
To: Phyllis Downey
Subject: The Black Dog Entertainment License Application - questions

Dear Phyllis,

I am writing to you as an abutter to The Black Dog Heights Cafe and not in my capacity as a Director of the Falmouth Heights-Maravista Neighborhood Association as our discussion as a board is still in process.

Can you please ask the Black Dog to clarify the following?

1. Hours of Operation:
 - a. "7-3": is this AM or PM?
 - b. "7-3 (off season)":
 - 1) what do they mean by "off season"? Can they please specify dates (e.g. after Labor Day to June 1)?
 - 2) is this specific time request for "7-3" only for "off season" or for all year?
 - c. "6-8": is this AM or PM?
 - d. "6-8 (summer only)": what do they mean by "summer only"? Can they specify dates (e.g. July-August or do they mean the Gregorian calendar definition of "summer" from June 20 – September 22, 2020, or some other dates)?
 - e. Sunday Entertainment - "on occurrence only" (misspelled, quoted here from the application): what do they mean by occurrence? How is or will this be defined? Do they have specific occurrences in mind?
2. MUSIC:
 - a. Amplification System: "yes on occasion (if permitted)". Can they please specify what occasion? How will this be defined? Do they have specific occasions in mind?
 - b. "Guitar": will this be an acoustic guitar or electric? Will there be accompanied singing by the guitarist?

Thank you. I appreciate your attention to this matter.

Paula Lichter
4 Deacons Ave #3
[REDACTED]

Phyllis Downey

From: Robert Maloney [REDACTED]
Sent: Tuesday, March 3, 2020 12:26 PM
To: Falmouth Selectmen
Subject: Request to Deny the Black Dog Cafe's Request for Amplified Music.

To the Falmouth Board of Selectmen

We are writing in regard to the request the Black Dog Cafe made for amplified entertainment in their patio area.

We are year round residents at 19 Crescent Ave, very near the Black Dog Cafe. We, our family and guests frequent the Cafe for food and coffee. But this neighborhood is very thickly settled with houses extremely close to one another. Summer and early fall are a time when people enjoy using decks, patios, and yards or just having windows open. To allow the Black Dog to have amplified entertainment would require all the neighborhood residents to have this noise be a large disruption to their home/yard and quality of life.

The Back Dog patio is small. To amplify their entertainment is not necessary for their guests to hear music but amplified music would be forced on neighbors who do not wish to hear it.

We went through a similar amplified music situation with the Shanty Resturant about 2 years ago. Before the board put restrictions on their license, you could hear the loud music all around our neighborhood.

We are asking the board to seriously consider the feelings of us and other Falmouth Heights residents and deny the Black Dog's request for amplified music. Thank you.

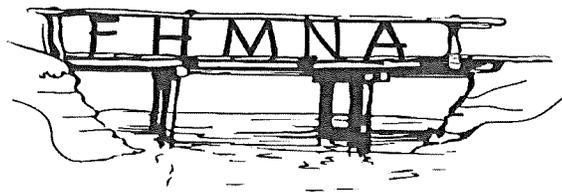
Sincerely,

Bob and Jane Maloney
19 Crescent Ave
Falmouth Heights, MA 02540

Phyllis Downey

From: [REDACTED]
Sent: Tuesday, March 3, 2020 1:43 PM
To: Falmouth Selectmen
Subject: Black Dog Heights Cafe concern regarding outside music

Dear Selectmen, Thank you for all you do for the community. As residents in the neighborhood and quite close to the cafe ,we would like to voice our opposition to the outside music permit requested by the Black Dog Heights Cafe. We enjoy the cafe and the lovely building that it is in. We also enjoy music. The cafe is adjacent to a quiet neighborhood and music outside may impact this quiet neighborhood and the families there. Thank you for your consideration of our concern. Sincerely Mari and Ralph Walkowicz Chapel Park Ave.



Falmouth Heights-Maravista Neighborhood Association

Established 1889

March 2, 2020

Falmouth Selectboard
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Dear Honorable Body:

On behalf of the Falmouth Heights Maravista Neighborhood Association, we wish to express our concerns regarding the entertainment license application of the Black Dog Cafe. We respectfully request your representation to preserve the residential character of the area during your deliberations on March 9, 2020.

Our goal is to promote and support initiatives that make our community an even better place to live. We are contacting you knowing that you share the same passion for and pride in our neighborhoods and will take this dutiful request into consideration at your next board meeting.

FHMNA's Mission is:

- **TO PRESERVE** and improve the residential character of the Falmouth Heights and Maravista neighborhoods.
- **TO PROTECT** and enhance our beaches, parks, estuaries and other public spaces.
- **TO ENCOURAGE** activities that promote civic pride and the healthful and peaceful enjoyment of our neighborhoods.
- **TO PROVIDE** a forum to identify concerns affecting our neighborhoods, make relevant information available to our members, and address areas of concern with appropriate Town bodies.

Unfortunately annual application requests regarding outdoor entertainment causes great stress and anxiety for members of our association. I would, therefore, like to request direction on how to proceed on strengthening the town noise ordinance; to define measure and enforce mutual goals, providing entertainment while also preserving the peaceful environments our homes are within.

We look forward to hearing from the Board and continuing this conversation.

Respectfully submitted,

Debbie Scott
FHMNA CoPresident

Phyllis Downey

From: M Martin [REDACTED]
Sent: Tuesday, March 3, 2020 3:39 PM
To: Falmouth Selectmen
Subject: Black Dog Cafe Entertainment

Follow Up Flag: Follow up
Due By: Wednesday, March 4, 2020 3:30 PM
Flag Status: Flagged

Hi -

I totally support entertainment at the Black Dog Cafe in Falmouth Heights. It will be a great addition to the area.

Regards-
Mary Martin
401 Maravista Ave

Phyllis Downey

From: KEVIN FITZGERALD <[REDACTED]>
Sent: Tuesday, March 3, 2020 4:18 PM
To: Falmouth Selectmen
Subject: Black Dog hearing

Falmouth Board of Selectmen Office
Falmouth Town Hall
Falmouth Ma

Attention Selectmen

My name is Kevin FitzGerald, I live on Maravista Ave, and I am writing in support of Black Dog Tavern's entertainment application. I'm sickened at the continued opposition to this application, as well as so many other applications around town

We all agree that Falmouth is logistically and logically the best town on the Cape for countless reasons. Despite what any town east of Falmouth claims. Apparently they don't mind sitting on Rt 6 every Sunday afternoon in July and August. We no longer listen to their mindless dribble.

Getting back to Falmouth, our town grows to 100,000 residents and tourists every summer for a reason. The Commodores of which I'm a BOD member is another reason.

We offer such a wide range of dining locations it makes it difficult to hit all restaurants in the summer or even during the winter.

People also come for the entertainment, which brings me to the Black Dog's request. They are a valued member of the community, and a constant supporter to countless non profits. We are lucky they call Falmouth their home.

I have attended lunch and dinner in this location under the current management and previous owners. The idea that the music is too loud is ludicrous. the constant drone of traffic in the summer makes it difficult to hear any conversation while sitting outside.

I've seen Black Dog Management go across the street to measure the decibel level.

I need to get more involved in the constant attempts to restrict entertainment in town. I'll never be a townie, although I was born in Boston and lived in the MetroWest area before moving to Falmouth when our kids got out of college. My wife is retiring from FHS and this is our forever home.

We visited the Falmouth "back in the days", and I am sure the constant complainers never enjoyed the night life back in the 60's and 70's. Agreed it was a bit out of control. Today we are going over board with restricting anything new.

Another bonus to living by Nantucket Sound is the extremely reasonable residential tax rate, which is low because the Chamber of Commerce efforts for a active business community. We keep discouraging business's in town we will inherit a more negative reputation

My feelings for the restrictions against Bad Martha's are similar to The Black Dog.

Sincerely
Kevin FitzGerald
198 Maravista Ave
Falmouth "The Cape"
[REDACTED]

Phyllis Downey

From: Jim Shultz [REDACTED]
Sent: Tuesday, March 3, 2020 6:17 PM
To: Falmouth Selectmen
Subject: Black dog

I live across the street from the Black Dog. I have my concerns about what low amplified. I have no problem with the one guitar player as long as the noise is kept low .
Thank you Phillip Shultz

Sent from my iPad

2020

License Alcoholic Beverages

20-1-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To The Station Grill
John Marcellino, Manager

59 Depot Avenue
Falmouth MA 02540

On the following described premises:

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

This license is valid from the 17th day of March 2020 until the 17th day of March 2020, unless earlier suspended, cancelled or revoked.

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

Tuesday, March 17th, 5:00 - 7:00 pm

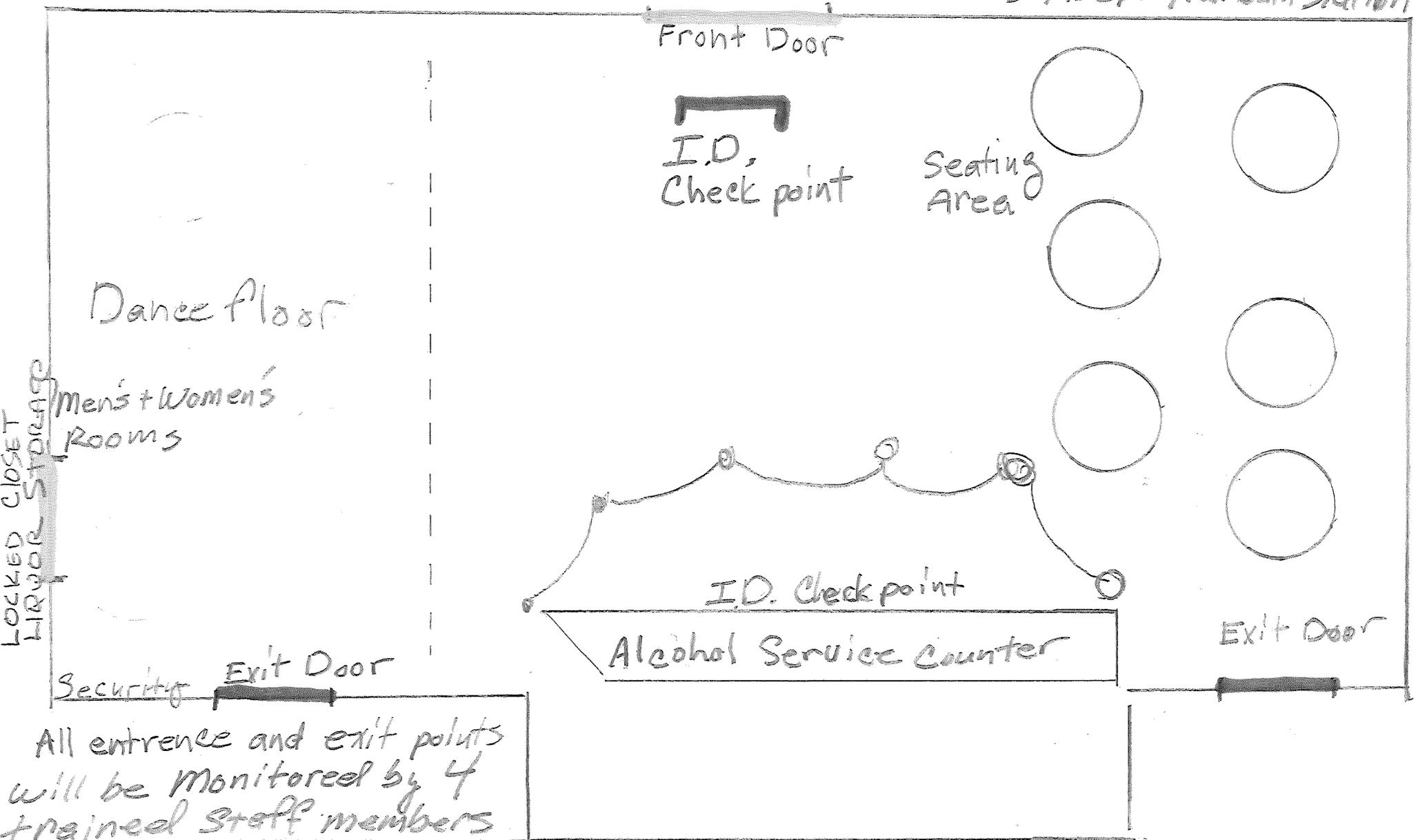
Conditions: 1. Certificate of liquor liability insurance required. 2. Servers must be TIPS certified. 3. Rope or fence off area where alcohol will be sold and consumed. 4. Alcoholic beverages served on the premises must remain on the premises.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 9th day of March 2020

_____	_____
_____	_____
_____	Licensing Board

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

Floor Plan
2020 St. Patrick's Day
Celebration
59 Depot / Falmouth Station



All entrance and exit points will be monitored by 4 trained staff members who will check I.D's and limit alcohol consumption.

Chef John Marcellino
The Station Grill
59 Depot Avenue
Falmouth, MA 02540

February 12, 2020

Town Of Falmouth
Office of the Town Manager & Selectmen
59 Town Hall Square
Falmouth, MA 02540

Dear Selectmen & Selectwomen of Falmouth:

My name is Chef John & I am the owner of The Station Grill located at Falmouth Station. On Saint Patrick's Day of this year we will be hosting a Saints Patty's Day festival to celebrate the culture of our Irish community. This is an afternoon of traditional dance, authentic Irish food, wine & beer and is open to the public. The times of the event will be from 5:00pm-7:00pm. My part of this event is for profit although it is also hosted by the EDIC and The Friends of Falmouth, both non-profits. I will have my full menu along with complimentary corned beef sliders on shamrock rolls.

I am humbly asking for you to grant me permission to serve beer and wine for our festival on March 17th, 2020. I will be TIPS certified and the only person serving alcohol at this event and I will monitor all alcohol consumption. I will have a number of Uber and Taxi services that will be standing by for safe rides home. I understand I will not be granted this license unless I can show TIPS certification.

The number of people attending will be approximately 50-75 people. The EDIC parking lot at The Station is adequate and can accommodate this event.

Alcohol will be secured in a locked storage facility and is designated on the Floor Plan provided. Also on the plan is the roped off area where the serving of alcohol will be provided.

I have hopes that this will become an annual event for all to enjoy for years to come. Please join us.

Respectfully,

Chef John Marcellino

Phyllis Downey

From: Boyd Demello
Sent: Thursday, March 5, 2020 1:54 PM
To: LaPointe, Marc (REG)
Cc: Michael DiGiano; Phyllis Downey; Boyd Demello
Subject: RE: One Time Event 03172020.pdf

Follow Up Flag: Follow up
Due By: Friday, March 6, 2020 7:30 AM
Flag Status: Flagged

Marc,

I went out there today and completed my 304 Inspection as well. I will sign once you forward the fire alarm report. I spoke with the Selectman's Office and I told them I would bring it over.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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

From: LaPointe, Marc (REG) [mailto:marc.lapointe@state.ma.us]
Sent: Thursday, March 5, 2020 1:32 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Michael DiGiano <mdigiano@falmouthedic.org>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: One Time Event 03172020.pdf

Boyd,

I have issued a Certificate of Inspection for Falmouth Station with Occupancy counts which will be posted in public view.
Fire alarm test is being completed tomorrow.
This space is ready for your inspection and signature. When this is completed, could you forward a copy to the town?

Thank you, Marc

Marc LaPointe
District State Inspector
Division of Professional Licensure
Office of Public Safety and Inspections

1000 Washington St. Suite 710
Boston, Ma 02118
Office 617-826-5225
Cell 617-686-1882
marc.lapointe@mass.gov

Phyllis Downey

From: Brian Reid
Sent: Tuesday, February 18, 2020 3:03 PM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: One Day Liquor - Entertainment License- Station Grill

This department has no objection.

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

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

From: Phyllis Downey
Sent: Thursday, February 13, 2020 10:06 AM
To: Falmouth Health Department <health@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>
Subject: FW: One Day Liquor - Entertainment License- Station Grill

My apologies, a Floor Plan was also submitted with the Entertainment application showing where music & dancing will be held, please see attached.

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

From: Phyllis Downey
Sent: Thursday, February 13, 2020 9:43 AM
To: Falmouth Health Department (health@falmouthma.gov) <health@falmouthma.gov>; Rod Palmer (rod.palmer@falmouthma.gov) <rod.palmer@falmouthma.gov>; Timothy Smith (timothy.smith@falmouthfirema.gov) <timothy.smith@falmouthfirema.gov>; Noreen Stockman (noreen.stockman@falmouthma.gov) <noreen.stockman@falmouthma.gov>; Brian Reid (brian.reid@falmouthpolicema.gov) <brian.reid@falmouthpolicema.gov>; Sean Doyle (sean.doyle@falmouthpolicema.gov) <sean.doyle@falmouthpolicema.gov>; Tracey Cecil (tracey.cecil@falmouthma.gov) <tracey.cecil@falmouthma.gov>
Cc: Melinda Rebelo (melinda.rebelo@falmouthpolicema.gov) <melinda.rebelo@falmouthpolicema.gov>; Pamela

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, February 13, 2020 9:49 AM
To: Phyllis Downey
Subject: RE: One Day Liquor - Entertainment License- Station Grill

All set ZBA.
Thank you,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, February 13, 2020 9:43 AM
To: Falmouth Health Department <health@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Tracey Cecil <tracey.cecil@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>
Subject: One Day Liquor - Entertainment License- Station Grill

Good morning,

The Board of Selectmen request your recommendations for the following two applications:

- The Station Grill at 59 Depot Avenue, Falmouth has applied for a One-Day Wine & Malt Beverage License for a St. Patrick's Day Celebration to be held on Tuesday, March 17, 2020 from 5:00 – 7:00 pm.
- The Falmouth EDIC has applied for an Entertainment License for the same event.

The event expects to attract 50 – 75 guests. A narrative description of the event and a Floor Plan showing the roped off alcohol service area and storage are included with the application. Parking for guests is planned for the EDIC - bus station parking lot. The business Owner will be TIPS certified and will be the only person handling alcohol.

May we please request your recommendations by Wednesday March 4th? The Board of Selectmen will review the application at their meeting on March 9, 2020.

Thank you,

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Number:
20-ENT-1 One-

Fee
\$100.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Falmouth EDIC-Falmouth Station
Michael Digiano, Executive Director
59 Depot Avenue
Falmouth MA 02540
is hereby granted this
Entertainment License

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

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

Sunday, March 15th 5:00 - 7:00 pm

Valid from: March 15, 2020

Valid until: March 15, 2020

By order of The Falmouth Board of Selectmen

March 9, 2020

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

Number:
20-SENT-1-On

Fee
\$5.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Falmouth EDIC-Falmouth Station
Michael Digiano, Executive Director
59 Depot Avenue
Falmouth MA 02540
is hereby granted this
Sunday Entertainment License

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

Sunday, March 15th 5:00 - 7:00 pm

Valid from: March 15, 2020

Valid until: March 15, 2020

By order of The Falmouth Board of Selectmen

March 9, 2020

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



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: March 6, 2020

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to relocate 1 utility pole on Brick Kiln Road

A petition was submitted by Eversource to relocate 1 utility pole on Brick Kiln Road approximately 50' from current location to provide service to commercial development.

The Engineering recommendation is to approve the request as submitted on Plan No. 2338425, W/O #2338425, dated 7/31/2019.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

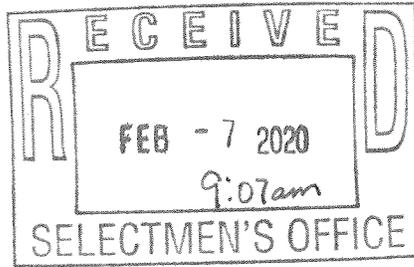
Fax (508) 457-2573

PUBLIC HEARING NOTICE REVISED

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, March 5, 2020, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for the installation of One (1) Joint Pole and the removal of One (1) Joint Pole on Brick Kiln Road, East of Jamie Lane.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, February 14, 2020 Falmouth Enterprise



50 Duchaine Blvd
New Bedford, MA 02745

February 6, 2020

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

Dear Select board:

Enclosed is a petition for **1** proposed joint pole location(s) and the removal of **1** existing joint pole location(s) on Brick Kiln Road in **FALMOUTH**, Massachusetts.

This proposed relocation(s) is required for commercial development. This petition will not require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval.

Very truly yours,

Donna Rosa
Right-of-Way
Representative

DR:dr
Enclosures

PETITION FOR JOINT POLE RELOCATIONS

New Bedford, Massachusetts

FEBRUARY 6, 2020

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

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

request permission to relocate poles, wires, cables and fixture, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:-

**BRICK KILN ROAD, East of Jamie Lane
WO#2338425**

**One (1) Pole#9125/1-E
One (1) Pole
to be removed**

Wherefore they ask that they be granted a joint relocation 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. 2338425 dated, **FEBRUARY 6, 2020**

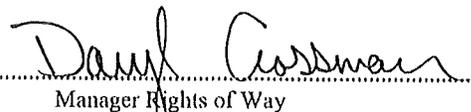
Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarms 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 POLE RELOCATION

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

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

be and they are hereby granted a joint relocation 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 6 day of **FEBRUARY, 2020**.

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. **2338425**, Dated **FEBRUARY 6, 2020** filed with said petition. There may be attached to said poles by said NEW ENGLAND TELEPHONE and TELEGRAPH COMPANY 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 elsewhere.

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

**BRICK KILN ROAD, East of Jamie Lane
WO#2338425**

**One (1) Pole#9125/1-E
One (1) Pole
to be removed**

Also that permission be and hereby is granted to 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 9th day of March, 2020 .

Clerk of Selectmen

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of **FALMOUTH**, Massachusetts on the _____ day of _____ 2020, and recorded with the records of location orders of said Town, Book _____ Page _____.

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

Attest:

Town Clerk

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

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

We hereby certify that on March 5 2020, at 2:00 o'clock, P M., at Town Hall a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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

Selectmen of the Town of Falmouth
Massachusetts

CERTIFICATE

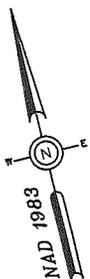
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____ 2020, and recorded with the records of location orders of said Town Book, _____, Page _____.

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

Attest:

Town Clerk

Plan to accompany petition of EVERSOURCE ENERGY to relocate JO-ES pole #9125/1-E 50' west of present location for commercial development.



34 05 002 003
127 BRICK KILN RD
CAHOON, MARK R

34 05 003 002
BRICK KILN RD (NO ADDRESS #)
NORTHSTAR PLACE LLC

APPROX. R.O.W.

PROPOSED
9125/1-E
(JO-ES)

APPROX. 124'
TO JAMIE LN

9125/1-E (JO-ES)

EDGE OF ROAD

50'

BRICK KILN RD

EDGE OF ROAD

SIDEWALK 9125/1-D (JO-ES)

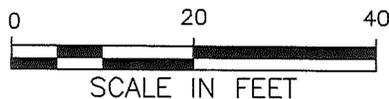
APPROX. R.O.W.

34 04 049 008
4 WYNDLEA CIR
STONE, RICHARD A

34 04 048A 001A
124 BRICK KILN RD
DAVIES, NONI

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- ⊕ Riser Pole



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MASS. LAW

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

Plan #	2338425	
Ward #		
Work Order #	2338425	
Surveyed by:	-	Plan of BRICK KILN ROAD
Research by:	PG	FALMOUTH
Plotted by:	PG	Showing PROPOSED POLE RELOCATION
Proposed Structures:	TL	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date JULY 31, 2019
P#	SHEET 1 of 1	Revised: FEBRUARY 06, 2020

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



Julian M. Suso
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

February 11, 2020

Dear Mr. Suso,

Congratulations to the Town of Falmouth on being selected as a final installation site in Expedition Blue. Over the past several months we have been working collaboratively with Town officials (see cc: list at the end of this letter) to site an installation in Falmouth. The site that has been identified is 180 Scranton Avenue.

Expedition Blue is a network of sites in the Cape Cod region showcasing how water anchors our landscape, powers our economy, and inspires our future. A key component of the overall Cape Cod Blue Economy Project, Expedition Blue builds awareness of the past, present and future of the Blue Economy in our region, connects the broad regional interests and offerings of Blue Economy sectors and appeals to a wide audience of educators, visitors, locals and special interest groups. The project includes a physical installation of exhibits in each location. Some components of that installation will be uniform across the networks, while others will be customized to fit the story be told at each particular site. Each site will be unique with a particular blue economy focus (a sector and/or a work topic) which will tie it back to the Cape Cod Blue Economy Action Plan.

Each Expedition Blue installation will be funded by the Cape Cod Chamber of Commerce's Seaport Economic Council grant and will be at no cost to the Towns. For more detailed information on the Expedition Blue project, please visit <https://www.bluecapecod.org/expedition-blue/> and the associated Town Partner Portal. The Town has submitted a Site Selection Worksheet to nominate sites and Blue Stories. Following that, the Expedition Blue Project Team has visited and worked with your staff on an optimized site plan, and your site has been selected as a potential finalist location. We encourage you to view the slide deck on the Town Partner Portal to get a more detailed look at the project and design. Please see the enclosed Attachment A for a quick primer on Expedition Blue.

In order to facilitate movement to the final community list and have the final design, site plan and construction documents prepared, we are asking each Town to sign and return the attached Letter of Commitment by March 15, 2020. Please return the completed form to Bert Jackson at Bert@capecodchamber.org.

We are excited to continue our partnership on this exciting project. Please do not hesitate to contact Bert Jackson, Director of Community Engagement at Bert@capecodchamber.org or Leslie-Ann McGee, CCBEF Program Manager at leslie-ann@capecodchamber.org with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "LAMcGee".

Leslie-Ann McGee
Manager, Cape Cod Blue Economy Project & Expedition Blue

Cc: Megan English-Braga, Chair, Board of Selectman
Tom Bott, Town Planner

EXPEDITION BLUE PROJECT - LETTER OF COMMITMENT

February 11, 2020

Return completed form by March 15, 2020 to Bert@CapeCodChamber.org

By signing this Letter of Commitment, the Town, and its agents, named below agree to the to the following conditions:

1. Agree to participate in the Expedition Blue Project as fiscally managed by the Town of Barnstable and administered and executed by the Cape Cod Chamber of Commerce. Participation includes agreement to allow the Cape Cod Chamber of Commerce to design and install an Expedition Blue network node on publicly owned land as identified in the information below in your community.
2. Agree to secure at no-cost to the Chamber of Commerce, all required permits (local, state and federal, as necessary) for the designed installation prior to April 15, 2020. All design and construction documents will be supplied by the Cape Cod Chamber of Commerce to the Town for your use in permitting.
3. Agree to delegate construction and installation procurement and related requirements to the Cape Cod Chamber of Commerce, with oversight from the Town of Barnstable as the fiscal agent, as part of the entire Expedition Blue Project.
4. Agree to provide necessary and requested information to complete design and construction plans to the Cape Cod Chamber of Commerce as the project executive.
5. Agree to sign a Gift Agreement one week prior to construction on or about November 15, 2020 to convey the Expedition Blue installation to the Town at no-cost but with required limited maintenance as outlined in the forthcoming Agreement for a term of 25 years.
6. Agree that the installation will be located on the publicly-owned site noted below.
7. Agree that the intention of this project is to complete construction and launch of the network prior to December 31, 2020 but that this date may be extended as late as June 30, 2021 due to unforeseen delays and weather.

Town Name: FALMOUTH

Site Name: 180 Scranton Avenue

Name of Person Completing the Form: _____
(Must be Lead Town Executive or Board of Selectman/Select Board Chair)

Title: _____

SIGNATURE: _____

DATE: _____

Appendix A



EXPEDITION BLUE PROJECT DESCRIPTION

Expedition Blue will create a network of interconnected sites across the region where participants can learn and experience everyday activities that tie our maritime heritage to the modern blue economy. In all aspects of life, Cape Cod, the Islands, and Southern Plymouth County (Region) are “all about the water.” The region is making a concerted effort to grow its economy in a sustainable and balanced way, while focusing on protecting and promoting its water and coastal resources. This project will provide an opportunity to connect visitors, students and residents with the important role of water-based industries in the region’s success and identity.

More than a collection of roadside plaques or kiosks, this project proposes story telling through an “expedition” that will encourage discovery and participation in a larger narrative of blue economy, and a more deliberate way of seeing the region’s timeless ties to water resources, the intersection of our environment and economy, as well as its importance to a modern economy. Installations, or “activators”, will be built as a scalable kit of parts depending on site, program, and budget. The components will be prefabricated, minimizing the amount of intensive site development, disturbance of partner operations and permitting, while maximizing the quality of construction and value.

The network will be tied together with an interactive, mobile-responsive website that supports the stories that create the sense of place, and allows for an evolution of the narrative as each site develops its own blue economy history.

To support Expedition Blue, the design takes the form of installations or “activators”, constructions with a more substantial presence for gathering, interpreting, engaging the places and people critical to the regional economy. While the activators may use traditional techniques of kiosks, graphics and small attractions, the aim is to extend knowledge into experience through the combination tools (architectural place-making, wayfinding, interactive digital tools) that encourage a deeper experience of the blue sectors of the economy. The activators will combine well-known regional sensibilities of a relaxed, accessible, picturesque approach, with the modern traits of the blue economy; resourcefulness, intelligence, flexibility, and balance with the environment. We propose a scalable kit of parts that can be experienced together for independently to provide a regional storytelling platform. Sizes and intensities of activator components can be matched appropriately with the importance, size and budget appropriate to each site. Activators can be as small as an explanatory graphic which delivers the key concepts of the blue economy or as large as a semi-enclosed deck to host larger groups for more intensive occupation.

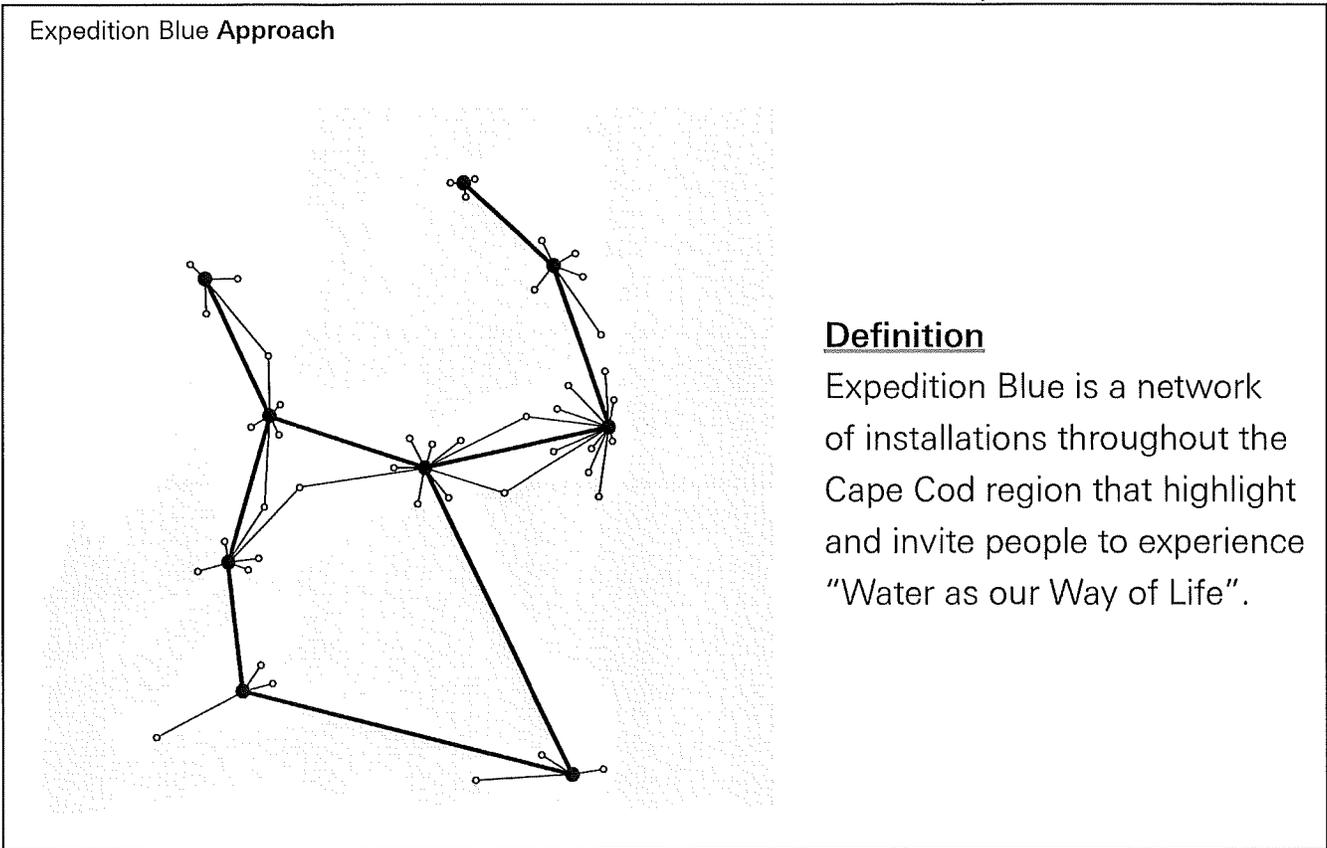
Successful completion of this project for the Cape Cod Region will include the following activities:

- Site and Partner Selection
- Community Engagement

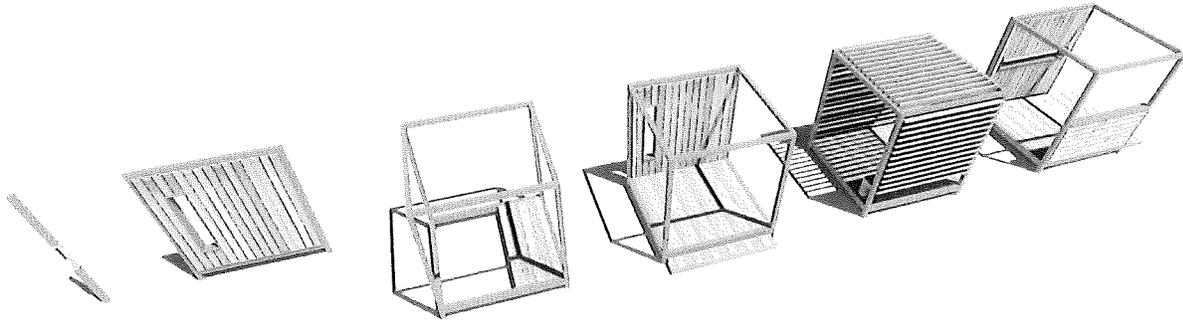
- Initiate installation design
- Develop installation design and costs
- Match-up Installations with sites/partners
- Fabricate, deliver, and install
- Promotion, media, marketing

This collaboration builds on an existing partnership between Barnstable, as Cape Cod's largest municipality, and the Cape Cod Chamber, as a regional advocate for a sustainable economic and environmental health. We are excited to bring this new asset to the Commonwealth's citizens and visitors.

GENERALIZED DESIGN PARAMETERS AND VIEWS (NOT FINAL; SITE CONFIGURATION AND COMPONENTS SPECIFIC TO EACH LOCATION):



Module Overview



XXS extra-extra small

- 8' tall 4x4 wood post
- "viewport"
- Interpretive text on metal collar
- 3' of pole is below grade
- direct-buried with no foundation required

XS extra small

- Interpretive panel with room for signage, maps, etc...
- tall window

S4 small, option 4

- open frame
- partial deck for sitting
- large frames allow for interpreting objects above, below and horizontally

S3 small, option 3

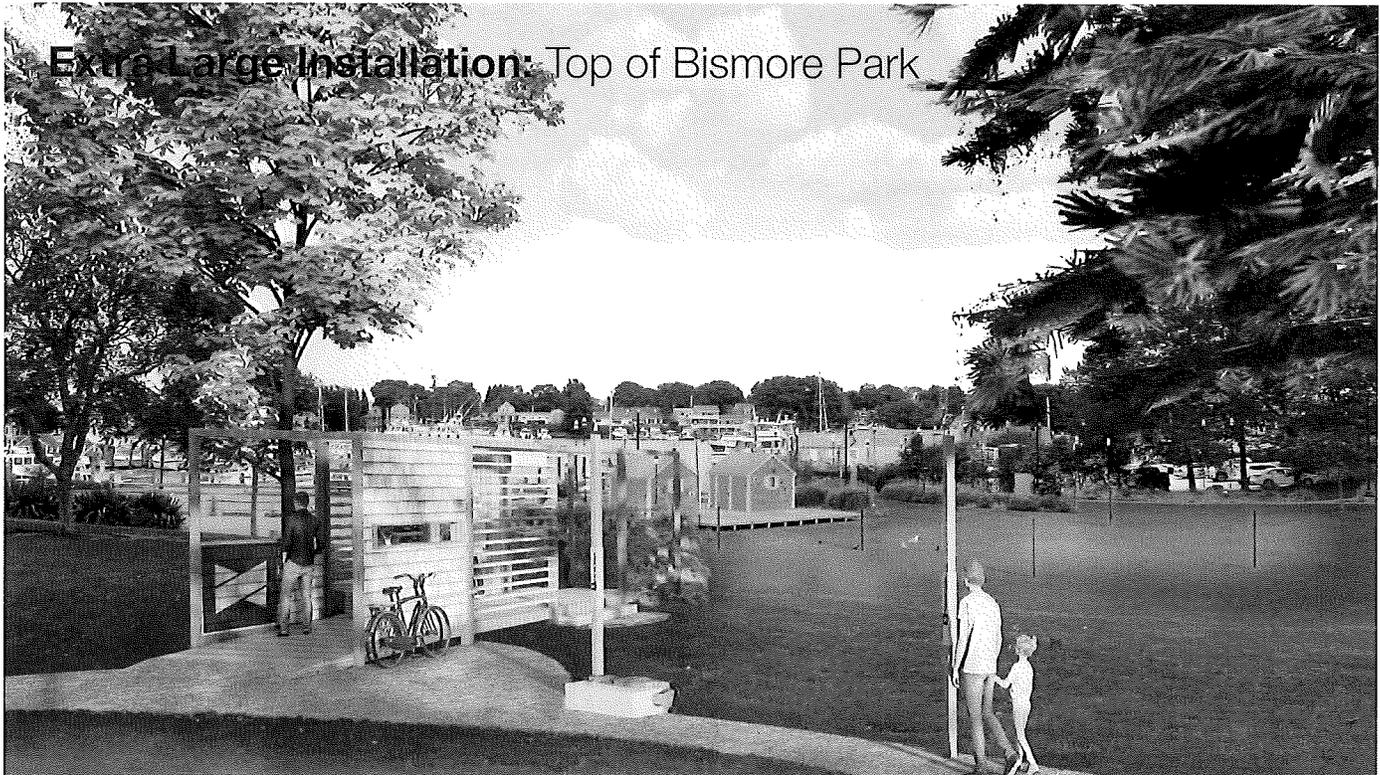
- Interpretive panel with room for signage, maps, etc...
- tall window
- large frames allow for interpreting objects above and horizontally
- 6" step to provide "front stoop" to the porch

S2 small, option 2

- slatted roof and walls provide shade and privacy
- slats form a series of "strata" or "horizons" for viewing different layers of the surroundings.
- 8' long bench
- Interpretive text as captions on wood structures

S1 small, option 1

- low wall and high wall provide space for interpretation and graphics and artifacts
- 1:20 sloped platform to allow ADA access
- long, low window for landscape



Extra Large Installation: Top of Bismore Park

The Friends of The Falmouth Senior Center

300 Dillingham Avenue, Falmouth, MA 02540
Phone: 508-540-0196

February 27, 2020

Mr. Julian Suso, Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Mr. Suso,

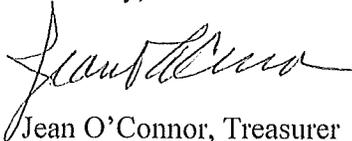
The Friends of the Falmouth Senior Center have received donations over the years to support the new Senior Center Building project. We also were awarded a \$75,000.00 grant from the Road Race Philanthropy Program specific to the purchase of wellness and fitness equipment for the new Senior Center.

Our building fund purpose was to help enhance the furniture, fixtures, equipment and interior décor of the facility. Here is an outline of the items for a value of \$142,000.00.

- Fitness Equipment
- Pool Table/Ping Pong Table and Accessories
- Game Tables
- Coffee Table and Console Cabinet
- Glass Artwork
- Misc Artwork
- Misc Décor items
- New Center Professional Videos

Please accept these items as a donation to the new Falmouth Senior Center.

Sincerely,



Jean O'Connor, Treasurer
Friends of the Falmouth Senior Center

MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding ("MOU") of November 25, 2019 by and between the Town of Falmouth, MA, a municipal corporation duly established with an address of 59 Town Hall Square, Falmouth, MA 02540 (the "Town") and Cape Cod Baseball League, Inc., a duly organized Massachusetts corporation with a principal office at 14 Elisha's Pond Drive, Yarmouth Port, MA 02675 (the "League") and the Falmouth Baseball Club, Inc. a duly organized Massachusetts corporation with a principal office at 790 Main Street, Falmouth, MA 02540 (the "Club").

This MOU between the Town and the Club establishes a working agreement between the two parties concerning the use of the baseball field, dugouts, press box, bleachers, Ray Paltz Building, facilities adjacent to back gate, batting cage, concessions building, locker room areas in the Community Center and storage trailer at the Guv Fuller Field (hereafter collectively, the "Baseball Facilities"). The Baseball Facilities encompass an area comprised of approximately 7 acres and is located on a portion of town-owned property located between Dillingham Avenue and Main Street in Falmouth and is shown on Assessor's Map as 39-21-001-000 (the "Premises").

The Premises is under the care and control of the Board of Selectmen, is comprised of approximately 13.4 acres, and is more particularly described in Certificate of Title No. 653, recorded with the Land Registration Office of the Barnstable Registry of Deeds in Book 3, Page 153. The Premises includes a number of public facilities used for a number of purposes, including the Baseball Facilities; the Ray Paltz Building; the Gus Canty Community Center; and the Falmouth Police Department. The "Baseball Facilities Area" is shown on the attached aerial photograph entitled "Fuller Field Photo" (the "Aerial Photo"). A copy of the Aerial Photo is attached as Exhibit A.

Use of the Guv Fuller Field ("Fuller Field") is enjoyed by a number of public and private groups, including without limit (provided alternative and permanent sites have not been secured), the Falmouth High School ("FHS") baseball teams, the Babe Ruth Baseball League, the Cranberry League, the Senior League, AAU baseball teams, and the Cape Cod Baseball League. The Town gives priority to use of Fuller Field to the FHS baseball team during the corresponding High School baseball season. Additionally, beyond the FHS baseball season, the Falmouth Commodores shall have priority during the summer CCBL season.

The Club is one of ten collegiate summer baseball teams located on Cape Cod as part of the CCBL. The Club follows the rules of the CCBL and National Collegiate Athletic Association (NCAA) and the level of play enjoyed by the Club is often considered the equivalent of high-A Minor League Baseball.

The Board of Selectmen gratefully acknowledges the role the Club has played in providing high-quality baseball entertainment to the citizens of Falmouth since the early 1900's. The Board of Selectmen also gratefully acknowledges that since the Club has been authorized to use the Baseball Facilities, it has contributed to the maintenance and improvements of the Baseball Facilities.

The Club gratefully acknowledges the generosity of the Town in authorizing their use of the Baseball Facilities free of charge since about 1964, and gratefully acknowledges the sacrifices made to accommodate the Club's program by reducing or eliminating use of the Baseball Facilities on a number of occasions by other deserving groups.

The parties recognize the need to memorialize the rights and responsibilities regarding their, heretofore, informal relationship. The parties agree to the following rights and responsibilities:

- a. The Town authorizes the Club to use the Baseball Facilities during the times listed on the Falmouth Commodores website under 'Schedule'. Said link is provided on Exhibit B (the "Baseball Season").
- b. The Town will pay all water costs required to maintain the baseball field; the Club will pay its proportionate usage of electricity for night lighting.
- c. The Club has been provided a code that allows it to turn on electricity at the Baseball Facilities, including without limit, electricity for field lights, Press Box, dugouts and, when applicable, a concession stand. All electric usage logged on the Club's code is metered. Monthly invoices shall be sent to the Club for such electric usage. The Club shall pay all invoices within 30 days' receipt.
- d. The Town authorizes the Club, their agents, and members of visiting teams to use the locker room areas and restroom facilities at the Community Center. The restrooms shall also be available to Club patrons. A custodian must be present whenever the Community Center is open. The Town shall maintain custodial services at the Community Center Monday through Friday (except holidays) 8:00 a.m. – 9:00 p.m., and Saturday 8:30 a.m. – 5:00 p.m. (the "Public Hours"). The School Department shall provide custodial services for all games held after Public Hours. The Club shall be responsible for the cost of custodial services at the Community Center for all games held after Public Hours.
- e. For all games held after Public Hours, the Town will provide an agent who mans the desk at the Community Center. The Club shall be responsible for payment of said agent manning the desk at all times outside of Public Hours. The fee is \$30.00 per hour or part thereof. The estimated seasonal bill for services is \$1,800 — \$2,000.
- f. The use of the Baseball Facilities area by the Club shall be limited to the Falmouth Commodores baseball games authorized by the Falmouth Commodores Schedule (see Exhibit B), including any subsequent Playoff Games. No fee shall be imposed for such recreational use.
- g. The Club shall have the right to conduct youth baseball clinics for a six-week period during the Baseball Season. The Club shall carry liability insurance to cover this activity.
- h. The Club shall have the right to use the locker room areas located in the Community Center for the duration of CCBL season. The Town shall present the locker room in clean and workable condition at the start of the season. The Club shall clean the locker room on a regular basis during the season and return the locker room in the same condition as it was presented to the Club.
- i. The Town, acting through its Recreation Department and Department of Public Works (DPW), prepares the baseball field for the FHS teams and other Town-sponsored uses, as well as for the Club during the CCBL season, which preparation requires weekly mowing and routine maintenance for the turf and related facilities.

- j. The Town agrees that no other event be scheduled at the Baseball Field that would interfere with a scheduled CCBL baseball game or practice. The Town will be mindful of parking limitations when scheduling activities at adjacent municipal facilities during scheduled baseball games..
- k. The Town will take reasonable measures to prevent other teams or events using the playing surface during the CCBL Baseball Season from altering, damaging, digging up or otherwise marring the area, especially around home plate and pitcher's mound, where expensive material is used daily to maintain condition.
- l. The Town agrees to perform additional maintenance and projects, as funding provides, as needed prior to and during the CCBL Baseball Season as described in Exhibit C. If any of the terms outlined in Exhibit C conflicts with the terms of this MOU, the terms of this MOU shall govern.
- m. The Club agrees to perform additional maintenance work at the Baseball Facilities as needed during the Baseball Season as described in Exhibit D. If any of the terms outlined in Exhibit D conflicts with the terms of this MOU, the terms of this MOU shall govern.
- n. Improvement projects to the baseball facility being planned are described in Exhibit E, which may commence during the term of the MOU. These improvements constitute a gift to the Town, which will be accepted by vote of the Board of Selectmen. It is understood that these improvements will become covered under the Town's property insurance policy for any insurable losses or claims.
- o. The Town grants the Club access to the Baseball Facilities and the Premises for the purpose of exercising its rights and performing its obligations hereunder. However, installation of any structure, fixture or appurtenance and the language on any signage shall require the prior written approval of the Town Manager or his/her designee.
- p. The Recreation Department Director shall be the liaison between the Club and the Town.
- q. The Town authorizes the Club to enter into a license agreement with a third party for the purpose of providing concessions during Club games, contingent upon such concessionaire obtaining all necessary state and local permits, including without limit, a food service license from the Falmouth Board of Health, and compliance with all applicable laws. Any such contract with the concessionaire shall state that the Town is not a party to the license; that the Club and the concessionaire agree to indemnify and hold harmless the Town for any liability relating to the concessionaire's activities; and shall require liability insurance naming the Town as an additional insured.
- r. The Club shall not permit any mechanics liens, or similar liens, to remain upon the Premises for labor and materials furnished or claimed to be furnished in connection with work of any character performed or claimed to have been performed at the direction of the Club, and the Club shall cause any such lien to be released of record forthwith without cost to the Town.

- s. During the exercise of the rights hereby granted, the Club shall at all times conduct itself so as not to unreasonably interfere with the operations of the Town, and to observe and obey applicable laws, statutes, bylaws and regulations and permitting or licensing requirements. The Club shall comply with reasonable rules and regulations issued by the Town.
- t. The Club agrees that any contractor engaged to perform work at the Premises on behalf of the Club shall carry liability insurance naming the Town as an additional insured in amounts reasonably satisfactory to the Town and workers compensation insurance as required by law.
- u. The Club, either in its own right or through the league, shall carry liability insurance naming the Town as an additional insured in amounts reasonably satisfactory to the Town and workers compensation insurance as required by law.
- v. The Club and the League agree to indemnify and hold harmless the Town from any liability relating to any activities at the Premises related to this MOU; and
- w. Title to all appurtenances, structures and fixtures installed at the Premises shall vest in the Town.

Term

This MOU shall be effective for an initial term expiring December 31, 2020. The MOU may be renewed by mutual agreement for up to three (3) additional one-year terms. The parties agree to meet prior to the expiration date to review the MOU.

Termination

Either party may terminate this MOU without cause after the end of the 2020 Baseball Season.

Modification and Amendments

Modification and amendments to this MOU shall be in writing and duly executed by the parties hereto to be effective.

No Estate Created

This MOU shall not be construed as creating or vesting in the Club, or any other party, any estate in the Premises or portion thereof, but a limited right of access for the purposes as hereinabove stated.

Executed this ___ day of _____, 2019, in triplicate, each considered an original.

Town of Falmouth, by:

Julian M. Suso, Town Manager

Cape Cod Baseball League, Inc. by:



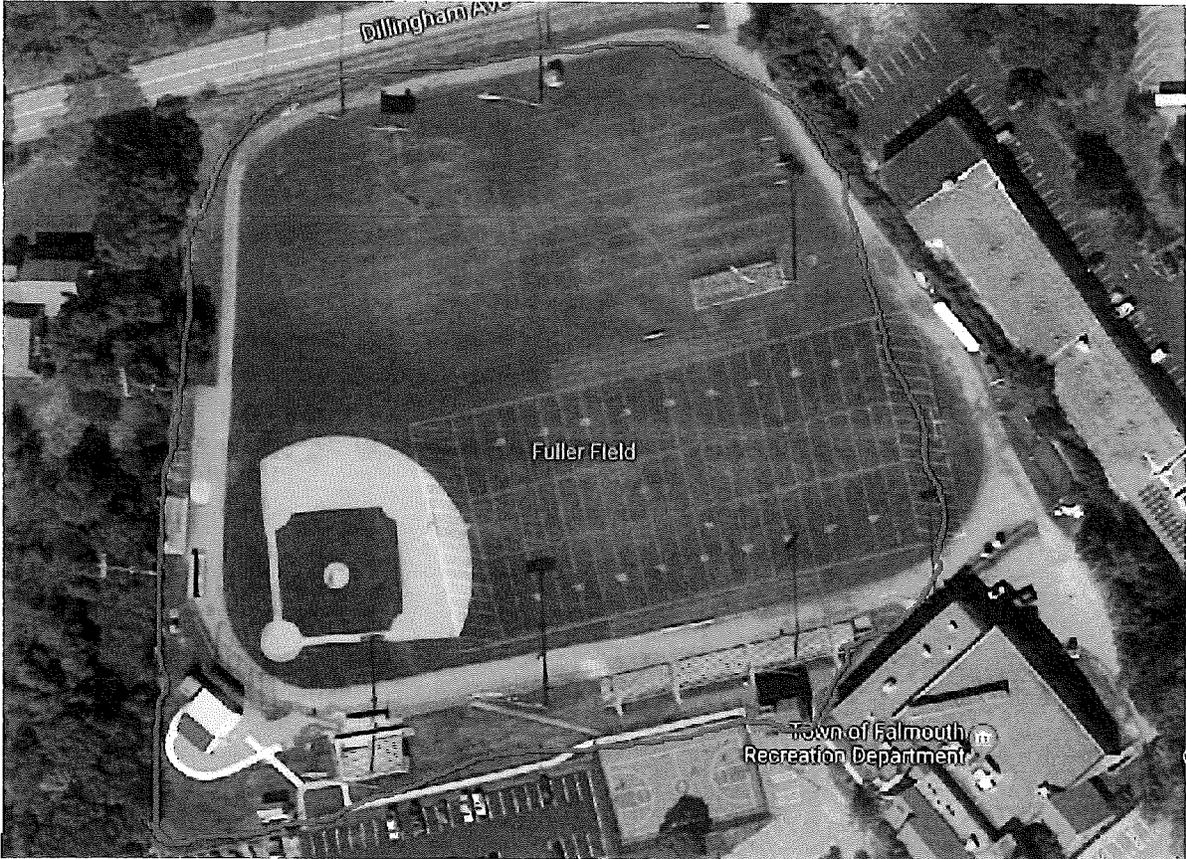
Chuck Sturtevant, President

Falmouth Baseball Club, Inc. by:



Rob Gillis, Vice President

Aerial Photo Page - Exhibit A



Falmouth Commodores Schedule - Exhibit B

The schedule for the Falmouth Commodores season can be found at the following link:

FalmouthCommodores.com/schedule/

The season runs from approximately June 10 to August 15 each year.

Town Responsibility for Maintenance/Repairs – Exhibit C

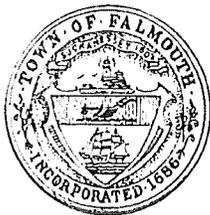
1. Subject to available funds, the DPW will erect protective netting or a barrier between the Baseball Facilities and the police impound lot to stop foul balls.
2. The DPW will inspect dugout steps and bench areas prior to start of the baseball season for damage/safety and make necessary repairs.
3. The DPW will inspect football and baseball bleachers for damage/safety prior to the start of the baseball season and advise the School Department of any repairs required to address code requirements or safety concerns, including the home and visitors' dugout stairs.
4. The DPW will inspect the roof of the Press Box Building, Ray Paltz Building, and Concessions Building for water/storm damage and make the necessary repairs if needed.
5. The DPW will provide seasonal mowing/trimming of all patrons seating areas and home/visitors bleachers, as well as trimming of fencing surrounding the facility.
6. The DPW will prepare/repair field of play prior to the start of the season and will maintain the outfield fence.
7. The DPW will inspect the irrigation system prior to the start of the season and will make the necessary repairs if needed. The sprinklers hitting the scoreboard will be redirected to avoid contact with the scoreboard.
- 8.
9. The ice machine purchased by the Club in the spring of 2018 was installed by the Town in the locker room area of the Community Center to be used by the Recreation Department, Falmouth High School teams and the Falmouth Commodores. As agreed to by the Town, regular maintenance and repairs will be completed as needed to ensure its longevity.
10. The vertical lift, required by the Americans with Disabilities Act (ADA), was installed in June 2018 in the Eric Palmer Building. The lift was funded by a CPA grant approved at the April 2018 Town Meeting and will be maintained by the Town.

Club Responsibility for Maintenance/Repairs – Exhibit D

1. Clean the general field area immediately before, during and immediately after the season.
2. Prepare and maintain the field of play for Club practice and games during the season.
3. Post restroom signs for teams and general public.
4. Install and maintain sound system at the field for game broadcasts.
5. Clean both dugouts.
6. Cover the pitcher's mound and home plate areas.
7. Purchase, maintain, and store all equipment and supplies required for field maintenance during the season.
8. Hang and maintain sponsor banners on outfield fencing, walkway fencing and other Baseball Facilities.
9. Place picnic tables during the season in the grassy area behind the Press Box and in front of Concessions Building.
10. Maintain and store all baseball-related equipment used during the season.
11. The engraved brick patio installed in the spring of 2019 along the southeast side of the Eric Palmer building will be maintained and expanded in the future.
12. Prior to the 2020 Commodore season, the Club will install a system of protective netting for the scoreboard to protect the digital panels and solar panels.

Joint Improvement Projects – Exhibit E

1. Subject to available funds, the Town will oversee installation and maintenance of concrete pathways, handicap pads, and rails necessary to access the lift and the new ADA-compliant visitors bleachers behind the third base line funded by a CPA grant approved by Town Meeting in April 2018. (Planned Fall 2020)
2. Subject to available funds, the Town will oversee removal of existing dugouts and the replacement with ADA-compliant dugouts funded by a CPA grant approved by Town Meeting in April 2018. (Planned Fall 2020)
3. Subject to available funds, the Town will oversee replacement of the backstop with safety netting and poles, to improve fan safety, funded by a CPA grant approved by Town Meeting in April 2018. This will also include construction of a brick and concrete wall behind the home plate area and additional fencing as proposed in the CPA Grant (Planned Fall 2020)
4. Subject to available funds, the Town will oversee removal of the existing visitors bleachers behind the third base line and replacement with new ADA-compliant bleachers funded by a CPA grant approved by Town Meeting in April 2018. (Planned Fall 2020)



Falmouth Police Department
Chief Edward A. Dunne

March 6, 2020

Ms. Meghan English-Braga, Chairman
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Subject: Acceptance of Grant Funding \$1,300.00 (2020 Funding)
MED – Project LLC Grant Program – Application Approval Notice
Budget period: N/A
Award Date: February 15, 2020

Dear Board of Selectmen:

We have been designated to receive state grant funds in the amount of \$1,300.00 to be expended on overtime, boxes, liners, and the disposal of the medicine.

Enrollment in MED-Project's Program was open to all Law Enforcement Agencies within the Commonwealth of Massachusetts to apply and receive grants for the collection and disposal of unwanted household medications.

Kiosk and Funding Grant: A fully assembled unwanted medicine kiosk with signage will be provided free of charge. Plus, an annual funding grant of \$1,300 to pay for the disposal of unwanted household medicine where the Law Enforcement Agency will manage the disposal via Law Enforcement Staff. To receive annual funding we would need to apply each year in the month of February.

Please formally accept this grant at your next scheduled meeting.

Thank you in advance for your attention to this matter.

Sincerely,

Edward A. Dunne
Chief of Police

Enclosure: Application Approval Notification
Backup documentation explaining the program

March 5, 2020

SENT VIA ELECTRONIC MAIL

Falmouth Police Department
750 Main St.
Falmouth, MA 02540

Re: MED-Project Grant Program – Application Approval Notification

Dear Chief Dunne,

MED-Project is pleased to inform you that your 2020 kiosk and funding grant application for collection and disposal of unwanted medicine is approved.

Please contact Brad MacDonald, Northeast Regional Director for MED-Project, at bmacdonald@med-project.org, with any questions concerning the kiosk and funding grant award.

Sincerely yours,



Dr. Victoria Travis, PharmD, MS, MBA
National Program Director

MED-Project™

Medication Education & Disposal

Law enforcement agencies interested in hosting a kiosk are invited to visit the "Apply for a Grant" page on our website at www.med-project.org or call us at 1-(833) MED-PROJECT.

Enrollment in MED-Project's Program is now open to all Law Enforcement Agencies ("LEAs") within the Commonwealth of Massachusetts to apply and receive grants for the collection and disposal of unwanted household medications.

LEAs may choose from one of three options as described below:

Option 1 – Funding-Only Grant

- An annual funding grant of \$1,300 in support of the LEAs existing program for an unwanted household medicine collection kiosk at the LEA site.

Option 2 – Kiosk and Funding Grant

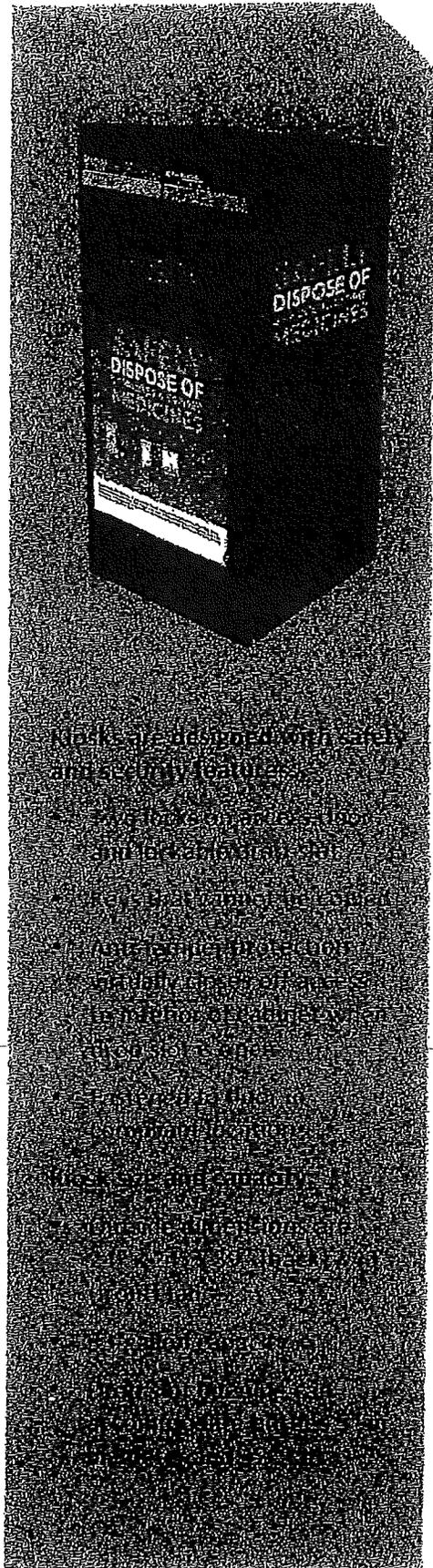
- A fully assembled unwanted medicine kiosk with signage will be provided free of charge.
- Plus, an annual funding grant of \$1,300 to pay for disposal of unwanted household medicines where the LEA will manage the disposal via LEA staff.

Option 3 – Service Grant

- MED-Project will fund up to 12 unwanted household medicine collection box and liner kits per year.
- Box and liner shipping and disposal is included in the service grant.
- LEAs may request additional box and liner kits by entering into a separate self-paid agreement with the vendor.

LEA Collection Site Responsibilities Include

- Provide proper placement of the collection kiosk according to Drug Enforcement Administration ("DEA") requirements.
- Ensure proper operation of the kiosk, such as periodic monitoring to determine when it is full; removing and replacing the inner box and liner; contacting carrier to arrange for pick-up; and secure storage of liner until carrier retrieval.



Kiosks are designed with safety and security features.

Kiosks are available in multiple sizes to fit your needs.

Kiosks are available in multiple colors to match your environment.

Kiosks are available in multiple finishes to match your environment.

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Kiosks are available in multiple finishes to match your environment.

MORGAN LYNCH 2193932263

grants will be renewable each year provided a new complete application is submitted.

OR

Option 3 (Service Grant):

MED-Project will fund up to 12 unwanted household medicine collection box and liner kits per year. All box and liner shipping and disposal is included in the service grant. LEAs may request additional box and liner kits by entering into a separate self-paid agreement with the vendor. To qualify for the service grant the LEA will operate an unwanted household medicine collection kiosk, and package and ship full unwanted household medicine collection kiosk boxes and liners to authorized disposal facilities.

We anticipate that there will be many questions about this program. One of our goals is to assist interested and eligible sites in participating in the Program by making this process as streamlined as possible.

If you are interested in learning more about participating and receiving either a funding grant or service grant to support the collection and disposal of unwanted household opioid and/or benzodiazepine medications, please go to our website at www.med-project.org/massachusetts and fill out a Grant Application form by clicking on the link in the upper right corner of the web page. If you have further questions, please call us at 1 (833) MED-PROJECT or 1 (833) 633-7765.

Thank you for your interest,



Dr. Victoria Travis
National Program Director

GRANT USE

OT YES

BOXES YES

LINERS YES

NARCAN NO

SEND TO DEA YES/NO/CHG

NO RECEIPTS NEEDED

May 9, 2019

All Law Enforcement Agencies within the Commonwealth of Massachusetts

The Commonwealth of Massachusetts approved the Product Stewardship Plan submitted by MED-Project LLC for the management and disposal of unwanted household generated opioids and benzodiazepine medications as regulated by the Massachusetts Department of Public Health in accordance with M.G.L. c. 94H Drug Stewardship Program (the "Program"). This letter is notification of the opportunity for your organization to participate in the State of Massachusetts authorized Program and receive grants for the collection and disposal of unwanted household medications. This Program is supported by the National Association of Drug Diversion Investigators ("NADDI").

MED-Project will provide annual grant programs for the purpose of supporting Law Enforcement Agencies ("LEAs") collection and disposal of household unwanted medicines, including opioid and benzodiazepine medications. The grant program will support any one of three different options per site. LEA's may choose from one of three options as described below:

Option 1 (Funding-Only Grant):

MED-Project will provide an annual funding grant of \$1300 in support of the LEAs existing program for unwanted household medicine collection kiosk at the LEA site where unwanted medicine is collected and subsequently disposes of at a disposal site. The purpose of this grant is to pay for disposal of unwanted household medicines where the LEA will manage the disposal via LEA staff. MED-Project will provide \$1300 to LEAs who submit a complete application by July 1. Any complete applications received after July 1 will receive \$650. Funding grants will be renewable each year provided a new complete application is submitted.

OR

Option 2 (Kiosk and Funding Grant):

MED-Project will provide an unwanted medicine kiosk and an annual funding grant of \$1300. The purpose of this grant is to pay for disposal of unwanted household medicines where the LEA will manage the disposal via LEA staff. Any complete applications received after July 1 will receive \$650. Funding



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

COMMONWEALTH OF MASSACHUSETTS

The Town of Falmouth

Paul Grunden
115 Scranton Avenue
Falmouth, MA 02540

We, the Selectmen of the Town of Falmouth by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you

**MEMBER – TRANSPORTATION MANAGEMENT COMMITTEE
COMMISSION ON DISABILITIES REPRESENTATIVE**

TERM – UNTIL JUNE 30, 2020

Given at FALMOUTH this 9th day of MARCH, 2020

Please present this appointment to the Town Clerk to be sworn into the office of which you have been appointed in order to validate the appointment.

Megan E. English Braga

Douglas C. Brown

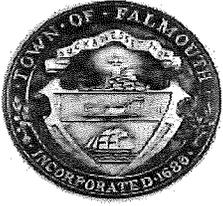
Douglas H. Jones

Susan L. Moran

Samuel H. Patterson

RECORDED _____ 2020

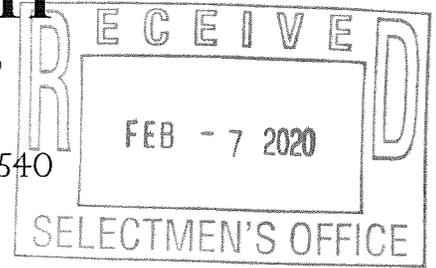
ATTEST _____ TOWN CLERK



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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



MEMORANDUM

To: Michael Palmer, Town Clerk

From: Noreen H. Stockman, Zoning Administrator *NHS*

Re: Zoning Board of Appeals member Gerald Potamis

Date: February 7, 2020

By email dated January 20, 2020, Zoning Board of Appeals member Gerald Potamis requested that the Board vote on Town Charter section C7-2 G., to allow an excused absence “from four (4) or more consecutive meetings of any such board shall serve to vacate the office”, regarding an anticipated absence during February and March 2020.

On February 6, 2020, following a motion made by Robert Dugan, and seconded by Edward Van Keuren, the Board, by roll call vote, unanimously voted not to approve the extended absence.

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, hereby grants FISHMONGERS CAFÉ, INC., a Massachusetts corporation, whose address is P.O. Box 674, Woods Hole, MA 02543, the following license to place, erect and maintain a seasonal canvas vestibule with door on a movable metal framework over the main entrance ramp and guardrail only, encroaching onto the public side walk of Water Street in Woods Hole a few inches beyond the guardrail shown on the sketch plan in front of 56 Water Street, Woods Hole, MA.

A sketch plan of the approved location of the licensed seasonal canvas vestibule is attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Board of Selectmen at any time when it deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Board of Selectmen, remove all encroaching retaining wall from the Town's road layout and restore any disturbed area to its original condition;
- c. If the grantee, its successors and assigns, fails to remove said encroachment, 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 grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue permissively;
- 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 licensed encroachments and the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, 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 grantee, its successors and assigns.

For title see Deed recorded with the Barnstable Registry of Deeds, Book 03481, Page 160.

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 24th day of February, 2020.

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 signer(s)

personally known to me

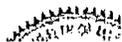
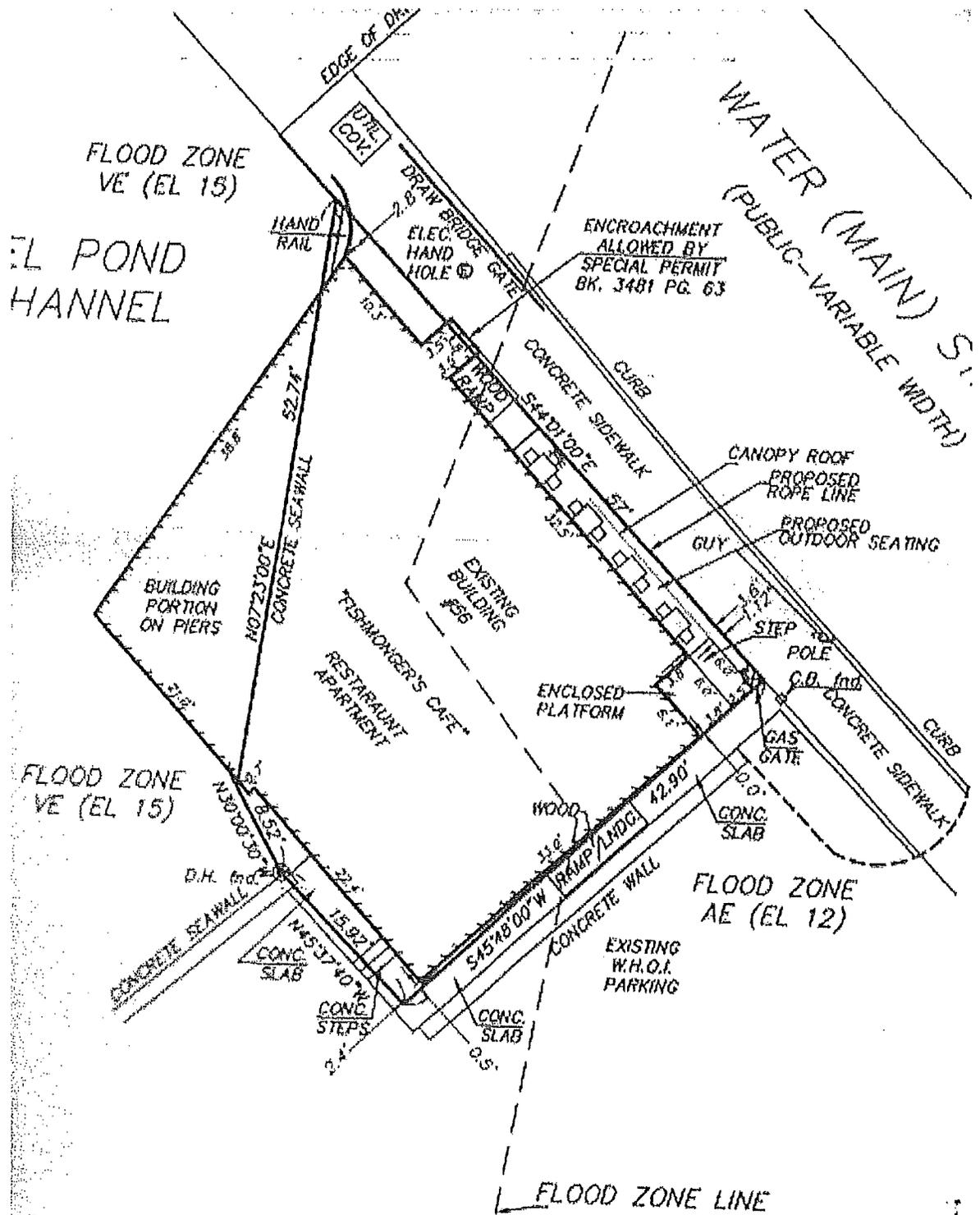
proved to me on the basis of satisfactory evidence of identification which was

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

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

WITNESS my hand and official seal.

Signature of Notary Public



January 17, 2020
Mr. Julian Suso, Town Manager
Town of Falmouth
Town Hall Square
Falmouth, MA 02540

By Hand Delivery

Dear Mr. Suso:

John and Molly Wilson, the proprietors of Water Street Kitchen at 56 Water Street, Woods Hole, would like to add a temporary seasonal canvas vestibule to the main entrance to cut down on draughts. I am helping with the permitting process for the building's owner, Fishmongers Cafe, Inc. and principal Matt Buehler.

Because of a pre-existing 4" encroachment of the existing vestibule onto the town's sidewalk (special permit Bk. 3481 Pg. 63), Town Attorney Frank Duffy has advised that a license is required from the Select Board, but that approval must first be obtained from you (email enclosed).

I am enclosing a sketch of the temporary vestibule footprint, detail from the existing plot plan, and the certificate of liability insurance requested by Attorney Duffy.

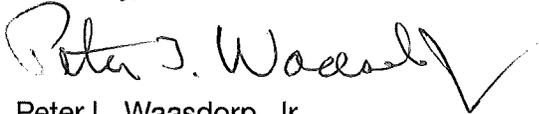
I am also enclosing a Certificate of Appropriateness for the canvas vestibule from the Falmouth Historical Commission and my email to them attaching their requested roof detail.

The DPW said they will conduct a site visit and issue pro forma approval as soon as a license is obtained from the BOS. After your, BOS, and DPW approval, I will submit the file to the ZBA for their approval, and then finally to the Building Dept. for a permit.

Please let me know if you would like any more information. If approval from your office is obtained, please also let me know if you will forward the file to Attorney Duffy, or if I should come in and deliver it myself.

Thanks for your help with this matter.

Sincerely,



Peter L. Waasdorp, Jr
57 Beccles Road
Falmouth, MA 02540

[Redacted]
[Redacted]

Diane Davidson

From: Allen Decker <decker@savebuzzardsbay.org>
Sent: Tuesday, March 3, 2020 4:07 PM
To: Diane Davidson
Cc: Jessica Erickson Whritenour
Subject: Wheeler Forest Reserve CR
Attachments: Wheeler Forest CR 03-03-2020.pdf; Wheeler Forest CR Map Pack.pdf; Wheeler Forest CR Muni Cert - SIGNED.pdf

Hi Diane, thanks for speaking with me this afternoon about this CR project. The property is just over 30 acres in size and fronts on both Woods Hole Road and Quissett Avenue. BBC and The 300 Committee Land Trust are partnering to protect this property as conservation land into the future.

Attached are the CR and some maps showing the property, the coverage of rare species habitat and its context within the surrounding existing protected land. As mentioned, I've been before the Conservation Commission already and to signify their approval of the project, also attached is the signed Municipal Certification.

Please let me know that you received this email and please "reply all" once you know about Monday's agenda to keep Ms. Whritenour in the loop. Thanks!

Cheers, Allen

Allen Decker, Director of Land Protection

BUZZARDS BAY COALITION

114 Front Street, New Bedford, MA 02740

Tel - 508-999-6363 x.204

www.savebuzzardsbay.org

Grantor: BUZZARDS BAY COALITION, INC.
Grantee: THE 300 COMMITTEE LAND TRUST, INC.
Address of Premises: West Side of Woods Hole Road
Falmouth, Massachusetts
Title Reference: Deed Book 31463 at Page 92
Barnstable County Registry of Deeds
Land Court Certificate 217022
Barnstable County Registry, Land Court Division

CONSERVATION RESTRICTION

to

The 300 Committee Land Trust, Inc.

Wheeler Forest Reserve, Quissett Avenue & Woods Hole Road, Falmouth

Falmouth CR # 88

BUZZARDS BAY COALITION, INC., a Massachusetts nonprofit corporation with an address of 114 Front Street, New Bedford, Massachusetts 02740, being the sole owner and for its successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws (“MGL”), grants with QUITCLAIM COVENANTS to **THE 300 COMMITTEE LAND TRUST, INC.** a Massachusetts nonprofit corporation with an address of 157 Locust St, Falmouth, MA 02540, and its permitted successors and assigns (“Grantee”), for nominal consideration as this conveyance is to be considered and characterized as a gift, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction (“Conservation Restriction”) on land located in Falmouth, Barnstable County, containing the entirety of a 30.42-acre, more or less, parcel (“Premises”), which Premises is more particularly described in Exhibit A and depicted in Exhibit B, both of which exhibits are attached hereto and incorporated herein by reference.

I. PURPOSES.

This Conservation Restriction is defined in, and authorized by, Sections 31-33 of Chapter 184 of the MGL and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be retained in perpetuity for conservation purposes in a natural, scenic, and

undeveloped condition and to prevent any use or change that would materially impair or interfere with its conservation and preservation values (“Conservation Values”).

The acquisition of the Premises by the Grantor was accomplished, in part, through a partnership between the Buzzards Bay Coalition, Inc., the Woods Hole Oceanographic Institution (WHOI), and the Cape Cod Commission, which establishes the Premises as “Open Space” available as offset to potential future development of land within WHOI’s adjacent Quissett Campus. A copy of the May 9, 2018 Memorandum of Understanding between WHOI and the CCC authorizing this use is attached hereto as Exhibit C and incorporated by reference. In connection with the partnership, WHOI has agreed to contribute funds towards the continued maintenance, preservation, and protection of the Premises.

The Conservation Values resulting from conservation of the Premises include, without limitation:

WHEREAS, in 1991 the U.S. Environmental Protection Agency’s National Estuary Program adopted the *Buzzards Bay Comprehensive Conservation and Management Plan*, the first in the United States, in order to “preserve and protect water quality and living resources in Buzzards Bay,” and adopted the following objectives:

- To limit new additions of nitrogen entering nitrogen-sensitive embayment;
- To keep open all shellfish areas that have not closed and open areas that are closed;
- To prevent new or increased untreated storm water flows to Buzzards Bay;
- To prevent public health threats and environmental degradation from on-site septic systems; and
- To increase high quality wetlands and marine habitat; and,

WHEREAS, The Massachusetts Endangered Species Act, MGL Chapter 131A protects rare species and their habitats, and the Massachusetts Natural Heritage and Endangered Species Program (“MNHESP”) has designated as Priority Habitats the known geographical extent of habitat for state-listed rare plant and animal species; and,

WHEREAS, in 1998, MNHESP published a report entitled *Our Irreplaceable Heritage: Protecting Biodiversity in Massachusetts*, which stated, “We believe that [there are] eight ecosystem types or natural community assemblages [that are] the most important targets for biodiversity conservation. They represent the most threatened or ecologically essential areas for rare plants and animals in Massachusetts,” (p. 29) and specifically identified coastal natural communities, including coastal salt ponds, as standing out “as some of the most biologically diverse lands in the Commonwealth” and specifically identified vernal pool communities as providing “crucial habitat to several vertebrate and many invertebrate species” and further declared that “it is important that upland habitats surrounding these pools be equally well protected” (p. 59);

WHEREAS, the Massachusetts Coastal Zone Management (CZM) Program Plan established program policies, which embody coastal policy for the Commonwealth of Massachusetts, including the protection of coastal resource areas for their important role as natural habitats; and,

WHEREAS, in July 1991 the Barnstable Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996 and further amended in 2002 and 2019, which provided, *inter alia*:

- a *Water Resources Goal* to “maintain the overall quality and quantity of Cape Cod’s groundwater...and to preserve and restore the ecological integrity of marine and fresh surface waters”;
- a *Coastal Resources Goal* to “maintain and improve coastal water quality”;
- a *Wetlands Goal* to “preserve and restore the quality and quantity of inland and coastal wetlands on Cape Cod” ;
- a *Wildlife and Plant Habitat Goal* to “prevent loss or degradation of critical wildlife and plant habitat,...and to maintain existing populations and species diversity”;
- an *Open Space and Recreation Goal* to “preserve and enhance the availability of open space on Cape Cod and provide wildlife habitat...and protect the natural resources, scenery, groundwater quality, air quality, and character of Cape Cod”; and an Implementation Action “to protect significant natural and fragile areas...High priority...given to... [m]issing links between open space areas identified on the Capewide open Space/Greenbelt map...,”

WHEREAS, the *Regional Policy Plan* includes a Significant Natural Resources Areas Map, which shows, among other things, rare species habitat, priority natural communities, wetlands, and critical upland areas; and,

WHEREAS, in 2003, The Compact of Cape Cod Conservation Trusts, Inc. completed its *Cape Cod Wildlife Conservation Project* (“Wildlife Project”), a wildlife habitat analysis and parcel ranking for all vacant or underdeveloped parcels on Cape Cod, Massachusetts; and,

WHEREAS, the Town of Falmouth developed a *Local Comprehensive Plan*, approved by the Cape Cod Commission in July 1998, and updated in 2005 and 2016, which stated goals included:

- To maintain and improve coastal water quality in all coastal waters and to protect coastal ecosystems and habitats;
 - To preserve, restore and enhance the quality and quantity of inland and coastal wetlands in the Town of Falmouth;
 - To maintain existing populations and species diversity and promote the creation of new wildlife and plant habitat, and a policy of minimizing fragmentation of wildlife and plant habitat;
 - To acquire land as permanently protected open space;
 - To preserve and enhance the availability of open space in Falmouth in order to provide wildlife habitat...and protect and conserve the natural resources, scenery and character of Falmouth;
 - To protect and preserve the important historic, scenic, and cultural features of the Falmouth landscape...that are critical components of Falmouth’s heritage and economy;
- and,

WHEREAS, the *Local Comprehensive Plan* defined scenic areas as including coastal views and recommended a series of actions to accomplish its goals, including encouraging the preservation of open space through less expensive methods such as conservation restrictions and land donations; and,

WHEREAS, the Town of Falmouth developed a *Comprehensive Park and Open Space Plan* (1986), which identified the town's natural resource needs and established goals, including:

- To preserve, through acquisition, and/or regulatory strategies, unique and ecologically valuable land areas (p. 66);
- To pursue a variety of land acquisition and protection strategies, including...conservation restrictions...(p. 66);
- To protect wildlife...resources (p.66);
- To join with The 300 Committee in its efforts at land acquisition...(p. 66);
- To promote greenbelts in Falmouth by linkage of existing and potential conservation and recreation areas (p. 67); and,
- To encourage the offering of gifts of land...from the private sector to assist in the procurement and maintenance of open space and other natural resources (p. 70); and,

WHEREAS, the Town of Falmouth developed an *Open Space and Recreation Plan* (2014), which further identified the town's natural resource needs and established objectives, including to protect "significant natural and fragile areas including critical wildlife and plant habitat, water resources such as lakes...wetlands; ...historic, cultural and archaeological areas, significant scenic roads and views...." (p.108); and,

WHEREAS, the Town of Falmouth adopted a *Conservation Restriction Program*, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission, in 1991 and updated and reaffirmed in 2001, which encourages the use of conservation restrictions in perpetuity as a means of "protecting water resource, clean air, and views and vistas; preserving open space, forest lands, and natural habitat of fish, wildlife or plants;...and providing scenic enjoyment, outdoor recreation and education of the public" and which further specifies that purposes of a conservation restriction could include the following:

- To permanently protect open space
- To prevent the cutting of trees or forests
- To prevent...disturbance of wetlands
- To protect marine water quality;
- To limit or prevent construction on land of natural resource value; and,
- To add to existing restricted land which is contiguous to the land proposed to be restricted;
- To preserve a scenic view; and,

WHEREAS, preservation of the Premises satisfies each of these objectives enumerated above because the Premises:

- contains a diversity of wildlife habitats, including forested upland, wooded freshwater swamp and potential vernal pools;
- represents 10% of the watershed to Quissett Harbor and 18% of all remaining undeveloped, natural land in the Quissett Harbor watershed, thereby supporting coastal water quality and

- preventing pollution through its maintenance in its natural state
- is located within the Buzzards Bay Watershed
- is mapped showing that a majority is MNHESP Priority Habitat for Rare Species;
- is ranked “Medium” for habitat protection priority in the Wildlife Project,
- encompasses a public scenic view along approximately 1,100 feet of Quissett Avenue, a Town-designated public way and Scenic Road, approximately 700 feet of Woods Hole Road, a State Highway, and from the waters of Buzzards Bay;
- provides for potential public access for passive recreation purposes; and,
- is a substantial contributing element to the overall scenic and cultural character of the area by maintaining the land predominantly in its natural condition; and,

WHEREAS, accordingly, the Premises possess significant open, natural, scenic and historic values (collectively, “Conservation Values”) of great importance to the Grantee and the people of Falmouth and the Commonwealth of Massachusetts; and,

WHEREAS, the Grantee agrees by accepting this grant to honor the intentions of the Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Premises for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor and the Grantee voluntarily agree that the CONSERVATION RESTRICTION described herein is an appropriate means to achieve the community’s open space goals and objectives and to protect and enhance natural and scenic values of Cape Cod.

These and other Conservation Values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report further defined in Paragraph XIV(H) below.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, wind turbine, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;

- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility-impaired;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel except as referenced in the partnership between Grantor, WHOI and CCC on Page 2 (first full paragraph) above and detailed in the May 9, 2018 Memorandum of Understanding between WHOI and CCC at Exhibit C below;
- (8) The use of the Premises for more than *de minimis* commercial recreation, business, residential or industrial use;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (10) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its Conservation Values.

B. Reserved Rights and Exceptions

Notwithstanding the provisions of Paragraph II.A, the Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the Conservation Values or purposes of this Conservation Restriction:

- (1) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with the then current zoning of the Town of Falmouth, the Wetlands Protection Act (Section 40 of Chapter 131 of the Massachusetts General Laws) and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth of Massachusetts takes any position whether such permit should be issued.

- (2) Outdoor Passive Recreational Activities. Hiking, walking, running, picnicking, birdwatching, general flora and fauna observation, horseback riding, cross-country skiing and other non-motorized outdoor passive recreational activities and the use of power-driven mobility devices by persons who have mobility impairments to be operated on woods roads and trails to extent possible as long as all such uses do not materially alter the landscape, do not degrade environmental quality, do not materially impact the Conservation Values, and do not involve more than minimal use for commercial recreational activities.
- (3) Reserve Management; Improvements. With prior written notice to the Grantee, the construction and maintenance of small scale structures accessory to the use of the Premises as an open space reservation by visitors, such as, and including but not limited to, fences, gates, signs, picnic tables, benches, boardwalks, viewing platform(s) or towers, natural resource monitoring equipment, and informational kiosks and/or bulletin boards, but expressly not temporary or permanent buildings except small storage sheds, as long as the total aggregate square footage of all such storage sheds does not exceed five hundred (500) square feet at any one time; and provided that the erection of any such structure shall minimize disturbances to the environment.
- (4) Trails/Paths and Roads. With prior written notice to the Grantee and designed and located to avoid harm to Conservation Values, the construction of new trails and paths (to include ones that are mobility-impaired accessible), not to exceed twelve (12) feet in width, on the Premises. The maintenance, marking and use of said trails and paths shall not require prior written notice to, or approval of, the Grantee.
- (5) Access Road and Parking Area. The right to construct, maintain, mark and use a paved access road and pervious parking area designed to accommodate safe and adequate motorized vehicle, bicycle and pedestrian access to the Premises as well as to Grantor's adjacent property and Woodriff Lane all as documented in the Baseline Documentation Report (see Paragraph XIV(H) below). The parking area must be constructed using pervious materials, unless site drainage issues or the permit-granting authority requires otherwise, or unless necessary to provide up to two (2) accessible parking spaces for those with mobility impairments, in which case measures shall be taken to limit the impacts of stormwater runoff. Vehicles may also park on edges of the access road as necessary to accommodate larger programs at Grantor's adjacent property or on the Premises. All exercising of this Reserved Right shall take into account sensitive areas.
- (6) Forestry. In accordance with generally accepted forestry management practices, the cutting and harvesting of trees for any purpose, including commercial-timber production, but only if carried out in accordance with a Massachusetts General Laws Chapter 132 Forest Cutting Plan ("Cutting Plan") prepared by a Massachusetts certified professional forester ("Licensed Forester") that is designed to protect the Conservation Values of the Premises, including without limitation, water quality, scenic and wildlife habitat values and carried out pursuant to a forest management plan ("Forest Management Plan").

Before any harvest of forest products occurs on the Premises, Grantor shall submit the Forest Management Plan to the Grantee initially, and prior to finalization, and then to the Massachusetts Department of Conservation and Recreation (or appropriate successor agency) and to any other required state agencies for their approval. The Forest Management Plan shall be prepared by a Licensed Forester in conformance with the "Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans" and such statutes, regulations and directions in effect at the time of the approval of said Forest Management Plan. The Forest Management Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat, and to protect the Conservation Values of this Conservation Restriction.

The Forest Management Plan shall be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional timber harvests occur. All cutting plans and designated access routes shall avoid any stone structures or historical and cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a Licensed Forester.

- (7) Stone Walls. The maintenance and repair of existing stone walls; the construction, only in the uplands of the Premises, of new stone walls of similar type, style and size; and the removal or alteration of existing stone walls to: (a) create openings for the access road and parking area described in II.B.(5) and (b) create openings (not to exceed fifteen (15) feet) for trails and woods roads. Use of field stone, boulders and ledge found on the Premises to repair and construct stone walls shall be permitted, provided such use minimizes the impact on the purposes or Conservation Values of this Conservation Restriction;
- (8) Fences/Gates. The installation, use, maintenance, repair and replacement of sight-pervious fences and gates.
- (9) Vegetation Management. In accordance with generally accepted forest, coastal, open field, and other natural community management practices, selective removing of trees and brush, pruning and cutting to: (i) prevent, control or remove hazards or damage from disease, insects, invasive/noxious/nuisance plant or animal species or fire; (ii) promote and to manage targeted natural communities; (iii) construct, maintain, use and repair the structures and conduct surface alterations permitted under Paragraph II.B. and (iv) maintain and preserve the present condition of the Premises, including vistas, trails, stone walls, and roads, if any, all as documented in the Baseline Documentation Report (see Paragraph XIV(H) below). This can include mowing, mechanical removal of woody vegetation, prescribed burning, animal grazing, and chemical use but only if said use is designed and applied to affect the target species and not nearby non-target species and is not detrimental to water quality or the Conservation Values and is done, as needed, in accordance with all required approvals and permits.
- (10) Motorized Vehicles. The use of motorized vehicles and equipment as necessary in support of the Reserved Rights herein shall be allowed, provided that no use of motorized

vehicles shall be permitted for Outdoor Passive Recreational Activities (except for power-driven mobility devices by persons who have mobility impairments), and further provided that no use of motorized vehicles or equipment may create impacts that are detrimental to the purposes of this Conservation Restriction. The exercising of this Reserved Right does not permit the outdoor storage of motorized vehicles.

- (11) Composting and Burning. The stockpiling and occasional burning, during non-nesting seasons (generally October 1 through March 31) of stumps, trees, brush, slab wood, limbs or similar biodegradable materials originating on the Premises, provided that such activities are conducted in locations where they will not materially impair the Conservation Values or purposes (including scenic values) of this Conservation Restriction. No such activities shall allow for the creation of "stump dumps" nor take place closer than one hundred (100) feet from the Premises boundary or any wetland, waterbody or stream. All exercising of this Reserved Right shall take into account sensitive areas and any burning shall be done in accordance with NHESP recommendations and municipal regulations.
- (12) Habitat Restoration and Improvement. With prior written approval of the Grantee, activities or measures designed to restore native terrestrial, wetland and aquatic biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat and rare/endangered species. This could include, but is not limited to: 1) wetland, shrubland, forest and grassland restoration and management, 2) removal of man-made rock and earthen piles and berms, 3) removal of non-native species and 4) establishing indigenous/native species.
- (13) Archaeological Investigations. The conduct of archaeological activities, including without limitation, survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official). Following any excavation or artifact retrieval, the site shall be restored to natural conditions to the greatest extent practicable.
- (14) Signs. The erection, maintenance and replacement of signs with respect to public access rules, interpretation, regulations, hunting, trespass, parking, trail access, identity of the Grantor, Grantee and other conservation partners, and the protected Conservation Values.
- (15) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II.B shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II.B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Documentation Report further defined in Paragraph XIV(H) below, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated

ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Documentation Report.

- (16) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II.B shall follow established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval

Whenever notice to, or approval by, Grantee is required, Grantor shall notify Grantee in writing by a method demonstrating proof of receipt not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Conservation Values or purposes of this Conservation Restriction. Routine maintenance, such as walking trail upkeep, shall not require notification.

Failure of Grantee to act within said sixty (60) calendar days shall be deemed to constitute approval of Grantor's request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after sixty (60) calendar days' notice to Grantee, the requested activity is not prohibited herein and the activity will not materially impair the Conservation Values or purposes of this Conservation Restriction. It is understood by Grantee that approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the Conservation Values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a

violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Conservation Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows:

- A. Subject to Grantor's express permission and reasonable rules and regulations governing use of the Premises, the public may enter upon the Premises at its own risk at reasonable times and in a reasonable manner for passive outdoor recreational and property access uses such as those described in Paragraph II.B(2) and II.B(5) and provided that such activities are consistent with the Conservation Values and purposes of this Conservation Restriction.
- B. The Grantor hereby grants to the Grantee, or their duly authorized agents or representatives, the right to enter the Premises, upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with, or to enforce, this Conservation Restriction. The Grantor also grants to the Grantee, after notice or a violation and failure of the Grantor to cure said violation, the right to enter the

Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including, but not limited to, the right to perform a survey of boundary lines.

- C. There is hereby granted to Grantee the right to erect and from time to time replace, at appropriate locations near the boundaries of the Premises mutually agreed upon, suitable signs identifying Grantee as the holders of this Conservation Restriction.

V. EXTINGUISHMENT

- A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.
- B. Grantor and Grantee agree that the granting of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the grant, bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant. If any occurrence gives rise to an extinguishment or other release of the Conservation Restriction under applicable law, the Grantor and Grantee shall be reimbursed from the proceeds, once recovered, for their respective share of reasonable legal or other expenses, if any, associated with the recovery of said proceeds. The remaining proceeds, once recovered, shall first be used to satisfy the terms of any gift, grant or funding requirements with the balance then being distributed as directed above to be used in a manner consistent with the Conservation Values or purposes of this Conservation Restriction.
- C. Whenever all, or any part, of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the

proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. ASSIGNABILITY

- A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.
- B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of themselves and their successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantor and their successors and assigns agree themselves to execute any such instruments upon request.
- C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee s, shall be in gross and shall not be assignable by the Grantee s, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) calendar days prior to the execution of any such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations. Any new owner shall familiarize themselves with the information contained in the Baseline Documentation Report (see Paragraph XIV(H) below).

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within forty-five (45) calendar days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Barnstable County Registry of Deeds or Land Court Division, as the case may be.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable County Registry of Deeds or Land Court Division, as the case may be..

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Buzzards Bay Coalition, Inc.
114 Front Street
New Bedford, Massachusetts 02740

To Grantee: The 300 Committee Land Trust, Inc.
157 Locust Street
Falmouth, MA 02540

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

- A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31-33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction except as referenced in the partnership between Grantor, WHOI and CCC on Page 2 (first full paragraph) above and detailed in the May 9, 2018 Memorandum of Understanding between WHOI and CCC at Exhibit C below, all of which are merged herein.
- E. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

XIV. MISCELLANEOUS

- A. Pre-existing Rights of the Public. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any,

in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

- B. Indemnification; Hold Harmless. Grantor shall hold harmless, indemnify and defend Grantee and their members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Premises, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; and (2) the obligations specified in Paragraphs XIV(C) and XIV(D), below.
- C. Maintenance and Upkeep Costs. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the Premises, including maintenance of adequate comprehensive general liability insurance coverage or such like liability insurance coverage as may be appropriate from time to time. Upon request, Grantor will supply a certificate of such insurance to Grantee. Grantor shall keep the Premises free of any liens arising out of work performed for, materials furnished to or obligations incurred by Grantor.
- D. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on, or assessed against, the Premises by competent authority (collectively "Taxes"), including any Taxes imposed upon, or incurred as a result of, this Conservation Restriction and shall furnish Grantee with satisfactory evidence of payment upon request.
- E. Executory Limitation. If Grantee is no longer in existence at the time the rights and obligations under this Conservation Restriction would otherwise vest in it, or if it is not qualified or authorized to hold conservation restrictions as provided for assignments pursuant to Paragraph V., or if it shall refuse such rights and obligations, then the rights and obligations under this Conservation Restriction in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law (i.e., in accordance with the *cy pres*, or other appropriate, doctrine) and with due regard to the requirements for an assignment pursuant to Paragraph VI.

If Grantee shall cease to exist or to be a qualified organization under § 170(h) of the IRS Code, as amended, or to be authorized to acquire and hold conservation easements under the statutes of the Commonwealth of Massachusetts, and a prior assignment is not made pursuant to Paragraph VI, then Grantee's rights and obligations under this Conservation Restriction shall vest in such conservation organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law (i.e., in accordance with the *cy pres*, or other appropriate, doctrine) and with due regard to the requirements for an assignment pursuant to Paragraph VI.

- F. Title Warranty. Grantor warrants that Grantor has good title to the Premises, that the Grantor has the right to convey this Conservation Restriction and that the Premises is free and clear of any encumbrances. Grantor also warrants that Grantor has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Premises.
- G. Subordination of Liens. Any mortgage or lien arising after the recording of this Conservation Restriction must be subordinated to the terms of this Conservation Restriction. Any liens, mortgages, easements or other clouds on title existing prior to the recording of the Conservation Restriction, including any Massachusetts General Laws Chapter 188 homestead on the Premises or adjacent land owned by the Grantor or anyone benefitting by Grantor's homestead, must be subordinated to the Conservation Restriction or otherwise appropriately dealt with prior to recording the Conservation Restriction.
- H. Baseline Documentation Report. In order to: (a) establish the present condition of the Premises and the Conservation Values thereon which are protected by this Conservation Restriction, (b) to enable the Grantee to monitor future uses of the Premises and (c) to assure compliance with the terms hereof, the Grantor and Grantee agree and acknowledge that the natural characteristics, ecological features and physical and man-made conditions of the Premises as of the recording of this Conservation Restriction will be documented in an inventory (including reports, maps, photographs and other documentation) of the relevant features and conditions of the Premises (the "Baseline Documentation Report") and that said inventory is an accurate representation of the present condition of the Premises. Grantor and Grantee agree that the conditions of the Premises could change as a result of natural processes or through Grantor's exercising of rights reserved in Paragraph II.B. of this Conservation Restriction. Grantee may use the Baseline Documentation Report in enforcing provisions of this Conservation Restriction, but are not limited to the use of the Baseline Documentation Report to show a change of conditions. Verified originals of the Baseline Documentation Report will be deposited with the Grantor and in the permanent records of the Grantee. If the originals of said Baseline Documentation Report are subsequently destroyed by casualty or other circumstance, other evidence may be offered by the parties to establish the condition of the property as of the date this Conservation Restriction is recorded. The Baseline Documentation Report is incorporated into this Conservation Restriction by reference as if stated herein.
- I. Subordination and Waiver of Homestead. The Grantor hereby releases, agrees to waive, subordinate, and release any and all MGL Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to MGL Chapter 188 Section 10(e).

J. No Deed Excise Stamps. This instrument is not a deed. It does not purport to transfer a fee interest to the Grantee s. No Massachusetts deed excise stamps are affixed hereto as none are required by Section 1 of Chapter 64D of the Massachusetts General Laws.

K. Attachments.

Attached hereto and incorporated herein by reference are the following:

Grantor Buzzards Bay Coalition, Inc. signature page

Grantee The 300 Committee Land Trust, Inc. signature page

Approval by Town of Falmouth Board of Selectmen

Approval of the Massachusetts Secretary of Energy and Environmental Affairs.

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Plan of the Premises

Exhibit C: WHOI-CCC Memorandum of Understanding dated 05-09-2018

WITNESS my hand and seal this 4th day of March, 2020.

BUZZARDS BAY COALITION, INC.

Mark Rasmussen
Mark Rasmussen, President, duly authorized

Russell S. Keeler
Russell S. Keeler, Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

On this 4th day of March, 2020, before me, the undersigned notary public, personally appeared Mark Rasmussen and Russell S. Keeler, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as President and Treasurer, respectively, of Buzzards Bay Coalition, Inc.

Allen D. Decker
Notary Public for Massachusetts Allen D. Decker
My Commission Expires: 01/06/2023

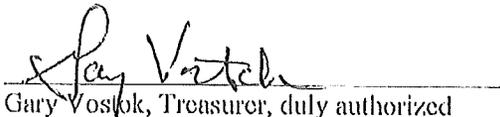
ACCEPTANCE OF GRANT

At a meeting held on February 4, 2020, The 300 Committee Land Trust, Inc. voted to authorize the acceptance of the above Conservation Restriction from Buzzards Bay Coalition, Inc. which is accepted this 5th day of March, 2020.

THE 300 COMMITTEE LAND TRUST, INC.



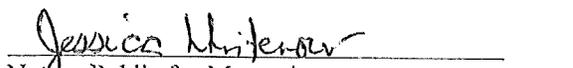
Anne-Marie Runfola, President, duly authorized

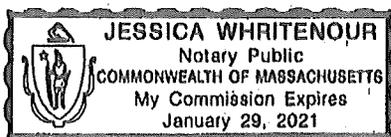


Gary Vostok, Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE

On this 5th day of March, 2020, before me, the undersigned notary public, personally appeared Anne-Marie Runfola and Gary Vostok, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as the President and Treasurer, respectively, of The 300 Committee Land Trust, Inc.


Notary Public for Massachusetts
My Commission Expires: January 29, 2021



APPROVAL OF TOWN OF FALMOUTH BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Falmouth, hereby certify that at a public meeting duly held on _____, 2020, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Buzzards Bay Coalition, Inc. to The 300 Committee Land Trust, Inc. in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

TOWN OF FALMOUTH BOARD OF SELECTMEN:

Megan English Braga, Chair

Douglas C. Brown, Vice Chair

Douglas H. Jones

Susan L. Moran

Samuel H. Patterson

*Approved as to form:
Frank K. Duff,
Town Counsel
3.6.20*

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared the above members of the Town of Falmouth Board of Selectmen, proved to me through satisfactory evidence of identification, which was _____, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as the Board of Selectmen of the Town of Falmouth, Massachusetts.

Notary Public for Massachusetts
My Commission Expires: _____

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Buzzards Bay Coalition, Inc. to The 300 Committee, Inc. has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2020

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

EXHIBIT A

Legal Description of Premises

The land subject to this Conservation Restriction, referred to herein as the Premises, is located in Falmouth, Barnstable County, Commonwealth of Massachusetts described as follows:

REGISTERED LAND

The parcel of land identified as "New Lot 8" on that certain plan entitled "Plan of Land in Falmouth, Massachusetts being a subdivision of Lot F as shown on Land Court Plan 15499-A", dated January 29, 2019, prepared by Falmouth Engineering, and filed with the Land Court as Plan 15499-J. Such parcel of land contains 30.42 acres.

Being a portion of the premises conveyed to Grantor by Quitclaim Deed filed with the Barnstable County Registry District of the Land Court as Document No. 1,352,390 and noted on Certificate of Title No. 217022 with the Barnstable County Registry District of the Land Court.

and

RECORDED LAND

A certain parcel of unregistered land in said Falmouth, Barnstable County, Massachusetts shown on a plan entitled "Plan of Land of Huntington and Therese T. McLane, Falmouth", dated August 29, 1964, by Robert W. Griffith, Reg. Land Surveyor, recorded with the Barnstable County Registry of Deeds in Plan Book 190 at Page 119, and being bounded and described as shown on said plan, as follows:

NORTHERLY: by the straight line continuation in a westerly direction, from the Easterly line of a way shown on said plan as "1882 Layout" (hereinafter called "said Layout") to the Westerly line of said Layout, of an unmarked line shown on said plan separating land of "Huntington and Therese T. McLane" and of "L.C. No. 15499 Eleanor L. Tompkins et al";

WESTERLY, by lot "11020+ s.f." by four bounds as follows: part of the bound shown as NORTHWESTERLY 14.97 feet, and all bounds shown as 53.51 feet, 53.06 feet and 51.40 feet; and NORTHERLY:

NORTHWESTERLY: by "Quisset Avenue (1923 Relocation)" 129.96 feet; and

SOUTHERLY: by four unmeasured bounds as shown on said plan by land shown as "L.C. SOUTHEASTERLY No. 15499 Eleanor L. Tompkins et al".
and EASTERLY:

Being the same premises conveyed to Grantor by Quitclaim Deed recorded with the Barnstable County Registry of Deeds in Book 31463 at Page 92.

EXHIBIT B - Sketch Plan

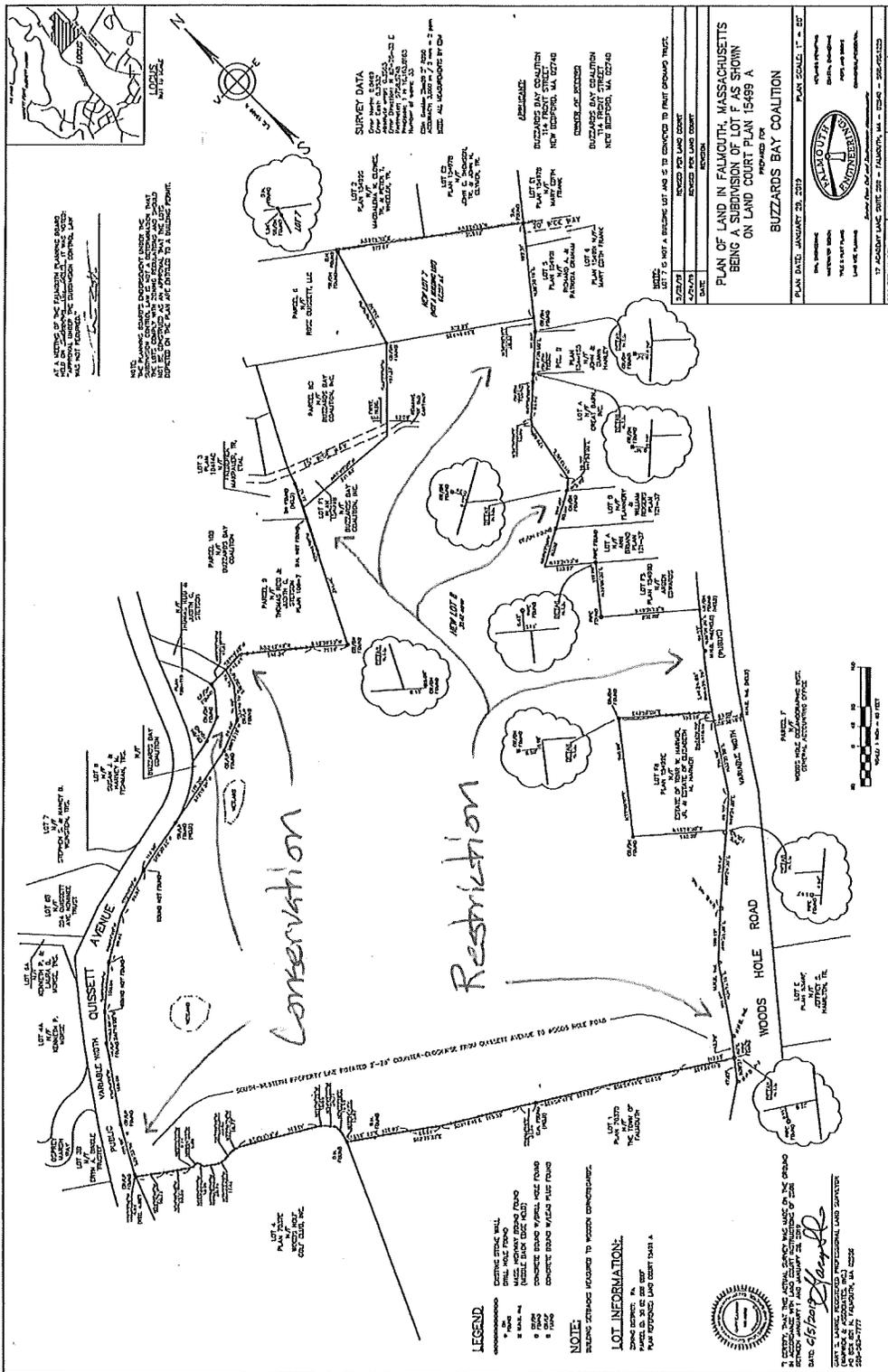


Exhibit C

Locus: 360 Woods Hole Road, Woods Hole, Massachusetts
0 Quisset Avenue, Woods Hole, Massachusetts

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into on the undersigned date by and between the Woods Hole Oceanographic Institution ("WHOI"), a Massachusetts, private non-profit corporation with a main office and mailing address of 98 Water Street, Falmouth (Woods Hole), Massachusetts, 02543, and the Cape Cod Commission ("CCC"), a public agency within the structure of Barnstable County government, with a main office address of 3225 Main Street, Barnstable, Massachusetts 02653 and a mailing address of P.O. Box 226, Barnstable, Massachusetts, 02653;

1. WHOI is operated exclusively for charitable, scientific and educational purposes, and its principal activities are dedicated to advancing knowledge of the ocean and its connection with the Earth system through a sustained commitment to excellence in science, engineering and education, and to the application of this knowledge to problems facing society;
2. The CCC is the regional planning and land use agency for Barnstable County, and was created by the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended;
3. WHOI operates at a property addressed as 360 Woods Hole Road, Falmouth (Woods Hole), Massachusetts, 02543 ("Quissett Campus").
4. WHOI anticipates the future development of additional facilities and infrastructure at the Quissett Campus;
5. The Cape Cod Commission has the authority and duty under the Cape Cod Commission Act to review development which, because of its magnitude or the magnitude of its impact on the natural or built environment, is likely to present development issues significant to the Cape Cod region;
6. It is anticipated that the CCC may have regulatory jurisdiction and review over some components of WHOI's future development at the Quissett Campus;
7. The CCC reviews development under its jurisdiction pursuant to, among other things, Chapter B of the Code of Cape Cod Commission Regulations, the *Cape Cod Regional Policy Plan ("RPP")*;
8. The RPP contains goals, performance standards and best practices for development, including, as applicable, standards requiring that an applicant proposing new land disturbance as part of its development permanently restrict from development land of high natural resource value as conservation-restricted "Open Space" to offset the impacts of its proposed development;
9. In anticipation of and assuming CCC review of and jurisdiction over potential future development at the Quissett Campus, and to benefit its existing development and potential

future development on the Quissett Campus, WHOI proposes to have conservation-restricted, pursuant to M.G.L. Chapter 184, Sections 31-33, ~32 acres of Open Space land to offset potential future development at the Quissett campus, as it continues to assess its development needs at the Quissett Campus;

10. The above-referenced ~32 acres is addressed as 0 Quissett Avenue, Falmouth (Woods Hole), Massachusetts, 02543, has a Town of Falmouth Tax Assessors Parcel Identification Number of 50-02-000-000F, is currently owned by the Fruit Orchard Trust, Evelyn V. Moreno and John H. Clymer, Trustees, by virtue of Land Court Certificate of Title Number 121959, and is further shown as the parcel labeled "John C. Thomson, Tr., 50-02-000-000F, 32.07 acres" ("Open Space Land") on the sketch plan attached hereto as "Exhibit A," entitled "Wheeler Property- Woods Hole," prepared by: Buzzards Bay National Estuary Program, 2870 Cranberry Highway, East Wareham, MA, 02538, www.buzzardsbay.org, dated July 17, 2017;
11. The Open Space Land is undeveloped, forested, neighbors the Quissett Campus, shares many of the same natural resource values present on the Quissett Campus, and has high natural resource values that the Cape Cod Commission Act and RPP direct the CCC to protect and preserve, including rare species habitat and proximity to wetlands and wetland buffer zones.

Sharing the foregoing common understandings, and subject to the review and decision-making of the CCC board for any future development on the Quissett Campus within the CCC's jurisdiction, it is the common intent of WHOI and the CCC that:

The Open Space Land is eligible to be deemed, in whole or part, as an Open Space development offset under the RPP, or as offset mitigation for other issue areas evaluated under the RPP where offset land is an available option, for future developments at the Quissett Campus reviewed by the CCC, notwithstanding that such Open Space Land might be permanently restricted prior to the CCC's review of such developments, so long as said land, if restricted prior to CCC review, is conservation restricted pursuant to M.G.L. Chapter 184, Sections 31-33 for purposes consistent with Article 97 of the Massachusetts Constitution.

(Signature page follows)

Executed this 9th day of May, 2018.

For the Woods Hole Oceanographic Institution,

By:

Mark R. Abbott

Mark R. Abbott, its President and Director

For the Cape Cod Commission,

By:

Kristy Senatori

Kristy Senatori, its Acting Executive Director

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

May 9, 2018

Before me, the undersigned notary public, personally appeared Mark Abbott, in his/her capacity as President of WHOI, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose on behalf of WHOI. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.

Peggy Daly
Notary Public

My Commission Expires:

SEAL

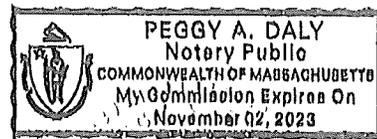
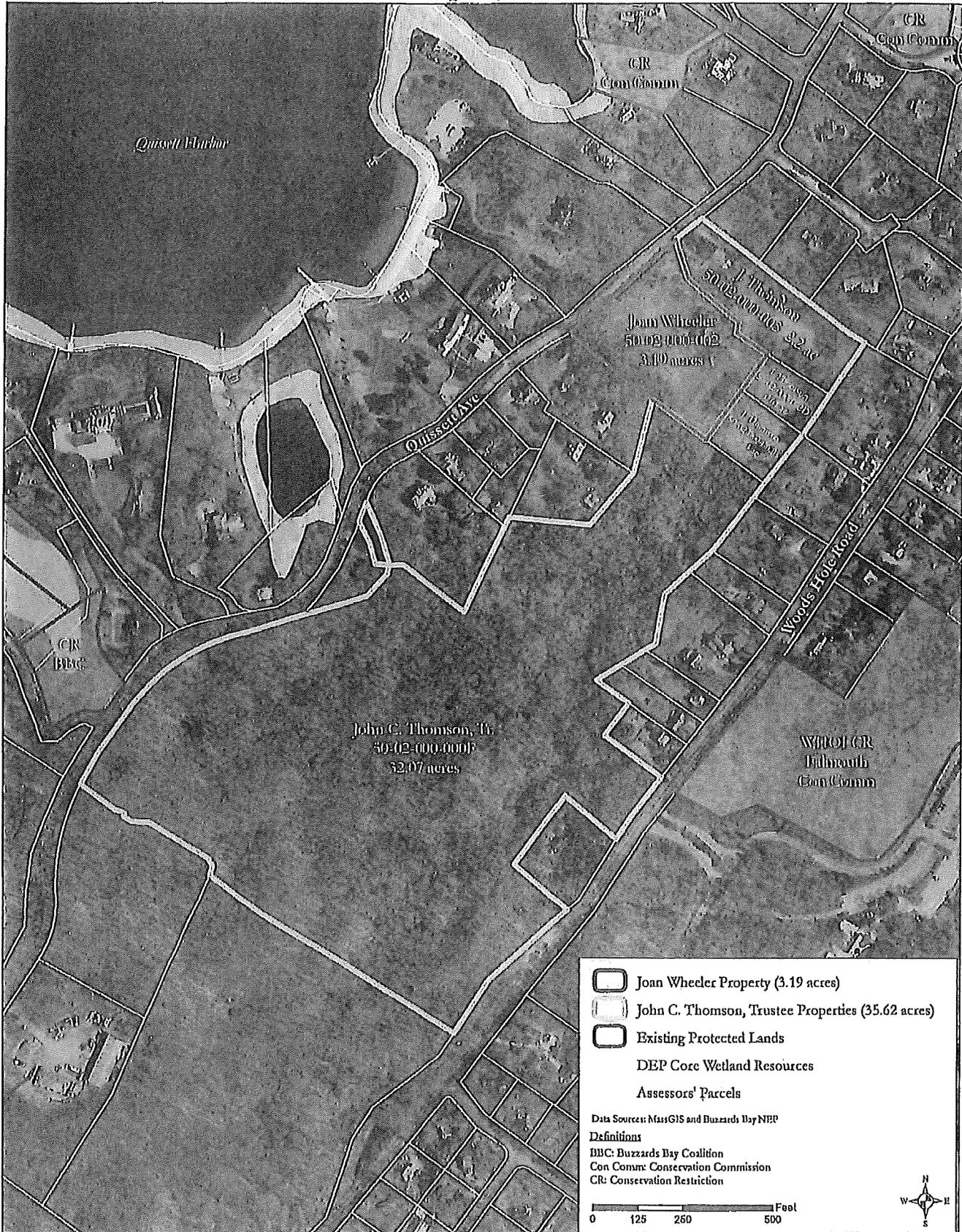
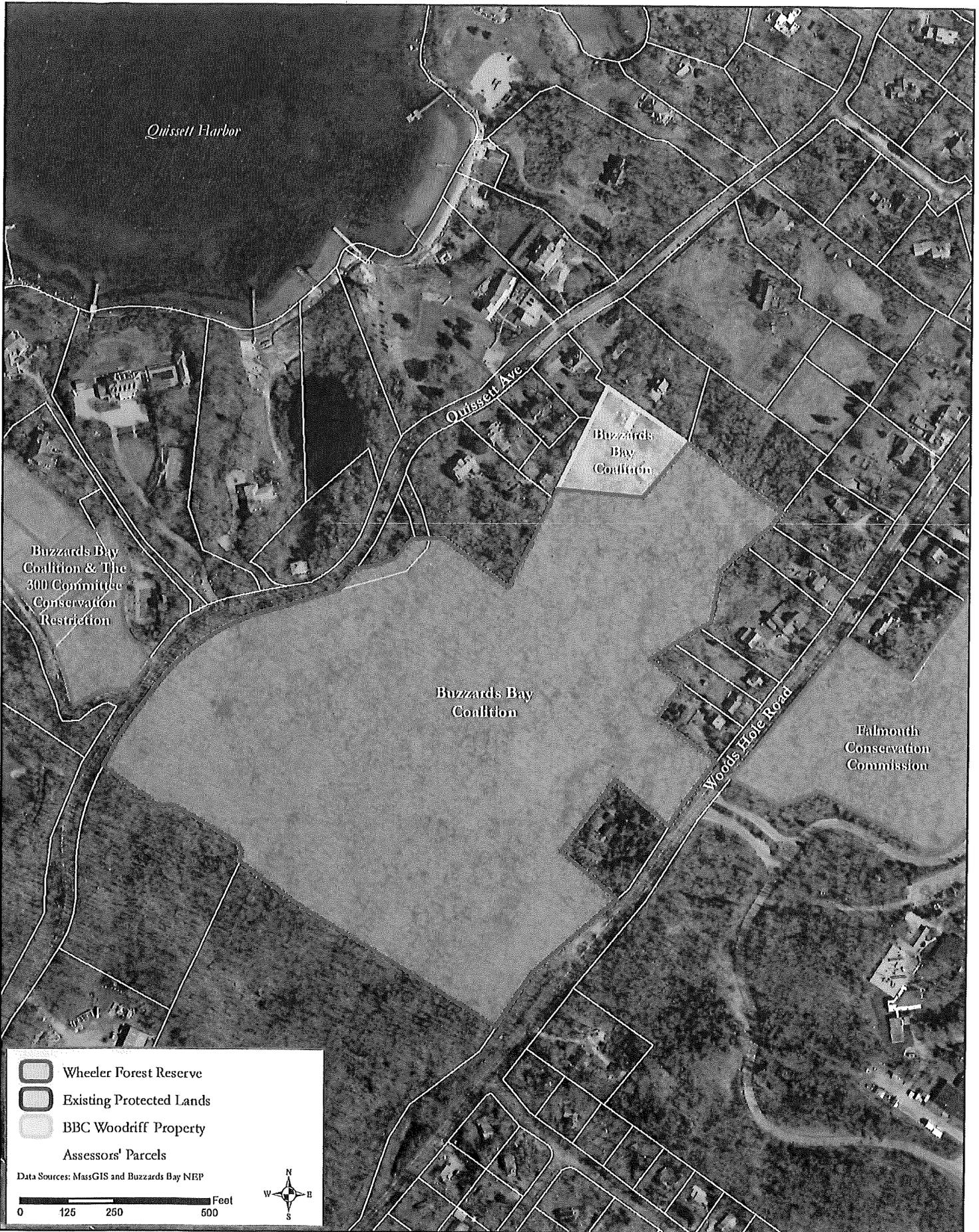


Exhibit A

Wheeler Property - Woods Hole



Wheeler Forest Reserve, Woods Hole



Wheeler Forest Reserve, Woods Hole - NHESP Priority Habitats of Rare Species



Wheeler Forest Reserve, Woods Hole - Open Space Context



MUNICIPAL CERTIFICATION

Falmouth CR # 88

(We) the undersigned Conservation Commission of the Town of Falmouth hereby certify that the proposed conservation restriction from Buzzards Bay Coalition, Inc. to The 300 Committee Land Trust, Inc. is in the public interest in that:

The preservation of these 30 acres satisfies multiple objectives related to Town, County, and State conservation priorities because the Premises:

- contains a diversity of wildlife habitats, including forested upland, wooded freshwater swamp and potential vernal pools;
- represents 10% of the watershed to Quissett Harbor and 18% of all remaining undeveloped, natural land in the Quissett Harbor watershed, thereby supporting coastal water quality and preventing pollution through its maintenance in its natural state;
- is located within the Buzzards Bay Watershed;
- is mapped showing that a majority is Massachusetts NHESP Priority Habitat for Rare Species;
- is ranked "Medium" for habitat protection priority in the Wildlife Project;
- encompasses a public scenic view along approximately 1,100 feet of Quissett Avenue, a Town-designated public way and Scenic Road, approximately 700 feet of Woods Hole Road, a State Highway, and from the waters of Buzzards Bay;
- provides for potential public access for passive recreation purposes; and,
- is a substantial contributing element to the overall scenic and cultural character of the area by maintaining the land predominantly in its natural condition.

Accordingly, the Premises possesses significant open, natural, scenic and historic values (collectively, "conservation values") of great importance to the Grantees and the people of Falmouth and the Commonwealth of Massachusetts.

Date: January 29, 2020

Signed: Kevin F. O'Brien

Maureen Harlow Skutumpah

Elizabeth H. Gladfelter

James C. Madigan

Pete Walsh

Steph Dutton

Courtesy of [Signature]

Diane Davidson

From: Peter McConarty
Sent: Wednesday, March 4, 2020 4:55 PM
To: Frank Duffy; Amy Lowell
Cc: Diane Davidson; Julian Suso
Subject: FW: William Road
Attachments: William Road layout and taking - recommendation.docx; Roadway Layout Plan.pdf

Hi Frank,

Attached is the Layout Plan. Once the plan is complete, I will stamp it.
I spoke with Diane Davidson. This item will be on Monday's BOS agenda.
I will be at the meeting.

Thank you,
Peter

Peter M. McConarty, P.E., P.L.S.
Interim Director of Public Works
416 Gifford Street
Falmouth, MA 02540
P: 508.457.2543
Peter.mcconarty@falmouthma.gov

From: Frank Duffy
Sent: Wednesday, March 4, 2020 4:40 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Jennifer Mullen <jennifer.mullen@falmouthma.gov>; Anne Bastille <anne.bastille@falmouthma.gov>
Cc: Peter McConarty <peter.mcconarty@falmouthma.gov>; Amy Lowell <amy.lowell@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>
Subject: William Road

Here is a recommendation and explanation.

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

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

Recommendation. That the Town vote to approve the layout of William Road by the Board of Selectmen as a public way, including the taking of an easement by eminent domain for road purposes across a parcel of land containing 1333 sq. ft. within the traveled way now or formerly owned by Henry J. Healer and to appropriate the sum of two thousand seven hundred (\$2700.00) from certified free cash for the purposes of this article to be expended under the jurisdiction of the Board of Selectmen.

Explanation. William Road runs from Quaker Road to the rear lot line of the North Falmouth School property. It is the location of the New Silver Beach wastewater treatment plant. It is in need of repair and improvement. There are private homes abutting the road. The town owns the road having acquired it as part of the purchase of the North Falmouth School property in the 1950s, but it has never been accepted as a public way. The layout includes the taking of an easement across a vacant parcel of land containing 1333 sq. ft. which parcel lies within the traveled way and has been so used for many years. The parcel has a value of \$2700.00 as established by an independent appraisal. The town will bear the cost of repairs and improvements and not assess betterments due to the presence of the wastewater treatment plant on the road and its frequent use by town vehicles.

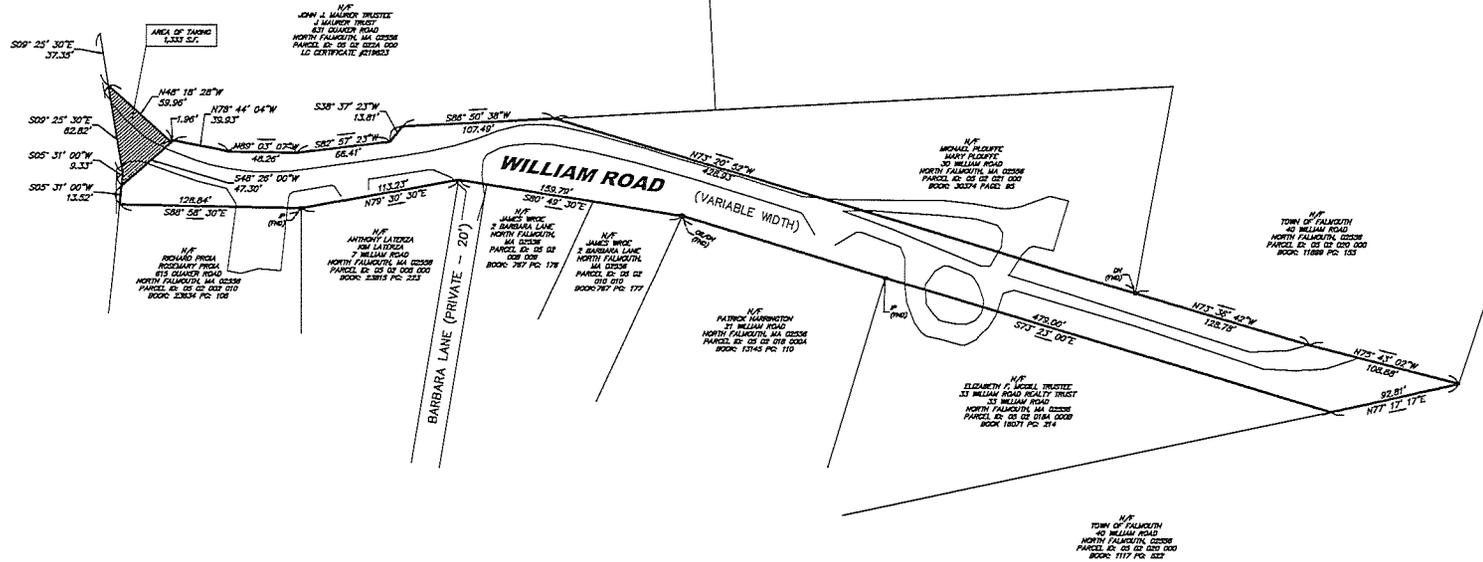
REGISTRY USE

THIS PLAN WAS PREPARED FROM:

- A PLAN TITLED "PLAN OF LAND IN NORTH FALMOUTH TO BE ACQUIRED BY TOWN OF FALMOUTH FOR SCHOOL PURPOSES" BY CHARLES A. WHITE C.E. DATED MAY 10, 1981 AND RECORDED AT BARNSTABLE COUNTY REGISTRY OF DEEDS PLAN BOOK 163 PAGE 5 SHEETS F1-F3
- MONUMENT RECONNAISSANCE AND FIELD LOCATION BY ENGINEERING DIVISION SURVEY CREW FEBRUARY 2020



LOCUS



"VOTED UNDER ARTICLE _____ OF THE _____ TOWN MEETING"

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

PLAN OF PROPERTY TAKING AND LAYOUT OF WILLIAM ROAD ADOPTED _____

SUSAN L. MORAN, CHAIRMAN

MEGAN ENGLISH BRACA, VICE CHAIRMAN

DOUGLAS C. BROWN

DOUG JONES

SAMUEL H. PATTERSON

SELECTMEN OF FALMOUTH

(DATE) PROFESSIONAL LAND SURVEYOR

THIS SURVEY AND PLAN CONFORM TO THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS

(DATE) PROFESSIONAL LAND SURVEYOR

DATE	BY	REVISION
TOWN OF FALMOUTH DEPARTMENT OF PUBLIC WORKS		
ENGINEERING DIVISION 416 GIFFORD STREET FALMOUTH, MA 02540 508-457-2543		



ROADWAY LAYOUT PLAN
WILLIAM ROAD
N. FALMOUTH, MA 02556

DRAWN: NAC	DATE: MARCH 4, 2020
DESIGN: JEM	Scale: 1" = 40'
CHECK: PMH	0 20 40 60 80 100 FEET
DRAWING: WILLIAMROAD\2020\LAYOUT.DWG	SHEET 1 OF 1

Diane Davidson

From: Julian Suso
Sent: Thursday, March 5, 2020 8:22 AM
To: Diane Davidson
Subject: FW: RE: item for 3/9/2020 Selectman's agenda - donation of fill and labor to repair Matt Sousa Conservation Area dirt roadway
Attachments: Matt Sousa - location of dirt roadway.pdf

Diane,
FYI. For Monday's agenda as well. Thanks.
Julian

From: Mark Kasprzyk <mark.kasprzyk@falmouthma.gov>
Sent: Wednesday, March 4, 2020 4:46 PM
To: Falmouth Town Manager <townmanager@falmouthma.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>
Subject: RE: item for 3/9/2020 Selectman's agenda - donation of fill and labor to repair Matt Sousa Conservation Area dirt roadway

To The Selectman -

We would like to request an agenda item for the Selectman's March 9th, 2020 hearing to accept a donation of fill material and labor to repair the Town-owned dirt roadway that runs from Hatchville Road to Coonamessett Pond (see map).

The dirt roadway runs through the Matt Sousa Conservation Area and provides public access to Coonamessett Pond. The parcels bisected by the road are under the jurisdiction of the Conservation Commission and a 1.30 acre parcel under the jurisdiction of the Board of Selectman. Over the years, the potholes have become deeper and wider, making driving access extremely difficult to the pond. Parts of the road are right along the Coonamessett River (the portion known as Dutchman's Ditch) and the roadway is too narrow for the Town's grader.

Jennifer McKay, Conservation Administrator and Conservation staff met with Michael Sousa, Assistant Highway Superintendent on-site to review the project. Mr. Sousa offered to cut down hazard trees and prune brush too close to the road to facilitate the work. These trees have been marked in the field. The work has been approved for repairs.

Cape Cod Aggregates has agreed to donate fill needed to repair the road, estimated to be 320 tons of a recycled concrete mix. The material consists of recycled ground-up concrete, ¾ inch stone and sand which provides a tight surface, less prone to wash away like conventional material. There are also no petroleum products contained in this mix. The fair market value is \$17/ton for a total of \$5,440.

DPW Highways has reviewed the recycled concrete mix and deemed this will be an effective product for filling the pot holes and low areas. DPW trucks will bring in and unload the material as needed for each road section at a time. George Botelho, George Botelho Inc., has volunteered his services to do the work himself to fill the holes, compact the material and create small drainage swales where needed. The estimated value for spreading, compacting and creating swales including machine time would be approximately \$5000. The work will be completed under the guidance of Conservation staff.

Please let me know if you have any questions.

Respectfully submitted,

Mark Kasprzyk
Conservation Land Manager/MES Technician

59 Town Hall Square
Falmouth, MA 02540
508-274-2650



1" = 563 ft



- Parcels
- Water Features
- POND
- STREAM

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

Special Events (and associated one-day liquor licenses)

On Tuesday, March 3, 2020, the Town Manager's Internal Working Group for Special Events met to review and discuss the applications listed, below. The applicants were invited to the meeting to discuss the details of their special events.

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

All applicants have been informed of the Town meeting vote to adopt a ban on the sale of single-use plastic bottles on town property effective September 1, 2020, and they will be asked to submit a solid waste and recycling plan for their events.

Recurring – Recommended:

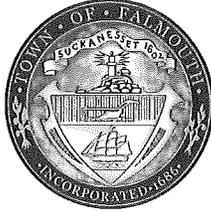
- a. Cinco de Mayo – Elizabeth Colt – Quicks Hole Taqueria/Woods Hole Inn Parking Lot – Saturday, 5/2/20 (rain date Saturday, 5/9/20)
- b. Arts Alive Festival – ArtsFalmouth, Inc. – Library Lawn and Shore Street Extension – Friday – Sunday, 6/12 – 6/14/20
- c. Jazz Stroll – ArtsFalmouth, Inc. – Queen's Buyway, Main Street & Peg Noonan Park – Saturday, 10/17/20
- d. Sunday Worship Services – Rev. Rebecca Mincieli, John Wesley United Methodist Church – Surf Drive Beach – Sundays, 6/28/20 – 9/6/20 (except 7/12 and 8/16)
- e. Falmouth Art Market – Falmouth Cultural Council – Bandshell side of Marina Park – Thursdays, 7/2/20 – 8/27/20
- f. Autumn Escape Bike Trek – Paul Curley, American Lung Association – Ride through Falmouth, Stop at Surf Drive Beach Lot and Bath House – Friday, 9/25/20
- g. Harbor Light Illumination Concert Series & Night Market – Lillian Kazanis, New England Festivals, Inc. – Bandshell – Saturdays: 7/18/20, 8/15/20 and 8/29/20

One-Day Liquor Licenses Associated with Special Events:

- a. Approve Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Marina Park – Saturday, 9/26/20
- b. Approve Application for Special One-Day Wine and Malt Liquor License – Beth Colt – Cinco de Mayo – Quicks Hole Taqueria/Woods Hole Inn Parking Lot, Luscombe Ave. – Saturday, 5/2/20

One-Day Liquor Licenses for non-agricultural events approved at the Cape Cod Fairgrounds:

- a. Approve Application for Special One-Day Wine and Malt Liquor License – Bands for Badges, Inc. – Bands for Badges Music Festival – Cape Cod Fairgrounds – Saturday, 8/22/20
- b. Approve Application for Special One-Day Wine and Malt Liquor License – Matt Gray, Cape Cod Brew Fest – Cape Cod Fairgrounds – Friday, 9/18/20 & Saturday, 9/19/20



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Cinco de Mayo Woods Hole

NAME Elizabeth Colt, Quicks Hole, LLC

MAILING ADDRESS P.O. Box 4, Woods Hole, MA 02543

EVENT DAY & DATE Saturday, May 2, 2020

RAIN DATE Saturday, May 9, 2020

EVENT LOCATION Parking Lot at Quicks Hole Taqueria, 6 Luscombe Avenue, Woods Hole

EVENT TYPE Cinco de Mayo Food and Music Event

SET-UP/BREAK-DOWN TIME 12:00 p.m. / 7:00 p.m. **EVENT HOURS** 2:00 p.m. – 6:00 p.m.

NUMBER OF ATTENDEES 300 **# OF VEHICLES** _____

ADDITIONAL DETAILS Special one-day wine and malt liquor license. Entertainment (two live bands). Staff will be stationed at the public entry areas to check for proper I.D. and to be sure alcohol does not leave the licensed premise area. Servers are TIPS certified. Food will be provided by Quicks Hole.

CONDITIONS:

1. No street closure.
2. No use of tents for outside cooking.

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

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

BOARD OF SELECTMEN:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Arts Alive Festival

NAME ArtsFalmouth, Inc., Lee Geishecker

MAILING ADDRESS P.O. Box 136, Falmouth, MA 02541

EVENT DAY & DATE Friday – Sunday, June 12 – 14, 2020

RAIN DATE None.

EVENT LOCATION Shore Street Extension & Library Lawn

EVENT TYPE Arts Festival

SET-UP/BREAK DOWN 6/12, 8:00 am / 6/15 **EVENT HOURS** Friday, June 12: 5-9 pm;
Saturday, June 13: 10am-9pm; Sunday, June 14: 11am-5pm

NUMBER OF ATTENDEES Approx. 5,000

ADDITIONAL DETAILS Use of restrooms, additional trash barrels from DPW. Closure of
Shore Street Extension from dawn on Friday, 6/12/20 to noon on Monday, 6/15/20. Non-
permanent chalk drawings on Main St. sidewalks.

CONDITIONS:

1. Location must be policed for cleanliness following event.
2. Submit plan to Fire and Police at least 30 days prior to event showing location of tents, activities and road closure.
3. Contact DPW in advance of event to arrange for road closure.
4. Contact Health Department 30 days in advance to obtain temporary food permits for food vendors and to schedule inspections.
5. Contact Fire Department to arrange for inspection of food cooking equipment.
6. Contact Inspectional Services Department 30 days in advance of event for tent permit and inspections.

PERMIT FEE \$600.00 (\$200.00/day) **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:

_____	_____
_____	_____
_____	_____



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT JazzTober

NAME ArtsFalmouth, Inc., Lee Geishecker

MAILING ADDRESS P.O. Box 136, Falmouth, MA 02541

EVENT DAY & DATE Saturday, October 17, 2020

RAIN DATE None.

EVENT LOCATION Queen's Buyway, Along Main Street and Peg Noonan Park

EVENT TYPE Jazz Stroll with music in shops

SET-UP ARRIVAL TIME 3:00 p.m. **EVENT HOURS** 5:00 p.m. to 8:00 p.m.

NUMBER OF ATTENDEES 500 **# OF VEHICLES** None

ADDITIONAL DETAILS Music will be provided in 10 – 12 shops and restaurants on Queens Buyway and on Main Street. Music under tent at Peg Noonan Park. Request use of Town restrooms and extra trash barrels.

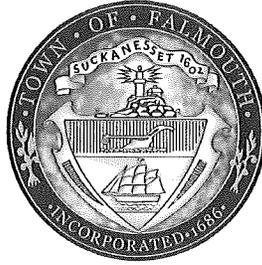
CONDITIONS:

1. Organizers to obtain an umbrella temporary food permit from Health Department for all food vendors and non-food businesses providing food and beverage. Coordinate with Falmouth Village Association.
2. Contact Parks Department in advance to establish and approve tent location.
3. Contact Inspectional Services Department 48 hours in advance for tent permit.
4. Contact DPW to arrange for additional trash pickup to cover overflow for this event.

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

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

BOARD OF SELECTMEN:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Sunday Worship Services

NAME Rev. Rebecca Mincieli, John Wesley United Methodist Church

MAILING ADDRESS 270 Gifford Street, Falmouth, MA 02540

EVENT DAY & DATE Sundays, June 28, 2020 – September 6, 2020 (except 7/12 and 8/16)

RAIN DATE None.

EVENT LOCATION Surf Drive Beach and Parking Lot

EVENT TYPE Sunday Worship Services

ARRIVE/DEPART 7:15 a.m./8:15 a.m. **EVENT HOURS** 7:30 a.m. – 8:00 a.m.

NUMBER OF ATTENDEES 40+ **NUMBER OF VEHICLES** 20+

ADDITIONAL DETAILS _____

CONDITIONS:

1. A Beach Department employee will open the gate to Surf Drive parking lot at 7:15 a.m. to allow parishioners into the lot to park and then will let the group out at 8:15 a.m. and lock the gate when everyone has exited the lot.

PERMIT FEE \$600.00 (8 days x \$75.00/day) **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Falmouth Art Market

NAME Falmouth Cultural Council, Jane Parhiala

MAILING ADDRESS 59 Town Hall Sq., Falmouth, MA 02540

EVENT DAY & DATE Thursdays: July 2, 2020 – August 27, 2020

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell Side)

EVENT TYPE Art Market – Craft Sales

SET-UP/BREAK-DOWN TIME 9:30 / 6:00 **EVENT HOURS** 12:00 p.m. – 5:00 p.m.

NUMBER OF ATTENDEES 20 -25 **# OF VEHICLES** 20-25 vendors

ADDITIONAL DETAILS Use of electricity at bandshell for music. Use of restrooms at Harbormaster office for vendors. Tents and chairs.

CONDITIONS:

1. Vendors to drop off and shuttle to/from Gus Canty Recreation Center parking lot.
2. Four spaces available for vendor parking on grass area behind Bandshell.
3. Vendor parking plaques will be placed on vendors' vehicles.
4. Assigned location for parking vendor vehicles.
5. Contact Inspectional Services Department for permit for tents over 400 sq. ft.
6. All areas to be checked for cleanliness following event.

PERMIT FEE 9 days x \$200/day = \$1,800.00 **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

NAME Paul Curley, Route Manager

MAILING ADDRESS American Lung Association of the Northeast
260 West Exchange St., Suite 102B, Providence, RI 02903

EVENT DAY & DATE Friday, September 25, 2020

RAIN DATE None.

EVENT LOCATION Bike Path, pass through town, rest stop at Surf Drive Beach

EVENT TYPE 36th Annual Autumn Escape Bike Trek

SET-UP ARRIVAL TIME 8:00 a.m. **EVENT HOURS** 10:00 a.m. – 2:00 p.m.

NUMBER OF ATTENDEES 300 **# OF VEHICLES** 4

ADDITIONAL DETAILS Use of Surf Drive Beach bathhouse. 10 x 10 tent to cover water
and snacks at Surf Drive Beach.

CONDITIONS:

1. Observe Bikeways Committee bike path rules, attached.
2. Organizers to police area following the event for litter and cleanliness.
3. No markings on pavement.
4. Contact Falmouth Police Department Detail Sergeants two weeks prior to event to discuss public safety measures.
5. Contact Building Department in advance of the event for tent permit and to schedule inspection.
6. Contact Health Department to determine if temporary food permit is required.

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

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

BOARD OF SELECTMEN:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Harbor Light Illumination Concert Series & Night Market

NAME Lillian Kazanis, New England Festivals, Inc.

MAILING ADDRESS P.O. Box 1244, N. Falmouth, MA 02556

EVENT DAY & DATE Saturdays: July 18, August 15 and August 29, 2020

RAIN DATE None.

EVENT LOCATION Bandshell

EVENT TYPE Free music concert series fundraiser

SET-UP/BREAK DOWN TIMES 1:00 pm / 11:00 pm **EVENT HOURS** 6:00 pm – 10:00 pm

NUMBER OF ATTENDEES 150 **# OF VEHICLES** 70

ADDITIONAL DETAILS Local and Cape Cod live bands. Set up similar to Town Band event.

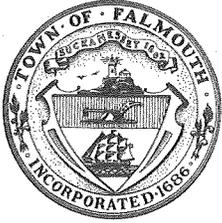
CONDITIONS:

1. Contact Police Detail Sergeant 30 days prior to event to arrange for adequate public safety requirements.
2. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for food vendors and to schedule inspections.
3. Contact Inspectional Services Department 30 days prior to event for tent permit, if applicable, and to schedule inspection.
4. Contact Fire Department 30 days prior to event to schedule inspections for food vendors.
5. Pick up key to access electricity to the Bandshell at the Recreation Department by the Friday prior to each event.
6. Organizers to check Bandshell/Marine Park area following event to remove any litter and debris.

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

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

BOARD OF SELECTMEN:



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, March 9, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of David and Loretta Garrison for permission to install a walkway and a 29' x 4' dock with a 6' x 16' "T" at the end to enhance water access, located at 1 Southview Way, East Falmouth, MA. Body of water affected is Flax Pond. Interested parties may review the file on this hearing at the Selectmen's Office.

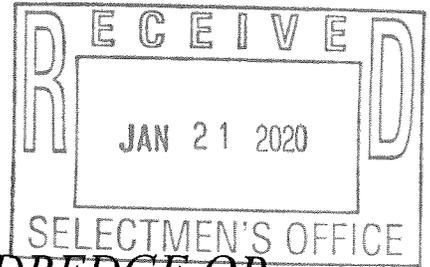
Per Order of the
Board of Selectmen

Publication Dates: Friday, February 21 and Friday, February 28, 2020; Falmouth Enterprise

RECEIVED

JAN 22 2020

FALMOUTH TOWN CLERK



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

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

WALKWAY AND DOCK

1 SOUTHVIEW WAY

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

David and Loretta Garrison

Prepared by:



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

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TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA

Date: January 21, 2020

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

OWNER: David & Loretta Garrison 1 Southview Way E. Falmouth 02536
(full name) (address)

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

APPLICANT: Same as owner
(full name) (address)

1. Location of Property: Map 28 Section 05 Parcel 011 Lot 101

Street Name and House Number 1 Southview Way

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

3. Description of property and project site: _____

Fully developed residential property with single family dwelling.

a. Dimensions, Acreage of total parcel: 21, 300 S.F.

b. Length of water marsh frontage: 44'

c. Dimensions of area to be dredged: n/a Depth n/a

d. Dimensions of area to be filled: n/a

e. Volume of dredging spoil to be moved: n/a

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

Disposition of Spoil: n/a

f. Describe proposed riprap or bulkheading, if any: n/a

g. Other (docks, piers and etc.) The applicant proposes to install a walkway from existing stairs to a 29' x 4' dock w/ a 6' x 16' "T"

h. Method (equipment to be used) for proposed work: small barge, hand equipment

4. Purpose of proposed work: Enhance access to water for launching canoes, kayaks, swimming, and fishing.

5. Zoning which governs area: RA

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

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

8. Remarks Order of Conditions. DEP File No. 25-4508

9. Project Summary for legal notice: The applicant proposes to install a walkway and a 29' x 4' dock with a 6' x 16' "T" at the end to enhance water access.

Owner: David & Loretta Garrison Agent: Falmouth Engineering, Inc.

1 Southview way 17 Academy Lane, Ste. 2

East Falmouth, MA 02536 Falmouth, MA 02540

(Name & Address)

(Name & Address)

TEL #:

TEL #: 508.495.1225

Applicant: same as owner

(Name & Address)

TEL #:

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

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction

Falmouth Engineering, Inc. has filed this Notice of Intent on behalf of David and Loretta Garrison (The Applicant), 1 Southview Way. The Applicant is seeking permission to install walkway and dock as shown on the plans. The proposed work involves construction activities within 100' of Land Under a Water Body, namely Flax Pond an Inland Bank and Bordering Vegetated Wetland.

This application has been jointly filed with the Department of Environmental Protection and Town of Falmouth pursuant to the Massachusetts Wetlands Protection Act (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw and its submission regulations.

2.0 Existing Conditions

The project site is located within a residential neighborhood with single family dwellings. (refer to Figure 1 - Project Location Map). The property consists of approximately 21,300 square feet of previously developed land with frontage on Flax Pond.

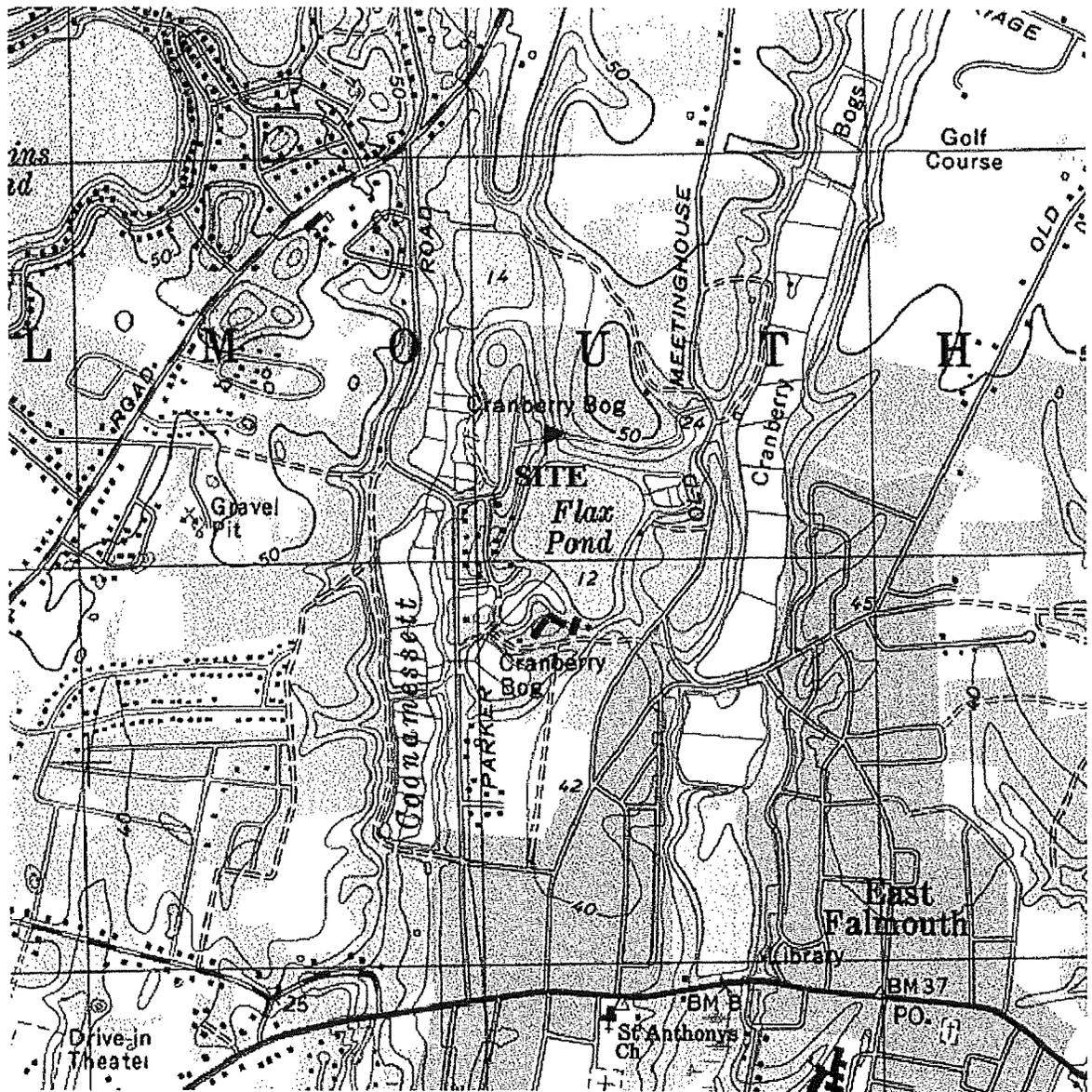
The site is currently occupied by a residential home, access stairs leading to the pond and surrounding lawn and landscaped areas. A paved driveway provides access to the development.

2.1 Regulated Resource Areas

All the resource areas within 100 feet of the proposed construction have been identified and appropriately located in the field. Adjacent resource areas include Land Under a Water Body and Inland Bank and Bordering Vegetated Wetland. The plan included attached shows each of the resource areas that have been identified in the project.

2.2 Natural Heritage and Endangered Species Habitats

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2008) indicates that the proposed access stairs are within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat. The proposed work is therefore subject to review under the Massachusetts Endangered Species Act.



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PROJECT LOCATION MAP

1 SOUTHVIEW WAY

EAST FALMOUTH, MA

3.0 Proposed Project

The applicant proposes to install a walkway leading from the bottom of the existing timber stairs to a "T" dock. The purpose of the structure is to improve access to the water. Currently access is limited. The applicant and his family wish to enhance access by installing the walkway and dock. The walkway will allow for launching of canoes, kayaks and other small watercraft. The walkway will allow access for swimming and fishing.

The proposed dock will extend approximately 29' into Flax Pond. The structure will be 4' wide with a 6' x 16' "T" at the end.

The walkway sections will be anchored to the pond bottom using permanent sleeves that will accept the aluminum pipe uprights that support the walkway sections. These permanent sleeves will allow the walkway to be installed in the same location if the dock is removed. This will avoid unnecessary disturbance to the pond bottom in the event the dock is removed.

In order to provide public access along the edge of Flax Pond, public access stairs are also proposed. These access stairs will allow the general public to traverse the pond. DEP Division of Wetlands and Waterways mandates that public access be provided.

4.0 Applicable Performance Standards

The Massachusetts Wetland Protection Act Regulations provides for the construction of piers, elevated walkways and other boating related structures as limited projects (310 CMR 10.53 (3)(j)). The limited project provisions recognize that certain projects, such as the proposed water-dependant structure, may be inherently unable to satisfy the performance standards normally applied to construction within certain resource areas. Nevertheless, the review and approval of a limited project remains at the discretion of local authority, and as always, the applicant is required to demonstrate that the anticipated impacts have been minimized.

5.0 Potential Impacts and Mitigation Measures

4.1 Impacts to Resource Areas and Buffer Zone

Construction at the site will require temporary minor disturbance within Land Under a Water Body during the installation of the permanent sleeves.

All other work will be performed by hand. Dock sections will be deliver to the site via the existing path and stairs.

4.2 Avoidance, Minimization and Mitigation

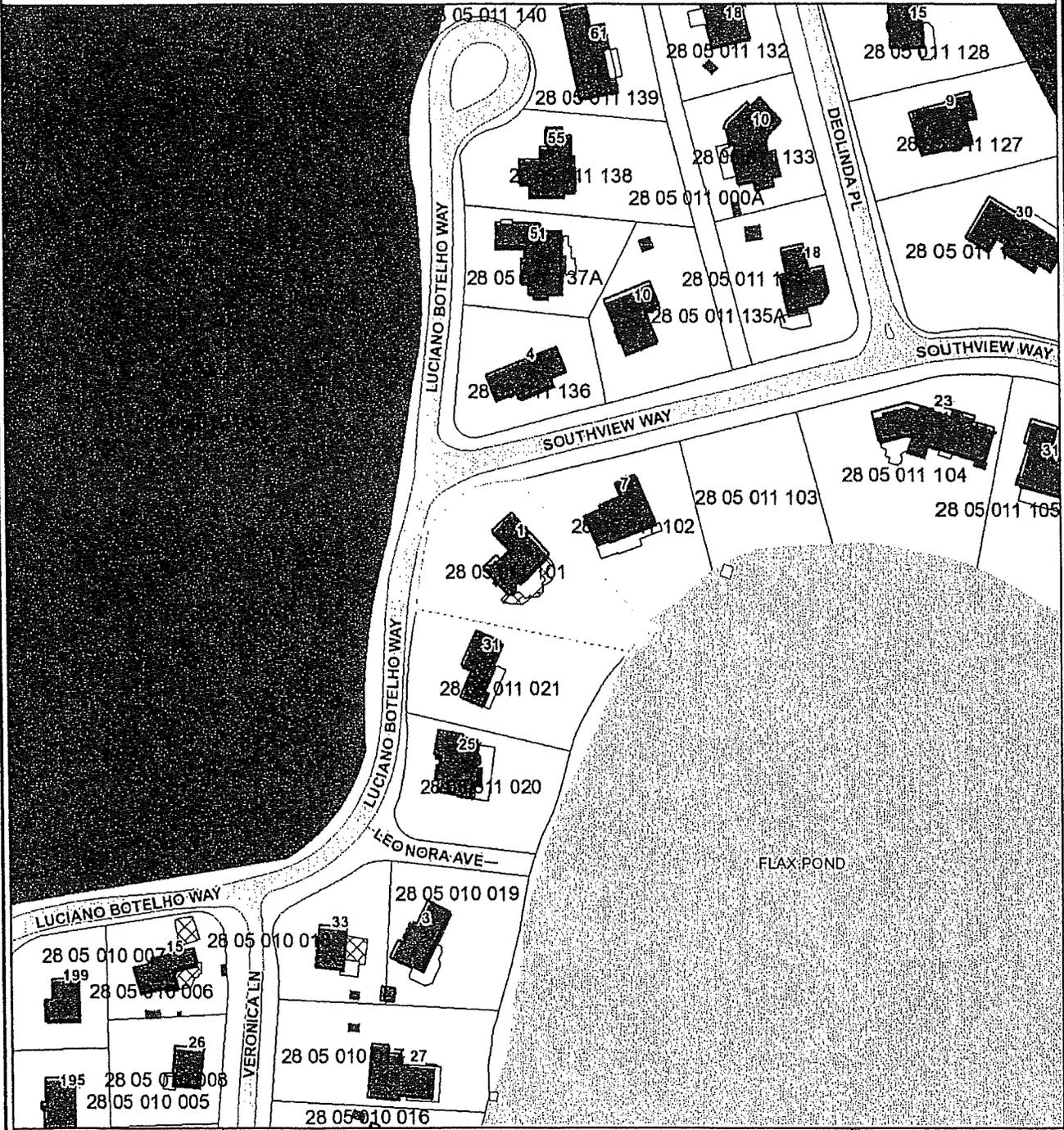
The seasonal structure will be installed from the bottom of the existing timber stairs. Each section will be installed and work will progress to the end of the walkway via each section as it is installed. The permanent sleeves will be installed to will allow for re-installation of the structure in the same location in the event it is removed, thus minimizing bottom disturbance.

The applicant wishes to reserve permission to allow the dock to remain in place year round with a bubbler system.

This proposed walkway and dock are similar to other walkways and docks reviewed by Conservation Commission and DEP.

6.0 Summary

The existing wetland resources, potential impacts, and proposed mitigation measures associated with this project have been fully documented in the Notice of Intent. The project meets the performance standards for such projects and satisfies the guidelines developed by the Falmouth Conservation Commission. In light of these considerations, we trust the Conservation Commission can issue a favorable Order of Conditions.



1" = 141 ft

<p>Places of Interest</p> <ul style="list-style-type: none"> Police Fire Stations Golf Library Medical Municipal Buildings Other Schools Sports BEACHES BOAT RAMPS CCRTA Bus Stops Ferry Routes FALMOUTH EDGARTOW FALMOUTH-OAK BLUFF WOODS HOLE-OAK BLU WOODS HOLE-VINEYAR 	<p>CCRTA Bus Routes</p> <ul style="list-style-type: none"> Fal-Win-Spr WHOOSH Summer Bike Path Bridges Road Surfaces OTHER PAVED Cobblestone; Concrete; Ot Dirt; Gravel Shell 	<p>Coastal Structures</p> <ul style="list-style-type: none"> Coastal Wall DOCK Groins Jetty PIER Revetment WHARF Water Features POND STREAM WETAREA Decks Palms Parcels 	<p>Road Ownership</p> <ul style="list-style-type: none"> COUNTY; TOWN PRIVATE STATE Bkg Roof Prints Buildings Vegetation SOG FIELD ORCHARD Layers of Interest Public Lands COMMONWEALTH OF M TOWN OF FALMOUTH CONSERVATION STEAMSHIP AUTHORIT UNITED STATES OF AM
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Disclaimer
 The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.
 Planimetric features derived from 305 Aerials.
 Prepared by Falmouth G.I.S.



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

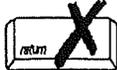
Provided by MassDEP:
25-4508
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

A. General Information

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

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



1. From: Falmouth
Conservation Commission

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

3. To: Applicant:
David & Loretta Garrison
a. First Name b. Last Name

c. Organization

1 Southview Way

d. Mailing Address

E Falmouth MA 02536
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:
1 Southview Way E Falmouth
a. Street Address b. City/Town
28 05 011 101
c. Assessors Map/Plat Number d. Parcel/Lot Number

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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A. General Information (cont.)

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

Barnstable

a. County

29610

c. Book

b. Certificate Number (if registered land)

259

d. Page

7. Dates: 11/13/2019 12/18/2019 1/08/2020
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan- Proposed Dock

a. Plan Title

Falmouth Engineering, Inc.

b. Prepared By

October 7, 2019

d. Final Revision Date

Michael J. Borselli, P.E. Gary S. Labrie, R.L.S.

as shown

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Findings (cont.)

Denied because:

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

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

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



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B. Findings (cont.)

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

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

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

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4508

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eDEP Transaction #

Falmouth

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

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4508

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



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

Provided by MassDEP:
25-4508
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4508
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

E. Signatures

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

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

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

1/8/2020

1. Date of Issuance
4
2. Number of Signers

Signatures:

Maureen Nestor
Kevin F. O'Brien

James L. Mullen
Elizabeth Ngweni

by hand delivery on

by certified mail, return receipt requested, on

Date

1/8/20
Date # 7012 0470 0001 3617

F. Appeals

9488

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

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

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



Falmouth Conservation Commission

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

Name: David & Loretta Garrison
Address: 1 Southview Way
DEP #: 25-4508

FINDINGS:

1. The applicant proposes to construct a small dock within the waters of Flax Pond and to construct a walkway leading from the bottom of the existing timber stairs to the proposed dock. The project will allow for access to the pond and a location to launch a small boat or kayak.
2. The proposed project is within estimated habitat for rare wildlife; the Division of Fisheries and Wildlife has determined the project will not adversely affect the habitat of a state listed species and will not result in a prohibited "take".
3. Resource areas on site or within 100 feet of the proposed project is Land Under Waterbodies, Bordering Vegetated Wetland, Inland Bank and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood control
3. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to David & Loretta Garrison of Falmouth, MA, to construct a small dock in the waters of Flax Pond and to construct a walkway leading from the bottom of the existing timber stairs to the proposed dock. The project will allow for access to the pond and a location to launch a small boat or kayak according to the plan prepared by Falmouth Engineering, Inc. dated October 7, 2019 entitled "Site Plan – Proposed Dock For #1 Southview Way" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing

contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

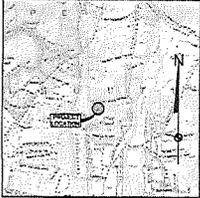
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.
9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.

10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. ~~Drywells and roof gutters shall be installed to contain all roof runoff. Proof of drywell installation shall be submitted with the request for a Certificate of Compliance. Dated photographs of the installed drywells with correct DEP # displayed and a signed letter by the contractor are to be submitted as proof of installation. Failure to comply with this condition, in its entirety, will result in the excavation of the drywell to prove compliance.~~
14. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
15. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
16. If the applicant seeks an Occupancy permit from the Building Department prior to the issuance of a Certificate of Compliance the applicant shall post a performance bond; the bond shall cover the cost of all outstanding work, including landscaping plus 25% of the total. The bond will be released once all outstanding work has been completed and the applicant applies for and receives a Certificate of Compliance.
17. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated

on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS:

1. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
2. All cuttings/debris, etc. are to be kept out of the Resource Areas.
3. The construction site is to be cleaned daily to remove any loose debris.
4. Trenching for electrical work is not permitted under this Order of Conditions.
5. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.



LOCUS
NOT TO SCALE

PARCEL 12
N/F
TOWN OF FALMOUTH
CONSERVATION
COMMISSION

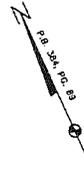
LUCIANO BOTEELHO WAY

SOUTHVIEW WAY

LOT 102
N/F
HOOSHAND D. POOR &
FARZANEH MOENI-POOR

LOT 101
21,300± S.F.

LOT 21
N/F
GEORGE B. GOSHGARIAN, TR.



LEGEND

- 2' — EXISTING 2' CONTOUR
- 10' — EXISTING 10' CONTOUR
- +21.5 EXISTING SPOT ELEVATION
- EXISTING TREE
- ▬ EXISTING BLOCKWALL
- CONCRETE BOUND WITH DRILL HOLE

GENERAL NOTES:

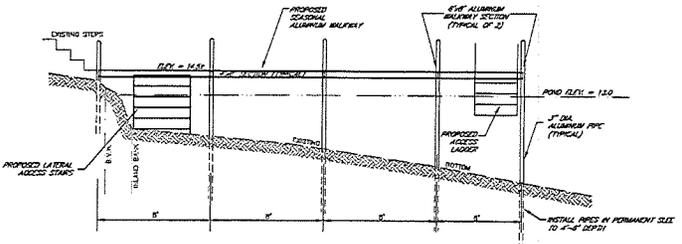
1. ASSessor's INFORMATION: 28 05 011 101
2. FLOOD ZONE: X (FEMA MAP 25001C0722B)
3. ZONING DISTRICT: RA
4. WIND EXPOSURE CATEGORY: B
5. OVERLAY DISTRICTS: NHESP PRIORITY AND ESTIMATED HABITATS
6. LOT COVERAGE BY:
 - A. STRUCTURES: 3,024 S.F./21,300 S.F. = 14.2% < 20%
 - B. STRUCTURES/PARKING/PAVING: 3,348 S.F./21,300 S.F. = 15.7% < 40%
7. WIND BORNE DEBRIS REGION: NONE
8. STREET ADDRESS: SOUTHVIEW WAY
9. HOUSE NUMBER: 1
10. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988
12. BORDERING VEGETATED WETLAND COMPILED FROM A FILM BY OTHERS
13. FLAX POND SOUNDINGS, SHOWN IN PARENTHESIS, REPRESENT DEPTH BELOW ANNUAL HIGH POND ELEVATION

SITE PLAN

SCALE: 1" = 20'

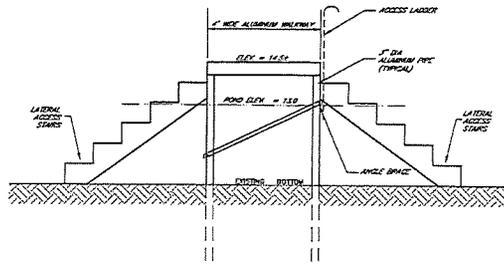


SCALE: 1" = 20 FEET



PIER PROFILE

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



TYPICAL CROSS SECTION

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

SITE PLAN - PROPOSED DOCK
FOR #1 SOUTHVIEW WAY
PREPARED FOR
DAVID & LORETTA GARRISON
FALMOUTH, MA

PLAN DATE: OCTOBER 7, 2019 PLAN SCALE: AS SHOWN

CIVIL ENGINEERING WATERWATER DESIGN TITLE & PLAT PLANS LAND USE PLANNING		WETLANDS MONITORING COASTAL ENGINEERING PIERS AND DOCKS COMMERCIAL/RESIDENTIAL
---	---	---

Serving Cape Cod and Southeastern Massachusetts

17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225

PROJECT NUMBER: 10022 CAD FILE NAME: 160922DP DRAWN BY: L.M. SHEET 1 OF 1





TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

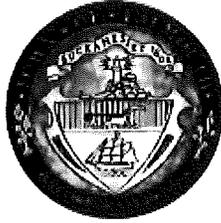
Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, March 9, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust, UDT for permission to license, retain and maintain two (2) existing 4'x20' floats in and over the waters of Eel Pond Canal. There is an existing Waterways License for the bulkhead, No. 4471, at 5 Canapitsit Drive, East Falmouth MA. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Selectmen's Office.

Per Order of the
Board of Selectmen

Publication dates: Friday, February 14, 2020, and Friday, February 21, 2020. Falmouth Enterprise.



TOWN OF FALMOUTH

BOARD OF SELECTMEN

**AGREEMENT FOR EXTENSION OF STATUTORY HEARING, DECISION AND
FILING DEADLINE**

The Applicant, Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust UDT, P.O. Box 901, East Falmouth, MA 02536, hereby agrees to an extension for the statutory hearing, decision and filing deadline for 5 Canapitsit Drive, East Falmouth, MA requesting a Permit to Dredge, Fill or Alter Wetlands under Section 240-77 (Wetland Regulations) of the Zoning Bylaws for permission to license, retain and maintain two (2) existing 4' x 20' floats in and over the waters of Eel Pond Canal, which was filed with the Town Clerk on January 27, 2020. The hearing was scheduled to open on March 9, 2020. At the request of the Applicant, the hearing has been continued to April 27, 2020. The Board's written decision shall be filed with the Falmouth Town Clerk in a timely manner, following the close of the hearing.

The above extension has been agreed to by the Applicant:

Oliver Wood
Signature of Representative for Applicant

3-5-2020
Date

The above extension has been agreed to by the Falmouth Board of Selectmen:

Signature of Board of Selectmen Chairman or Clerk

Date

Filed with the Town Clerk on _____

Diane Davidson

From: Stephanie M. Larsen <SLarsen@rubinrudman.com>
Sent: Thursday, March 5, 2020 10:57 AM
To: Diane Davidson
Cc: Glenn A. Wood; Tyler M. Franklin; 'info@capeeng.com'; 'matt@capeeng.com'; 'jean@capeeng.com'; Phyllis Downey
Subject: Wetland/Dock Hearing - 5 Canapitsit Drive, East Falmouth
Attachments: Agreement for Extension of Statutory Hearing 3.5.20.PDF

Please see attached executed Agreement for Extension.

Thank you.

Stephanie M. Larsen
Legal Assistant to
Robert A. Fasanella, Glenn A. Wood,
Michele A. Hunton, Laura M. Kelly, and
Paul Hodnett
Rubin and Rudman LLP
(T) 617-330-7047
(M) 617-330-7000
(F) 617-330-7550



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99 WILLOW STREET | YARMOUTHPORT, MA 02675 | P:508-362-6262

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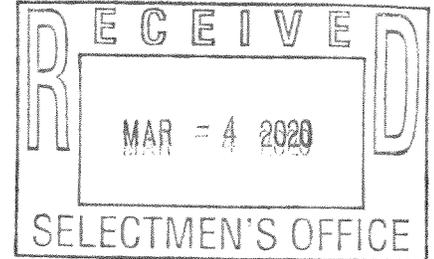
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 **RUBIN and
RUDMAN LLP**
Attorneys at Law

53 STATE STREET | BOSTON, MA 02109 | P: 617-330-7000
800 CONNECTICUT AVENUE NW | WASHINGTON, DC 20006 | P: 202-794-6300
99 WILLOW STREET | YARMOUTHPORT, MA 02675 | P: 508-362-6262

Glenn A. Wood
Direct Dial: 617-330-7016
E-mail: GWood@rubinrudman.com
Return Address: Boston

March 3, 2020



By Overnight Mail

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

RE: Permit for 5 Canapitsit Drive, East Falmouth, MA, 32 04 008 078 ~
Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt.

Dear Chairman Braga and Members of the Board:

In reference to the above-referenced application submitted to the Board of Selectmen pursuant to Section 240-77 of the Zoning Bylaw on January 22, 2020 for permission to License, retain and maintain existing two (2) 4'x20' floats in and over the waters of Eel Pond Canal, according to the Existing Float Plans, revised January 21, 2020, the applicant respectfully requests pursuant to G.L. c. 40A § 9 that the current hearing date of March 9, 2020 be moved to April 13, 2020. As grounds therefor, the applicant states that it is currently engaged in good-faith settlement discussions with interested parties that may otherwise oppose the issuance of a special permit. It is the applicant's intent to make every attempt to achieve a common agreement amongst the interested parties as to the location and orientation of floats in Eel Pond Canal. This would nullify any disputes that may be raised by these interested parties at the special permit hearing and therefor simplify the issues in dispute to be considered by the Board of Selectman at the special permit hearing.

For these reasons, the applicant requests that the Board of Selectmen move the special permit hearing from March 9, 2020 to April 13, 2020.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Glenn A. Wood, Esq.

cc: Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt
Matthew Costa, P.L.S., Cape & Islands Engineering, Inc.
Brian Wall, Esq.



CAPE & ISLANDS ENGINEERING

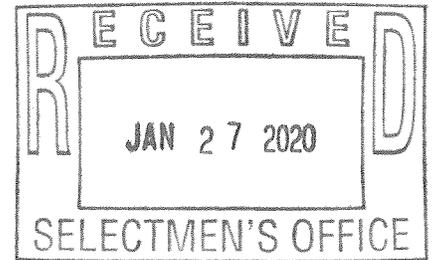
CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING

INCORPORATED

SUMMERFIELD PARK
800 FALMOUTH ROAD, SUITE 301C
MASHPEE, MA 02649
(508) 477-7272 FAX (508) 477-9072
email: info@CapeEng.com

PAID
\$75.00

CK # 1014 Anthony Pentikis



January 27, 2020

Falmouth Board of Selectmen
Town Hall Square
Falmouth, MA 02540

RE: Permit for 5 Canapitsit Drive, East Falmouth, MA, 32 04 008 078 ~
Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt.

Dear Chairman and Members of the Board:

Enclosed, please find the application as required under Section 240-77 of the Zoning Bylaw, for permission to License, retain and maintain existing two (2) 4'x20' floats in and over the waters of Eel Pond Canal, according to the Existing Float Plans, revised January 21, 2020. There is an existing Waterways License for the bulkhead, No. 4471, at 5 Canapitsit Drive, East Falmouth, MA.

If you have any questions or concerns, please feel free to contact me.

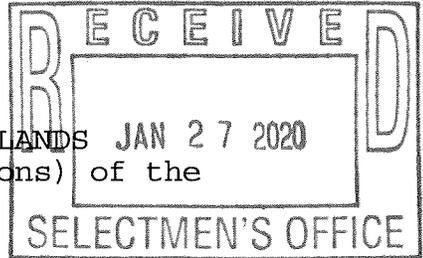
Sincerely,

Matthew C. Costa, P.L.S., R.S.
President

Encl. Board of Selectmen Application
Determination of Applicability
Filing Fee

Cc: Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt

Town Of Falmouth
BOARD OF SELECTMEN



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

RECEIVED
JAN 27 2020

To the Board of Selectmen
Falmouth, Mass.

FALMOUTH TOWN CLERK
Date: January 27, 2020

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

Owner: Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt
(Full name) (Address) P.O. Box 901, E. Falmouth, MA 02536

Agent: Matthew C. Costa, P.L.S., R.S., 800 Falmouth Rd., Mashpee, MA 02649
(Full name) (address) 02109

Applicant: SAME AS ABOVE
(full name) (address)

1. **Location of Property:** Map 32 Section 04 Parcel 008 Lot 078
Street Name and House Number: 5 Canapitsit Drive, East Falmouth

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

3. **Description of property and project site:** The project site is located at 5 Canapitsit Drive, East Falmouth, MA, a private residential waterfront property with frontage on Eel Pond Canal, a tidal coastal embayment that flows into the waters of Vineyard Sound. The subject parcel consists of 13,767 (+/-) sq. ft. upland area and is on the eastern shore of Eel Pond Canal. The property has been a lot on record since on or about April 28, 1971 and has been developed as a legal single-family residence as of 1974, per the Town Assessors records. The property includes a single-family dwelling deck with stairs, septic system, timber steps, landscape steps, stepping stones, stone wall, post and rail fence, manicured lawn and landscape areas, concrete walkway, concrete bulkhead (License #4471) and floats in Eel Pond Canal. The two 4'x20' floats were approved by Falmouth Conservation 06-13-12 (see attached approval)

- a. **Dimensions, Acreage of total parcel:** 13,767 +/- sq. ft.
- b. **Length of water marsh frontage:** N/A
- c. **Dimensions of area to be dredged:** N/A **Depth:** N/A
- d. **Dimensions of area to be filled:** N/A
- e. **Volume of dredging spoil to be moved:** N/A
Disposition of Spoil: N/A

APPLICATION FOR PERMIT TO DREDGE
SECTION 4300, FILL OR OTHERWISE ALTER WETLANDS

f. Describe proposed riprap or bulkheading, if any: NONE

Other (docks, piers and etc.): License, retain and maintain two (2) existing 4'x20' floats in and over the waters of Eel Pond Canal. Floats previously approved by Falmouth Conservation Commission on 06-13-12. There is an existing Waterways License for the bulkhead, No. 4471, at 5 Canapitsit Drive, East Falmouth, MA.

h. Method (equipment to be used) for proposed work: Barge and most work to be done by hand

4. Purpose of proposed work: PRIVATE FLOAT SYSTEM

5. Zoning which governs area: RESIDENTIAL

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

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

8. Remarks: Chapter 91 License No. 4471

9. Project Summary for legal notice:

For permission to License, retain and maintain two (2) existing 4'x20' floats in and over the waters of Eel Pond Canal. There is an existing Waterways License for the bulkhead, No. 4471 at 5 Canapitsit Drive, East Falmouth, MA.

Owner: Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust udt

P.O. Box 901
East Falmouth, MA 02536

Agent: Matthew C. Costa, P.L.S., R.S. Cape & Islands Engineering

800 Falmouth Rd., Suite 301C
Mashpee, MA 02649

Applicant: Nikolas J., John S. and Anthony P. Pentikis/James N. Pentikis Trust u/d/t


(applicant/signature/date) Cape & Islands Engineering, Inc.

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

Falmouth Conservation Commission Determination of Applicability



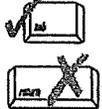
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

A. General Information

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



From:

Falmouth
Conservation Commission

To: Applicant

James Pentikis
Name
P.O. Box 901
Mailing Address
East Falmouth MA 02536
City/Town State Zip Code

Property Owner (if different from applicant):

Name
Mailing Address
City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Title Date
Title Date
Title Date

2. Date Request Filed: 5/25/2012

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Proposed to install two 4 x 20 ft floats to be secured parallel to existing bulkhead

Project Location:

5 Canapitsit Drive
Street Address
33 04
Assessors Map/Plot Number

East Falmouth
City/Town
008 078
Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. **Under the State and bylaw, as proposed.**
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Falmouth

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Falmouth Conservation Commission

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Falmouth
Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Falmouth Conservation Commission
Name _____ Ordinance or Bylaw Citation _____

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on by certified mail, return receipt requested on

1/25/12 *James M. Ponticillo*
Date _____ Date _____

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:

James M. Ponticillo *Elizabeth H. Gaudette*

Michelle J. Curt

Michael J. Powers *The Falmouth*

6/13/2012
Date _____

The Commonwealth of Massachusetts

No. 4471



Whereas, James Pentikis

of Falmouth, in the County of Barnstable and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to maintain an existing seawall-----

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

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

James Pentikis, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to maintain an existing seawall-----

in and over the waters of the Eel Pond Canal in the Town of Falmouth and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 4471, (2 sheets).

*see ...
5 Consistent Devere Falm*

PRINTED ON RECYCLED PAPER

4

License No. 4471

Page 2

The structures hereby authorized shall be limited to the following use: shoreline stabilization for the protection of existing structures.

In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area.

Accordingly, the Licensee shall place and maintain, in good repair, a public access sign along the Mean High Water shoreline at each property line. The signs shall include any statement and/or logo specified by the Department and shall otherwise conform to the "Signage Specifications of the Waterways Regulation Program", as may be amended hereafter. A Licensee's copy of such written specifications is provided with this license, and an additional copy shall be kept in the Department's permanent license file (No. 4471). Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

This license is valid for ninety-nine (99) years from the date of license issuance.

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

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

Duplicate of said plan, number 4471 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

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

License No. 4471

Page 4

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --James Pentikis----- by paying into the treasury of the Commonwealth two dollars and zero cents (\$2.00) for each cubic yard so displaced, being the amount hereby assessed by said Department. (2 cy = \$4.00)

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this *fifth* day of *May* in the year nineteen hundred and *ninety-five*

Commissioner
[Signature] Director
Section Chief

Thomas B. Pawest
[Signature]
[Signature]

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Commonwealth by the said~~
of the further sum of
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

~~Approved by the Governor.~~

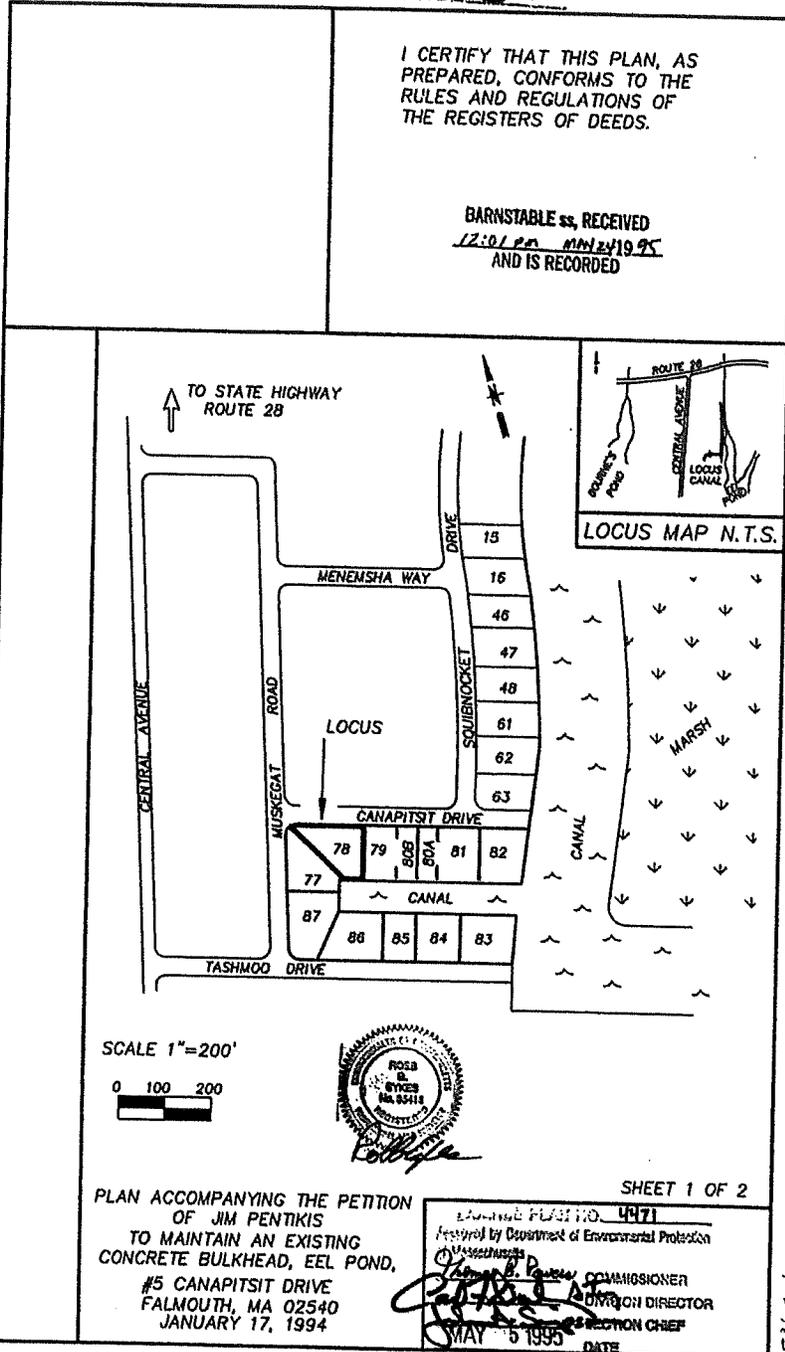
Governor

BARNSTABLE REGISTRY OF DEEDS

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

BARNSTABLE ss. RECEIVED
12:01 PM MAY 24 1995
AND IS RECORDED

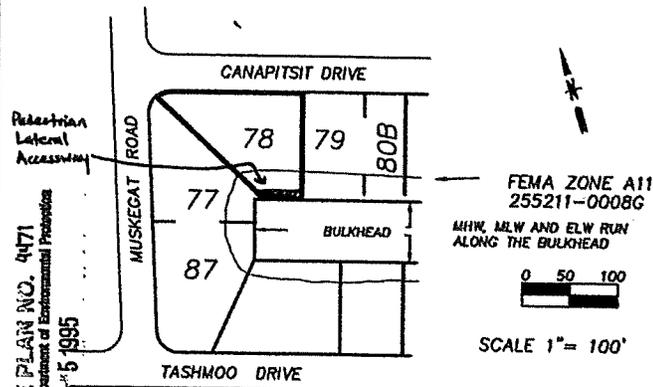
513-67



I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

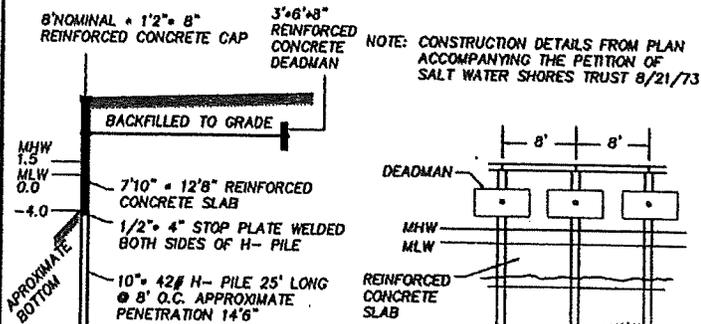
BARNSTABLE ss, RECEIVED
12:01 PM MAY 24 1995
AND IS RECORDED

513-68

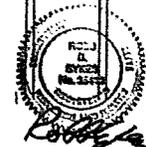


ENCLOSURE PLAN NO. 4471
Approved by Department of Environmental Protection
Date: MAY 15 1995

LOT/ ABUTTORS NAMES, ADDRESSES
87, 77/ LORRAINE KOHOUT, #64 MUSKEGET ROAD, FALMOUTH, MA 02536
79, 80-B/ EDWARD AND SHIRLEY MATTA, TRS., L.J. REALTY TRUST,
#311 NORTH WARREN AVE., BROCKTON, MA 02401



PLAN ACCOMPANYING THE PETITION OF JIM PENTIKIS TO MAINTAIN AN EXISTING CONCRETE BULKHEAD, EEL POND, #5 CANAPITSIT DRIVE FALMOUTH, MA 02540 JANUARY 7, 1994



SHEET 2 OF 2

94-3725

Bk 26691 Pg 166 #54628

09-21-2012 @ 09:24a

Property Location: 5 Canapitsit Drive, East Falmouth, Barnstable County, Massachusetts
Title not examined

QUITCLAIM DEED

I, James N. Pentikis with a mailing address of P.O. Box 901, East Falmouth, Barnstable County, Massachusetts, 02536,

for consideration of less than Ten (\$10.00) Dollars,

grant all of my right, title and interest to Nickolas J. Pentikis of Franklin, Massachusetts, John S. Pentikis of Timonium, Maryland, and Anthony P. Pentikis of East Falmouth, Massachusetts, co-Trustees of the James N. Pentikis Trust w/d/t August 9, 2012, with a mailing address of P.O. Box 901, East Falmouth, Barnstable County, Massachusetts, 02536,

with **QUITCLAIM COVENANTS**, that certain lot or parcel of land, together with the buildings thereon, situated in East Falmouth, Barnstable County, Massachusetts, bounded and described as follows:

- NORTHERLY by Canapitsit Drive, 161.86 feet;
- EASTERLY by Lot 79, 113.58 feet;
- SOUTHERLY by a canal as shown on hereinafter mentioned plan, 53 feet;
- WESTERLY by Lot 77, 165.33 feet; and

Prepared by the Law Office of Patricia J. Mello, P.C.
766 Falmouth Road, Mashpee, MA 02649
508-477-0267

7

NORTHWESTERLY by Canapitsit Drive, 21.32 feet.

Containing 13,670 square feet more or less and being shown as LOT 78 on a plan of land entitled "Revised Subdivision Plan of Land in Falmouth - Mass. For Robert B. Pacheco, scale 1" = 30', March 26, 1974, John P. Doyle, R.L.S."

James N. Pentikis reserves a life estate in the above referenced property.

The Grantor reserves the power to appoint the premises, or any portion thereof, outright or upon trusts, conditions, or limitations, to any one or more of the children of the Grantor or the spouses or surviving spouse of any of the foregoing persons or to a charitable organization other than governmental entities, by specifying either via power of appointment deed, executed and acknowledged during the Grantor's lifetime and delivered to the Barnstable County Registry of Deeds, or if the Grantor specifies in a duly probated Last Will and Testament. Failure to record notice of any such exercise of this power in the Barnstable Probate Court within ninety (90) days of the Grantor's death shall be conclusively treated as exercise of the power. The Grantor shall not exercise this power in favor of himself or his spouse. This power shall be exercisable during the lifetime of the Grantor by deed making express reference to this power and executed and recorded prior to the death of the Grantor. A release of the power reserved and granted hereunder, in whole or in part, shall be effective when registered with the Barnstable County Registry of Deeds. Any lifetime exercise or release of the foregoing power may be made by an attorney in fact acting under a durable power of attorney. No exercise of this appointment shall be deemed to release a Grantor's life estate unless such a release is explicitly made. The exercise of this power shall not exhaust it and the deed recorded last shall control as to any ambiguities or inconsistencies. No notice to, or assent by, the Grantees herein or their assigns shall be necessary in connection with any exercise of the rights retained by the Grantor herein.

Subject to any and all existing restrictions and encumbrances still in force and effect.

For Grantor's title see Deed to James N. Pentikis and Elizabeth L. Pentikis, recorded with said Registry of Deeds in 26495, Page 121.

*Prepared by the Law Office of Patricia J. Mello, P.C.
766 Falmouth Road, Mashpee, MA 02649
508-477-0267*

WITNESS my hand and seal this 9th day of August, 2012.

James N. Pentikis
James N. Pentikis

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 9th day of August 2012, before me, the undersigned notary public, personally appeared James N. Pentikis, proved to me through satisfactory evidence of identification, which was A personal knowledge of identity or _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Amy Barao Kullar



Prepared by the Law Office of Patricia J. Mello, P.C.
766 Falmouth Road, Mashpee, MA 02649
508-477-0267

SPKLEH

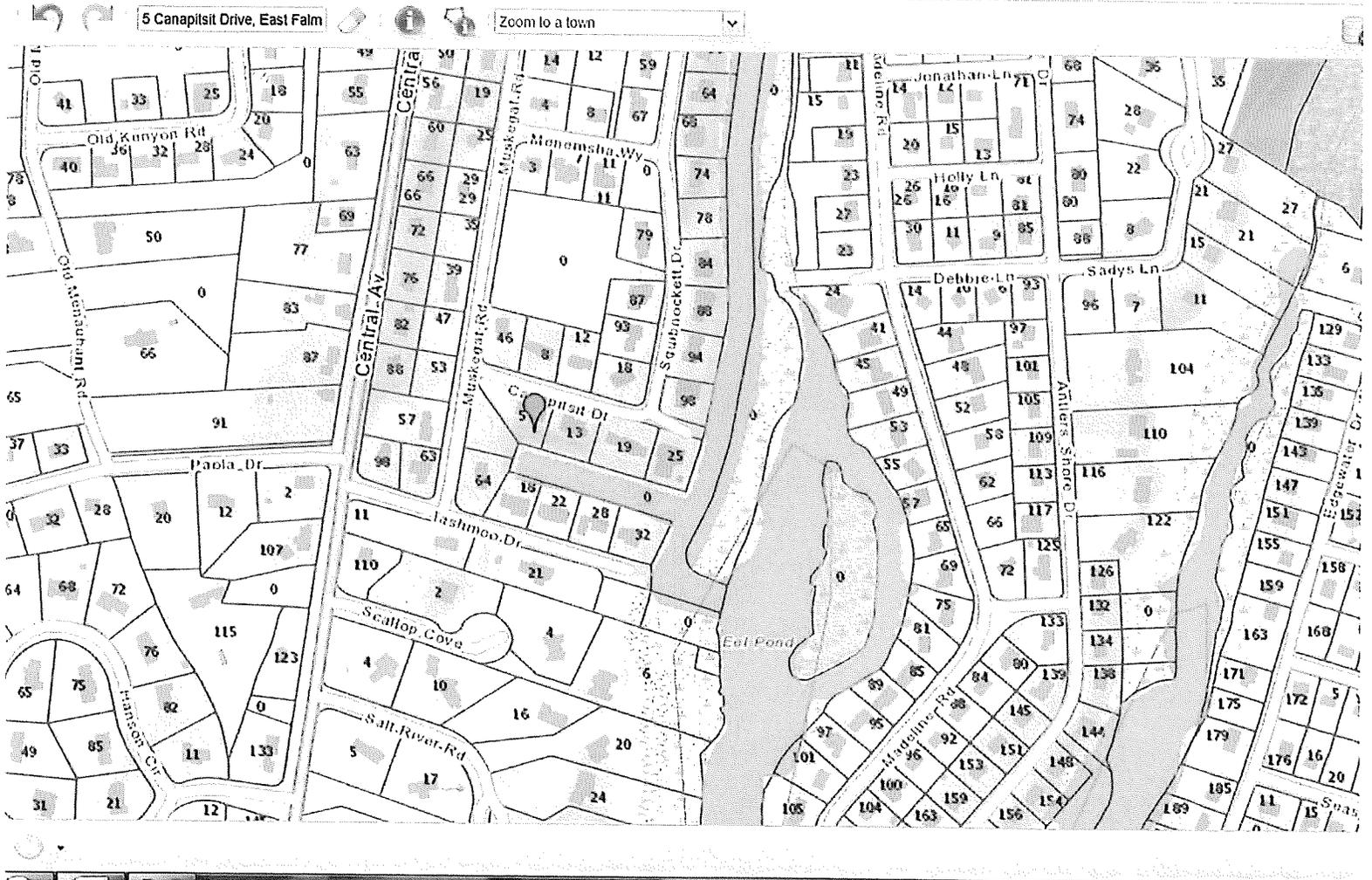
BARNSTABLE REGISTRY OF DEEDS

ACEC and Natural Heritage Endangered Species Map

s.massgis.state.ma.us/map_ol/oliver.php

CA - Mail CA - Calendar OLIVER MassGIS BRP WW 24, General DEP File Number Loc B/ BCRD Transmittal Form and MassDEP Natural Heritage (ME

s Online Mapping Tool [OLIVER Updates](#)



Google Earth Imagery



Directions to Site

**Nickolas J. John S. and Anthony P. Pentikis
James N. Pentikis Trust u/d/t
5 Canapitsit Drive
East Falmouth, MA**

**Starting at Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540**

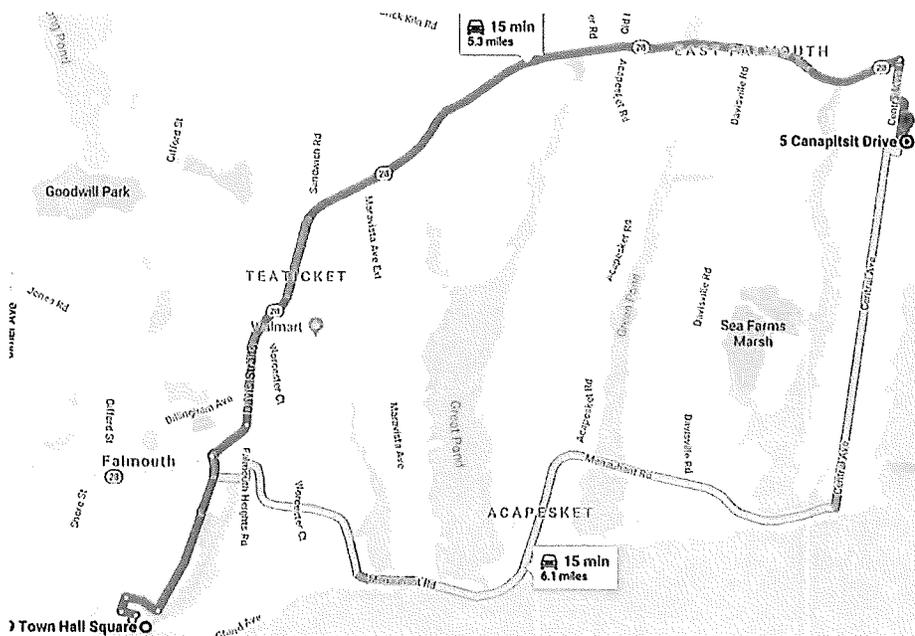
**15 min (5.3 miles)
via MA-28 S**

**Take Scranton Ave to Main St
4 min (1.0 mi)**

**Follow MA-28 S to Central Ave
10 min (3.9 mi)**

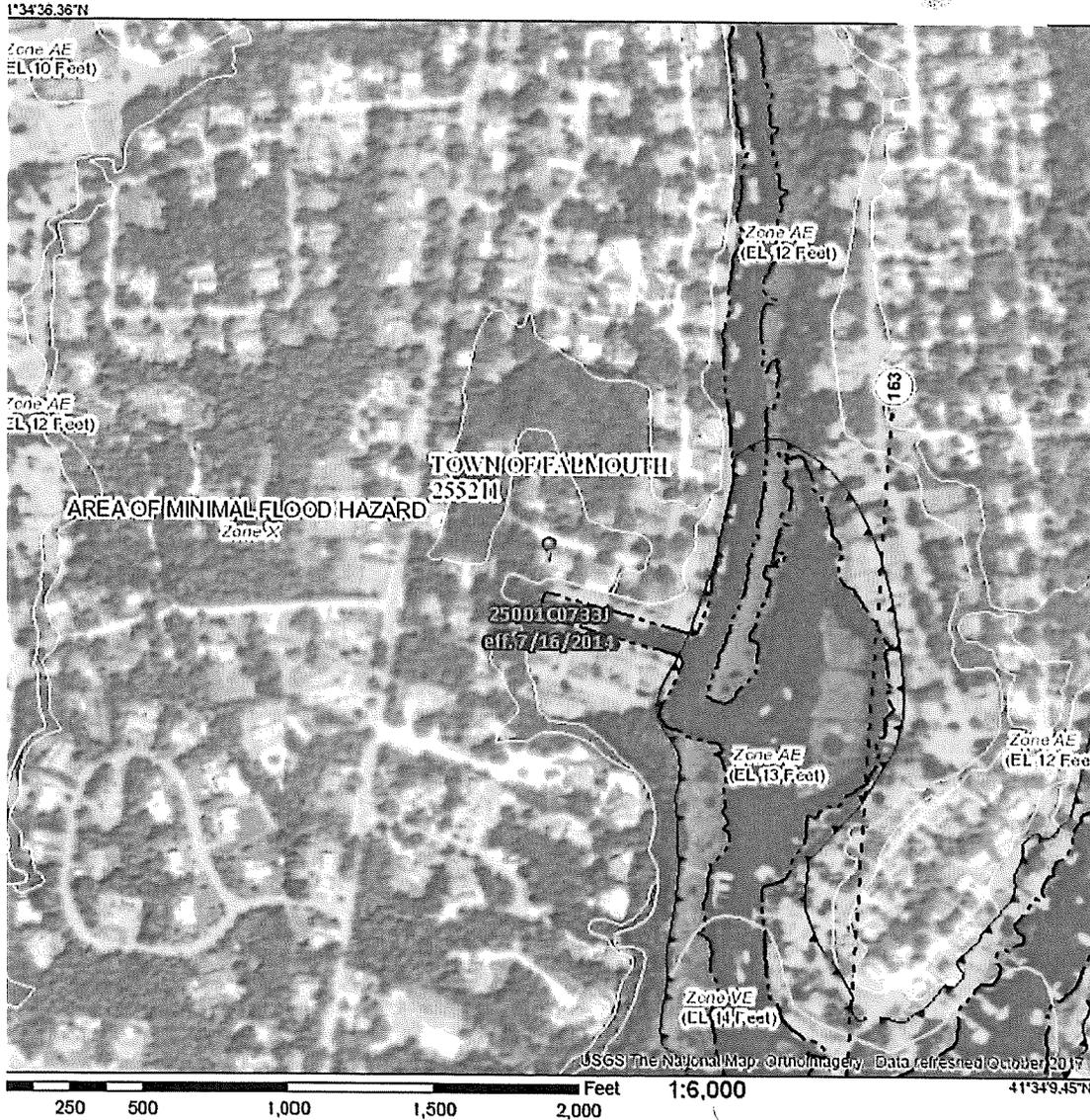
**Follow Central Ave and Muskegat Rd to Canapitsit Dr
2 min (0.4 mi)**

**5 Canapitsit Dr
East Falmouth, MA 02536**



FEMA Flood Map

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AV Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone S
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs Area of Undetermined Flood Hazard Zone S
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
MAP PANELS	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/22/2018 at 2:15:41 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Mass GIS Topo Map

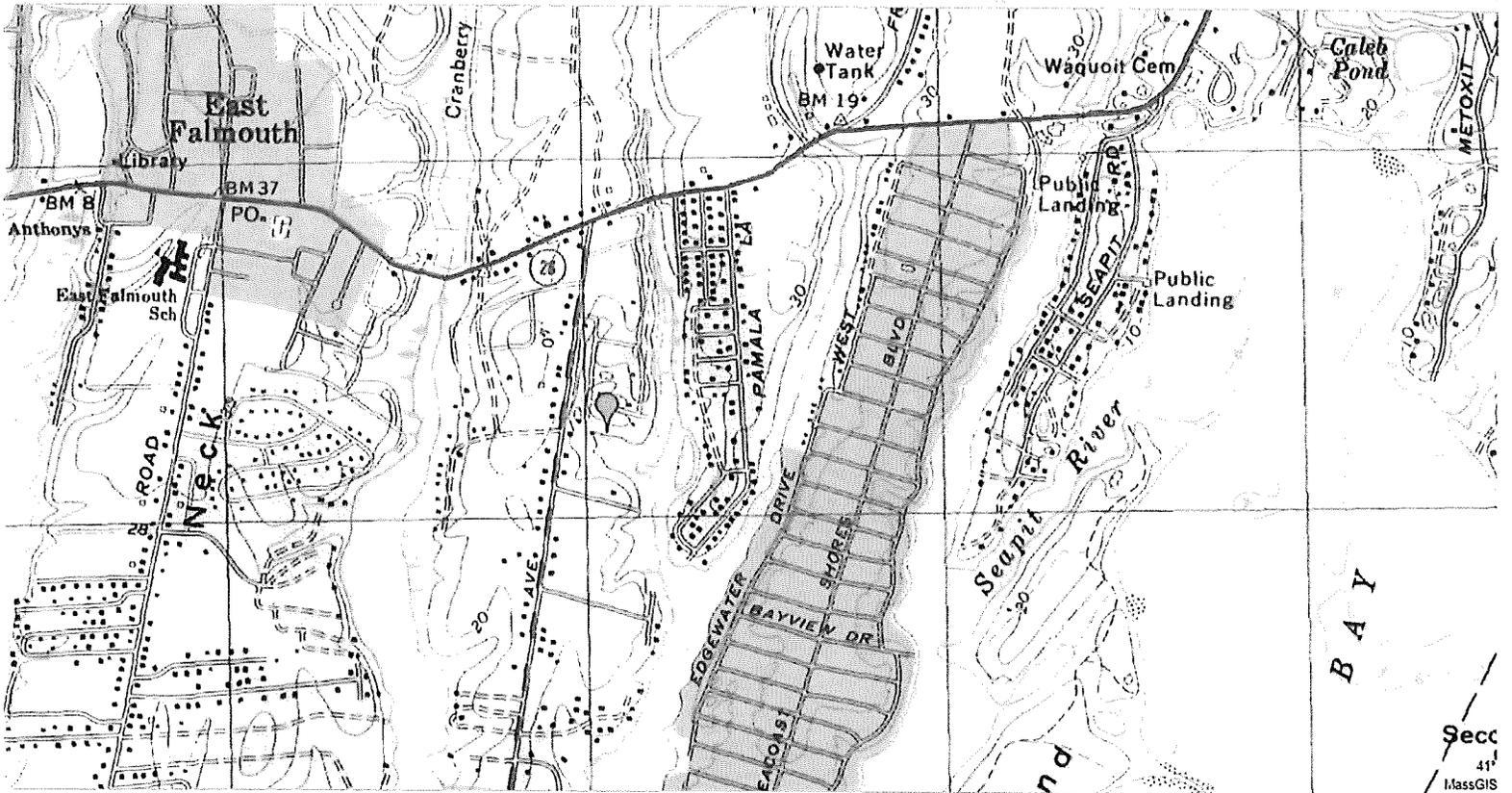
maps.massgis.state.ma.us/map_ol/oliver.php

CA - Mail CA - Calendar OLIVER MassGIS BRP WW 24, General DEP File Number Loc BCRD Transmittal Form anc MassDEP Natural Heritage (ME

MassGIS's Online Mapping Tool OLIVER Updates

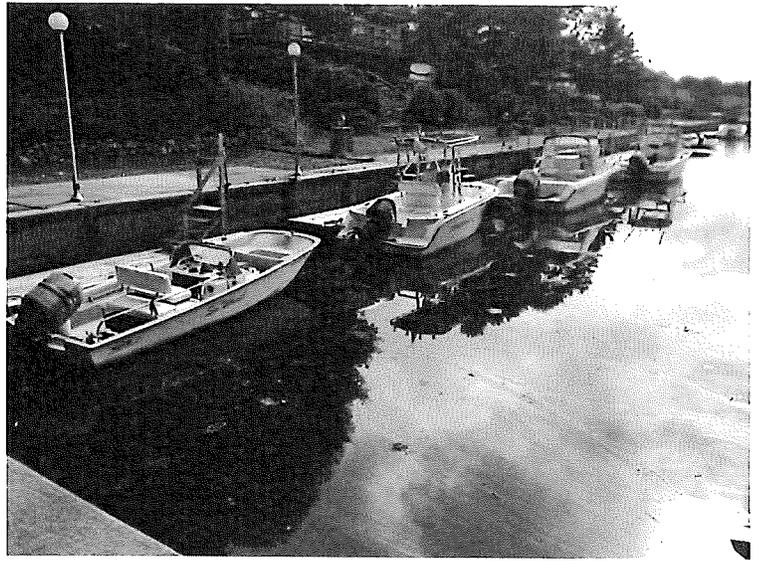
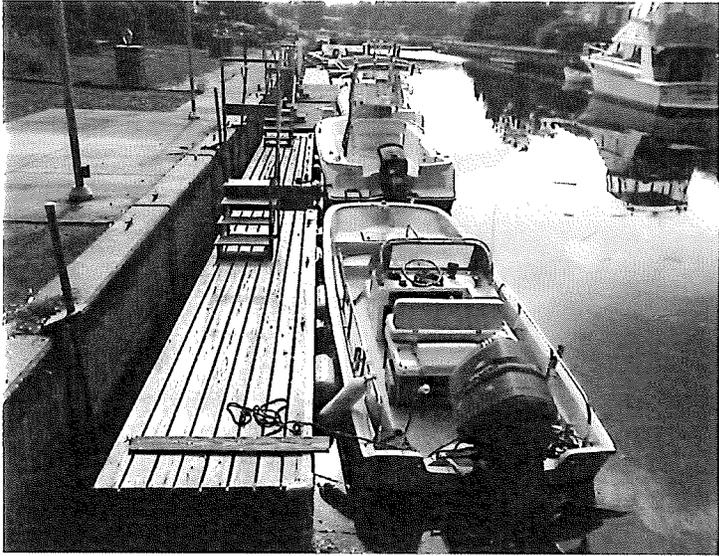
5 Canapitsit Drive, East Falm

Zoom to a town



Section 41
MassGIS

Photographs



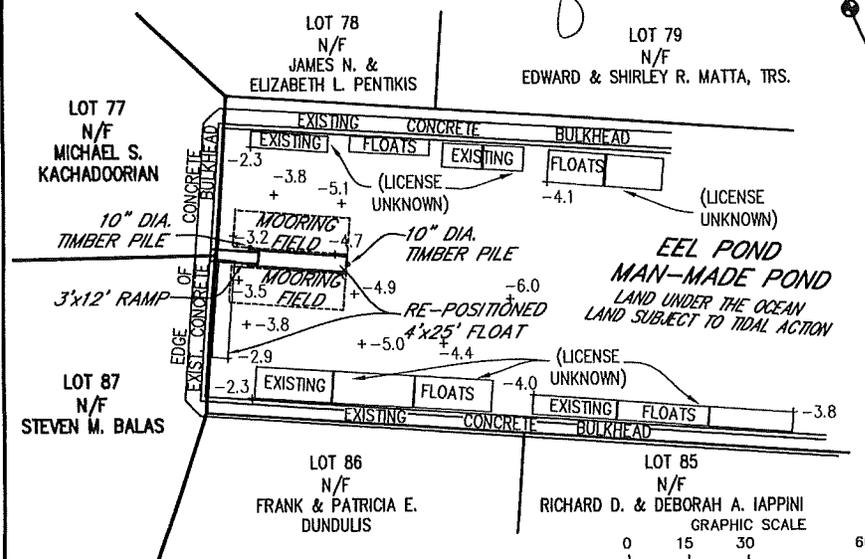
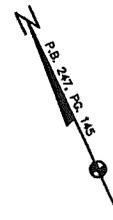
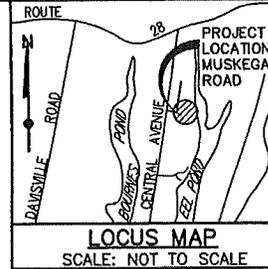
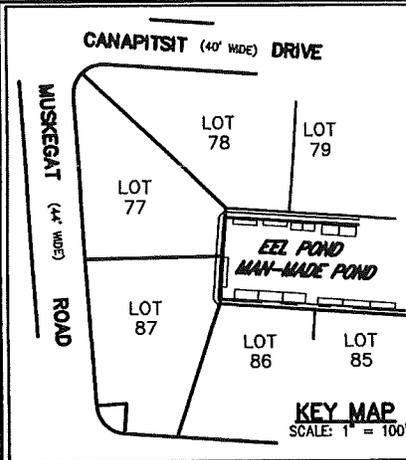
I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

9-26-19

M. J. Borselli

DATE

REGISTERED PROFESSIONAL ENGINEER



PURPOSE: PRIVATE RECREATIONAL USE
PLAN ACCOMPANYING PETITION OF
STEVEN BALAS & MICHAEL KACHADOORIAN
#64 & LOT 77 MUSKEGAT ROAD
PLAN OF PROPOSED RAMP & FLOAT
IN EEL POND (MAN-MADE POND)
FALMOUTH, BARNSTABLE COUNTY, MA

DATUM:
BASED ON MLW = 0.0
ELEV. ABOVE MHW BASED ON NAVD88

PLAN BY:  17 ACADEMY LANE, SUITE 200
FALMOUTH, MA 02540
508.495.1225

DATE: SEPTEMBER 20, 2019 SHEET: 1 OF 2

Phyllis Downey

From: Amy Coughlin
Sent: Friday, February 14, 2020 11:06 AM
To: Phyllis Downey
Cc: Jennifer Lincoln
Subject: 5 Canapisit Dr- Dock/Pier document
Attachments: Canapisit Dr 5 (Pentikis) RDA Determination 07 25 12.pdf

Good morning,

Attached please find the most current RDA we have on file for Pentikis Trust at 5 Canapisit Drive.

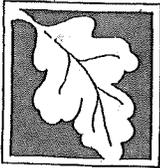
We do not have any orders of condition on this property. If you have any other questions, please let me know.

Have a nice long weekend!

Amy Coughlin

Conservation Administrative Assistant

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7444



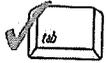
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

A. General Information

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



From:

Falmouth
Conservation Commission

To: Applicant

James Pentikis
Name

P.O. Box 901
Mailing Address

East Falmouth
City/Town

MA
State

02536
Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Title

Date

Title

Date

Title

Date

2. Date Request Filed: 5/25/2012

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Proposed to install two 4 x 20 ft floats to be secured parallel to existing bulkhead

Project Location:

5 Canapitsit Drive

Street Address

33 04

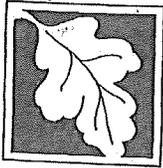
Assessors Map/Plat Number

East Falmouth

City/Town

008 078

Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

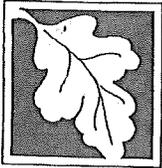
Falmouth
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Falmouth Conservation Commission

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

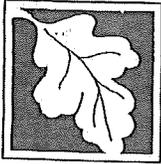
- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. **Under the State and bylaw, as proposed.**
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Falmouth
Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Falmouth Conservation Commission
Name
Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on 1/25/12 James M. Pentekis by certified mail, return receipt requested on
Date Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:

Maureen Heston Elizabeth H. Gaudette
Mitchell J. Curt
Michael J. Powers John J. Curran

6/13/2012
Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

Falmouth Wetlands Protection Bylaw Chapter 235 and FWR 10.00

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Attwood, Inc. d/b/a Clarke's Pub has applied for a NEW All Alcoholic Common Victualler License to be exercised at 444 North Falmouth Highway (Route 28A), North Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, March 9, 2020 at 7:30 p.m. on the above application.

LICENSING BOARD

Megan English Braga

Douglas C. Brown

Douglas H. Jones

Susan L. Moran

Samuel H. Patterson

Publication Date: Friday, February 21, 2020; Falmouth Enterprise



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

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:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Kitchen 78 A

Parking 12

Front Entry

Front Entry

Staggered Tables 24 (10/10)

Dining 8 Tables 24 (52)

Bar

(10)

Bar

0000000000

Dish Line

Storage

Storage

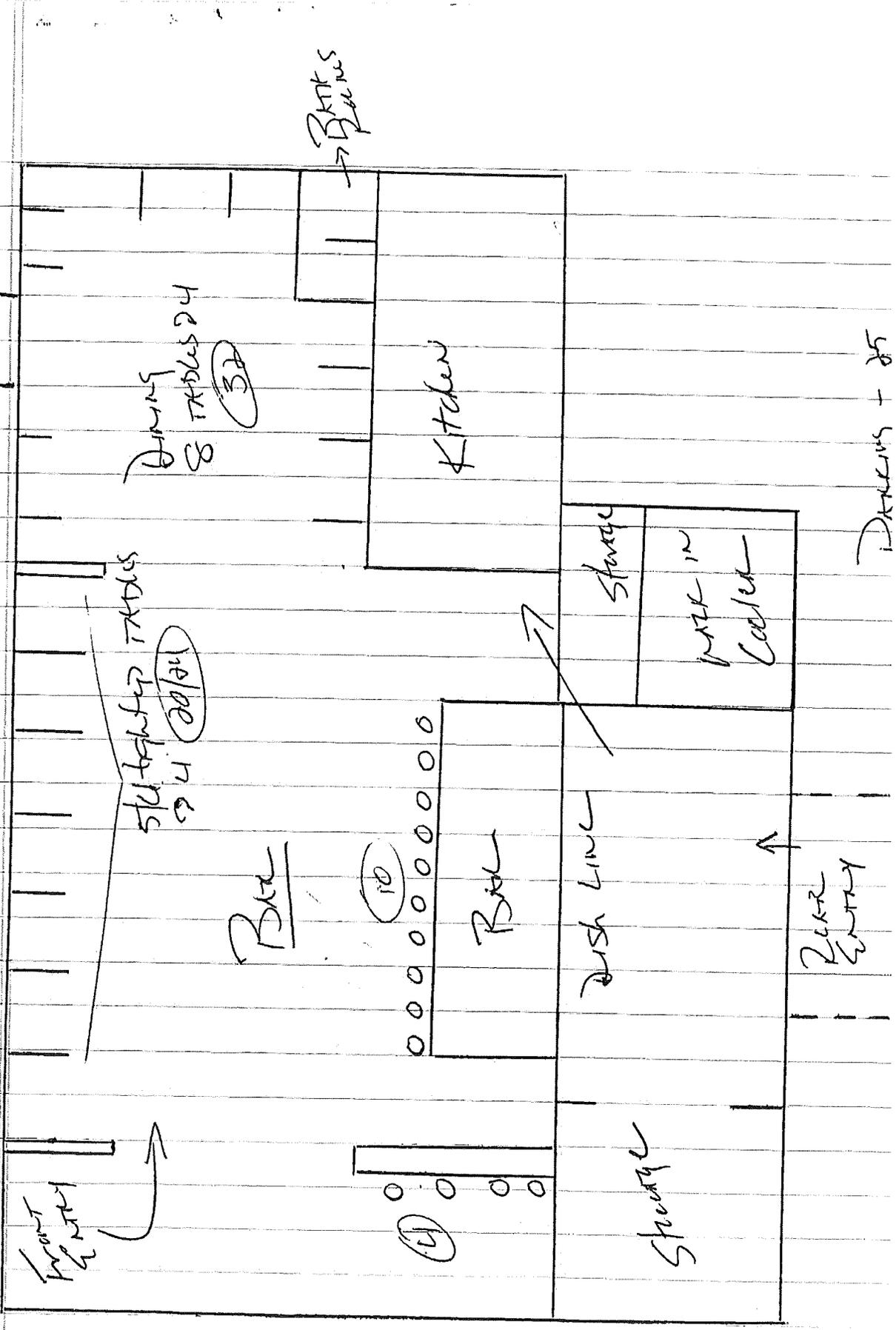
WALK IN Cooler

Back Entry

Drinks + 25

Drinks

Kitchen





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

clark's Pub
9/14/20 11:20
paid \$100.00

New Retail Liquor License Checklist

\$1750.00

hours

ABCC: This application will be returned if the following documentation is not submitted:

- Application
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. This form must be notarized with a stamp or raised seal.
- Manager Application**
- Purchase and Sales Agreement**
- Proof of Citizenship** for the proposed Manager of Record.
- Vote of the Corporate Board**
- N/A* **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- Legal Right to Occupy**, a lease or deed.
- Floor Plan**
- Advertisement**
- Abutter's Notification** *in process*
- Monetary Transmittal Form**
- \$200 Fee** paid online
- Payment Receipt**
- N/A* **Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Town of Falmouth:

- A \$50.00 Filing Fee made payable to the Town of Falmouth
- A \$50.00 Advertising Fee made payable to the Town of Falmouth
- Fingerprint-Based Background Check (for Manager of Record)
 - \$30.00 payable to the Town of Falmouth
 - \$30.00 cashier's check or money order payable to Commonwealth of Massachusetts (Police Dept.)
- A hearing before the Board of Selectmen *3/9/20*

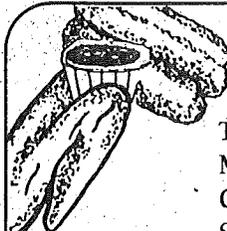
Other:

- Common Victualer, Entertainment, Sunday Entertainment, and/or Automatic Amusement**
- License Fees Associated with Above License Types *\$60.00*
- TIPS Certifications
- Certificate of Liquor Liability Insurance
- Health Permit
- Building/Fire Certificate of Inspection
- Sign Permit (Inspectional Services)
- Certificate of Doing Business (Town Clerk)
- OK* Special Permit issued by Zoning Board of Appeals
- Menu*

hours

Please refer to ABCC website: www.mass.gov/orgs/alcoholic-beverages-control-commission

1. Click on Alcoholic Beverages Retail Licenses
2. Click on Apply for an Alcoholic Beverages Retail License (New or Transfer)
3. Download the New or Transfer Retail License Application and CORI Authorization Form
4. Complete the Application and CORI Form
5. Save to your computer
6. Print out and sign
7. Attach all required documents and submit entire package to the Board of Selectmen's Office



THE BULLPEN

- TACO BITES \$3.85
- MOZZARELLA STICKS \$4.05
- CENTRAL FRIES \$2.55
- SPICY FRIES \$2.85
- STUFFED QUAHOGS \$1.85
- Hot or Mild
- CRISPY CHICKEN WINGS ... \$4.05
- CHICKEN FINGERSsm \$5.35
-lg \$6.35
- BBQ, Honey Mustard, Sweet & Sour
- CENTRAL SAMPLER \$5.60
- Buffalo Wings, Mozzarella Stix, Chix
- Wings, French Fries
-  DYNA BITES. . . . sm \$3.95 lg \$4.25
- Fried Broccoli and Cheese Puffs
- ONION RINGS \$3.35
- JALAPENO POPPERS \$4.05

- HOMEMADE GARLIC BREAD \$2.05
- W/Cheese \$2.35
- CENTRAL SKINS \$4.35
- W/Bacon & Cheese
- MEXICAN BASKET \$5.35
- Jalapeno Poppers, Taco Bites & Spicy Fries
- CENTRAL VEGGIE BASKET \$5.35
- Deep Fried Mushrooms, Carrots, Broccoli,
- Cauliflower, Zucchini with Jalapeno Cheese

Boneless Buffalo Wings
WARNING

There is no cure for WING ADDICTION.
Eat With Caution.

12 oz. \$5.95 16 oz. \$6.95

Degrees

Mild Hot X-Hot



SOUTH OF THE BORDER

- BASKET OF NACHOS
- W/Salsa \$2.25
- W/Jalapeno Cheese & Salsa \$3.25
- NACHOS
- Chips, melted cheese, Jalapeno
- peppers, salsa and sour cream
- Sm. \$3.75 . . . Lg. \$4.75

- LOADED NACHOS
- Chips, cheese, Jalapenos, seasoned beef, salsa
- and sour cream
- Sm. \$4.95 . . . Lg. \$6.95
- SUPER NACHOS
- Chips, cheese, Jalapenos, seasoned beef and
- salsa with diced tomatoes, shredded lettuce and
- sour cream
- Sm. \$5.95 . . . Lg. \$7.95



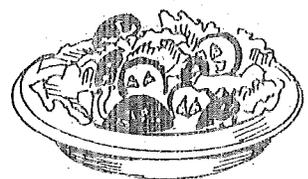
SOUP & CHILI

Chowder. . .cup \$1.50/bowl \$2.75 Soup of the Day. . .cup \$1.50/bowl \$2.25 Chili . . .cup \$2.50/bowl \$3.50

Quart size available to go

FROM THE GARDEN

All salads served with homemade Focicca bread

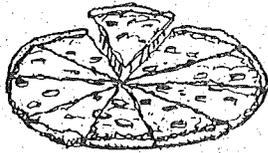


- TOSSED**
- Salad greens, tomatoes, cucumber, onion and
- green peppers Sm. \$2.75 . . . Lg. \$3.50
- GREEK**
- Salad greens, tomatoes, cucumber, onion, feta,
- black olives and green peppers
- Sm. \$2.95 . . . Lg. \$3.95
- CHEF'S**
- Salad greens, tomatoes, cucumber, onion, green
- peppers, julienne strips of swiss, ham and turkey
- Sm. \$3.25 . . . Lg. \$4.50
- ANTIPASTO**
- Salad greens, tomatoes, cucumber, pepperoncini,
- salami, capocola, peppers, onions olives and
- provolone Sm. \$3.25 . . . Lg. \$3.95

- CHICKEN PESTO SALAD**
- Lightly grilled chicken tossed in a pesto sauce and
- served over salad greens, tomatoes, green peppers,
- onions and cucumber
- Sm. \$3.25 . . . Lg. \$3.95
- TACO SALAD**
- A tossed salad with taco meat topping and melted
- cheese served in a deep fried tortilla shell . . . \$4.95
- GRILLED CHICKEN SALAD**
- Salad greens, tomatoes, cucumber, onion and green
- peppers topped with grilled chicken
- Sm. \$3.25 . . . Lg. \$3.95



- BONELESS BUFFALO WING SALAD (hot or mild)**
- Salad greens, tomatoes, cucumber, onion and green
- peppers, served with blue cheese Sm. \$3.95 . . . Lg. \$4.95



PIZZA

Cheese	\$3.95
Onion	\$4.95
Pickle Chips	\$4.95
Pepper	\$4.95
Mushroom	\$4.95
Tomato	\$4.95
Broccoli	\$4.95
Roasted Red Pepper	\$4.95
Pineapple	\$4.95
Black Olive	\$4.95
Garlic	\$4.95
Jalapeno	\$4.95
Pepperoncini	\$4.95
Linguica	\$5.40
✂ Chourico	\$5.40
Grilled Chicken	\$5.40
Sausage	\$5.40
Salami	\$5.40
Ham	\$5.40

Pepperoni	\$5.40
Bacon	\$5.40
Anchovie	\$5.40
Hamburger	\$5.40
✂ BBQ Chicken	\$5.40
Meatball	\$5.40
Hawaiian	\$5.75
2-Way Combo	\$5.75
3-Cheese	\$5.90
Feta, Mozzarella, Cheddar	
3-Way Combo	\$6.20
Special	\$6.50
Linguica, Mushroom, Onion, Pepper	

Extra Cheese on any pizza ... \$.75
 Each add'l topping \$.50

Add \$.75 for Stuffed Pizza

*Please be patient--
 our pizzas are cooked to order.*

✂ HOUSE SPECIALTY PIZZA ✂

Taco	\$6.20
Buffalo Chicken (hot or mild) ..	\$6.20
Greek	\$6.20
feta, olives and tomato with sauce or white	

BBQ Rib	\$6.20
with sauce or BBQ sauce	
Scallop & Bacon	\$6.20
Broccoli w/ Ricotta & Garlic with sauce or white	\$6.20

✂ WHITE PIZZA ✂

Mashed Potato & Bacon	\$6.20
with sour cream sauce	
Chicken Alfredo	\$6.20
Veggie Primavera	\$6.20
Sliced Tomato & 3 Cheese ..	\$6.20
with pesto sauce	
Spinach with Feta & Tomato	\$6.20

✂ DESSERT PIZZA ✂

All desert pizzas are served chilled

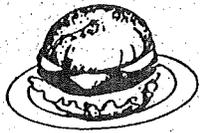
Strawberry & Ricotta
 Pineapple & Cream Cheese
 Peanutbutter & Chocolate

Apple Pie

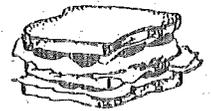
SLICE ... \$1.95

WHOLE PIE ... \$7.20

Add \$.05 for each to go item



THE STARTING LINEUP



All burgers are 100% "Angus Burgers" and served with a choice of a bulkie roll or homemade Focaccia bread with fries.

- BLACK ANGUS BURGER\$4.50
- W/Cheese\$4.75
- W/Bacon\$4.95
- Works\$5.25
- BBQ Style\$4.95

TRIPLE DECKER CLUB SANDWICH

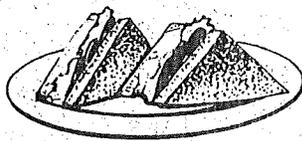
This classic standby is sure to hit a home run!
Turkey or roast beef, bacon & mayo. \$4.95

GRILLED CHICKEN SANDWICH

- Grilled chicken breast with lettuce and tomato is a Central favorite\$4.75
- W/Cheese\$4.95
- W/bacon\$4.95
- Cajun Style\$4.95
- The Works\$5.25



BUFFALO CHICKEN SANDWICH(hot or mild)
lettuce, tomato and blue cheese\$5.95



BONELESS BABY BACK RIB SUB

A marinated and lightly grilled boneless rack of ribs served on a French baguette\$5.95

MEATBALL SUB

An all-time favorite! Our own homemademeatballs with cheese and tomato sauce\$4.95

CHIX CORDON BLEU SUB

Deep fried chicken breast topped with honey mustard Virginia Baked Ham and Swiss cheese\$4.95

STEAK & CHEESE SUB\$4.75

- Onion & Pepper\$4.95
- Mushrooms\$4.95
- The Works\$5.50

CHICKEN PESTO SALAD SANDWICH

Grilled pieces of chicken tossed in a pesto and mayonaise sauce\$4.95

PULLED PORK

A spicy combination of shredded pork loin and a hickory-smoked barbeque sauce \$4.95



WRAPS



Made with honey - wheat wraps served with french fries

- Turkey Walnut\$4.95
- Greek\$4.95
- Ham & Cheese\$4.95
- Chicken Pesto\$4.95

Your choice of lettuce, tomato, mayo., mustard, american, swiss, or provolone cheese.

GRILLED PIZZETTA

A lightly grilled hearty dough consisting of wheat flour and corn meal, and finished with a topping of your choice.

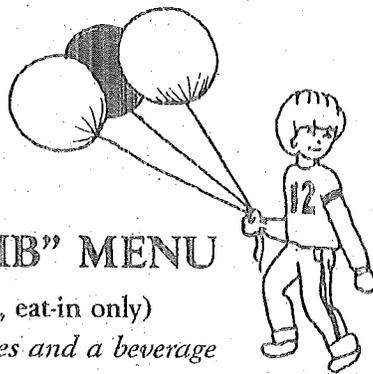
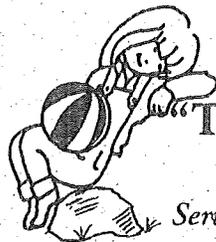
\$5.95

May We Suggest . . .

- Chicken and broccoli with ricotta and cheddar cheese.
- Sliced tomato, pesto and three cheeses.
- Marinated beef, mushrooms and cheddar cheese.
- Taco meat, jalapeno cheese, tomatoes and shredded lettuce.
- Or create your own with our fine toppings.



New Items



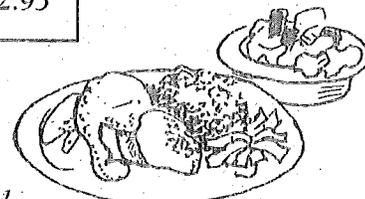
"TOM THUMB" MENU

(Children's Menu, eat-in only)

Served with french fries and a beverage

HAMBURGER	\$3.25	HOT DOG	\$2.50
CHEESEBURGER	\$3.50	CHICKEN FINGERS	\$3.50
 GRILLED CHEESE	\$2.50		

 CHILD'S PIZZA - Cheese or Pepperoni	\$2.95
---	--------



CENTRAL SUPPERS

All meals served with Focaccia bread and salad

MARINATED BEEF TIPS

Over rice or french fries with cole slaw or veggie \$7.95

CHICKEN AND BROCCOLI

Chicken and broccoli sauteed in a garlic broth served over ziti \$7.95

 **MEATBALLS & ZITI**

With Sauce \$6.95

KA-BOBS

2 skewers with onion and peppers served over rice

GRILLED STEAK \$4.25

GRILLED CHICKEN \$4.25

STEAK AND CHICKEN \$4.25

Upgrade to 3 skewers, your choice of chicken or steak or-combo \$6.25

THE SEAFOOD CORNER

FISH & CHIPS

Lightly breaded and deep fried fresh fish with french fries and cole slaw
\$5.95

SCALLOP PLATTER

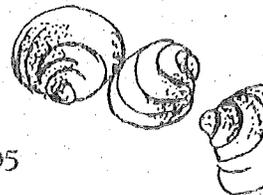
Lean China Bay scallops with a firm texture, breaded and fried to perfection and served with french fries and cole slaw Market Price

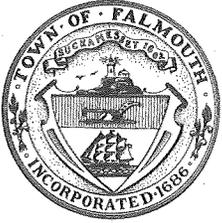
CLAM PLATTER

Fresh whole clams deep fried to a golden color with french fries and cole slaw Market Price

 **SCALLOP OR CLAM ROLL**

Market Price





TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

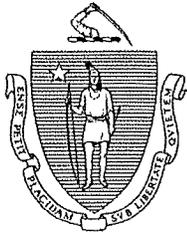
Fax (508) 457-2573

PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held on Monday, March 9, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of Cumberland Farms, Inc. for permission to remove the existing four (4) 10,000-gallon underground storage tanks (UST) and to install two (2) new 20,000-gallon state-of-the-art double wall fiberglass underground storage tanks (UST), located at 8 Old Meetinghouse Road (Parcel ID# 33-12-007-000) and 400 East Falmouth Highway (Parcel ID# 33-12-008-000), East Falmouth, MA 02536.

Per Order of the Board of Selectmen

Publication date: Friday, February 28, 2020, Falmouth Enterprise



FP-002
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of Falmouth

License

Massachusetts General Law, Chapter 148 §13

New License Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,
a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 8 Old Meeting House Rd. (33 12 007 000) and 400 E. Falmouth Hwy. (33 12 008 000)

Owner of Land: Cumberland Farms, Inc.; Old Barnstable Realty Trust
Number, Street and Assessor's Map and Parcel ID

Address of Land Owner: 165 Flanders Rd., Westborough, MA 01581; 8 Old Meeting House Rd., E. Falmouth, MA 02536

GIS Coordinates

LAT.

LONG.

License Number

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet gal.	CONTAINER UST, AST, IBC, drums UST
Gasoline*	IB	20,000		UST
Gasoline **	IB	12,000	gal.	UST
Diesel**	IB	8,000	gal.	UST

*20,000 Compartment Tank (one of 12,000 gal. regular; one of 8,000 gal. diesel)

**20,000 Compartment Tank (one of 12,000 gal. regular; one of 8,000 gal. premium)

Total:40,000 gal.

LP-gas (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

❖ Maximum amount (in pounds) of Class 1.3G: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____

❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

Explosives *(Complete this section for the storage of explosives)*

- ❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority _____ Chairman, Falmouth Board of Selectmen _____
Title _____ Date _____

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.



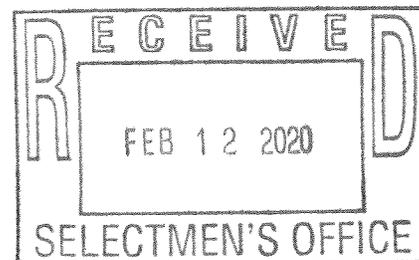
MORIARTY TROYER & MALLOY LLC
ATTORNEYS AT LAW

Douglas A. Troyer
Direct Dial: (781) 817-4605
dtroyer@lawmtm.com
Admitted in MA & ME

February 10, 2020

VIA HAND-DELIVERY

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



PAID
\$60.00

Re: Cumberland Farms Inc.'s Application to Amend Underground Storage Tank License

**Subject Property: 8 Old Meeting House Road (Map 33, Section 12, Parcel 7)
400 East Falmouth Highway (Map 33, Section 12, Parcel 8)**

Dear Sir/Madam:

Please be advised that this firm represents Cumberland Farms, Inc. ("CFI") in connection with the above-referenced matter. Enclosed for filing please find the following in connection with CFI's application for amended underground storage tank license relating to above-referenced properties:

1. Application for Amended License pursuant to M.G.L. c. 148, § 13, proposing to install two 20,000 gal. compartmental tanks;
2. CFI's Underground Storage Tank Plans, Sheet Nos. 14.0 – 14.6;
3. Copy of Planning Board Approved Site Plan;
4. Copy of Fuel Storage License issued November 14, 1994 which allowed four (4) 10,000 gallon tanks. CFI proposes to remove the existing tanks and install two new state of the art double wall fiberglass tanks at 20,000 gallons each. Also attached is a copy of the May 2, 2000 Registration.
5. Owner's Authorization;¹

¹ Please be advised that CFI has entered into a P&S agreement with the owner of 8 Old Meeting House property, which is contingent upon CFI being able to obtain all necessary permitting to raze the existing buildings and

February 10, 2020

Page 2

6. Certified copy of abutter's list. We understand that the Office of the Town Manager & Selectmen will provide the form of notice, which this office will send to the abutter's by certified mail return receipt requested.
7. Check made out to Town of Falmouth for \$50.00 representing the (\$25.00 Application filing fee and \$25.00 fee for advertising).

Should you need any additional information or documentation in order to process this Application, please do not hesitate to contact me. Additionally, by making this Application, we are requesting to be placed on the next available meeting before the Board of Selectmen.

Finally, enclosed please find a self-addressed stamped envelope and a copy of the first page of this letter. Please date stamp the copy of this letter as to the filing of CFI's application with the Board of Selectmen and forward the date stamped copy to my attention.

Thank you for your attention to this matter.

Respectfully submitted,

CUMBERLAND FARMS, INC.,

By its attorneys,

MORIARTY TROYER & MALLOY LLC



Douglas A. Troyer

Enclosures:

cc: Project Team (via email only)

construct a convenience store with self-service gasoline sales on the Subject Property. Thus, submitted with this application is the Owner's Authorization letter authorizing CFI to seek the relief requested in this instant Application.



FP-002A
(Rev. 1.2018)

The Commonwealth of Massachusetts
City/Town of Falmouth

Application For License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 8 Old Meeting House Road - Parcel ID 33-12-007-00
400 East Falmouth Highway - Parcel ID 33-12-008-00
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc.; Old Barnstable Realty Trust
165 Flanders Road, Westborough, MA 01581
Address of Land Owner: 8 Old Meeting House Road, East Falmouth, MA 02536

Use and Occupancy of Buildings and Structures: Gas station/convenience store; fuel and truck storage and office use.

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline*</u>	<u>IB</u>	<u>20,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline**</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Diesel**</u>	<u>IB</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>
<u>*20,000 Compartment Tank (one of 12,000 gal. regular; one of 8,000 gal. diesel)</u>				
<u>**20,000 Compartment Tank (one of 12,000 gal. regular; one of 8,000 gal. premium)</u>				

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Russ Mikkola, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature [Signature] Date 2/6/20 Name Russ Mikkola

Fire Department Use Only

I, Lt. McTrott, Head of the Falmouth Fire Department endorse this application with my

Approval Disapproval

Signature of Head of the Fire Department [Signature] Date 2-12-2020

Recommendations: _____

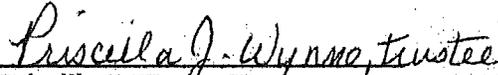
OWNERS' AUTHORIZATION

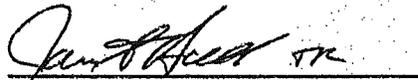
**Priscilla J. Wynne, Trustee of the Old Barnstable Realty Trust
8 Old Meeting House Road
East Falmouth, MA 02536**

**James S. Hall, Trustee of the Old Barnstable Realty Trust
8 Old Meeting House Road
East Falmouth, MA 02536**

The Old Barnstable Realty Trust is the current owners of the properties referenced above. The undersigned hereby confirm the owners' consent to Moriarty Troyer & Malloy LLC, as attorneys for Cumberland Farms, Inc. (including any attorney of the firm, with full power of substitution) filing and processing of the applications required for the permitting required for the construction of a convenience store and gasoline station by Cumberland Farms, Inc. and its agents on the above referenced property.

Old Barnstable Realty Trust


Priscilla J. Wynne, Trustee


James S. Hall

Dated: September 17th, 2019



February 12, 2020

Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Dear Julian M. Suso and Megan English Braga,

Mayflower Wind is developing an offshore wind lease area (OCS-A 0521) located more than 20 miles south of Nantucket with the potential to supply up to 1.2 GW of renewable wind energy to the electricity customers of New England.

Mayflower Wind is focused on supplying the region with renewable energy in a responsible and safe manner while supporting local economic and community development.

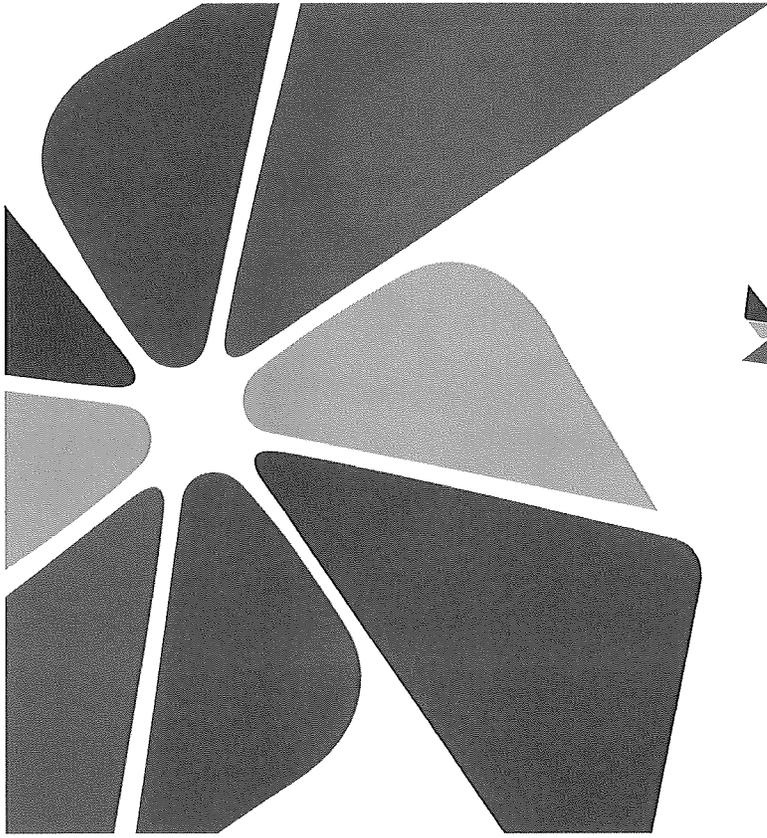
Getting to know and establish ongoing relationships with key stakeholders is critical to the success of the project. I am writing to request an opportunity at the March 9 Select Board meeting for representatives of Mayflower Wind to introduce the project, answer questions, and initiate a relationship with you and the town.

Would you kindly confirm the scheduling of this request or advise if you have any questions. We look forward to discussing the project with you soon.

Kind regards,

A handwritten signature in cursive script that reads "Christopher Hardy".

Christopher Hardy
External Outreach Manager
Mayflower Wind Energy, LLC



Town of Falmouth

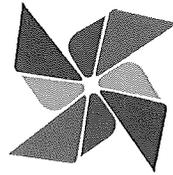
March 9, 2020

AGENDA

- About Mayflower Wind
- Project Overview
- Project Benefits and Delivery
- Stakeholder Engagement
- Questions

ABOUT MAYFLOWER WIND

Mayflower Wind is a joint venture of Shell New Energies (50%) and EDP Renewables (50%). We are backed by the combined capability, experience, commitment to innovation, and financial strength of a world-leading offshore energy developer and a world-leading wind power and renewable energy developer.



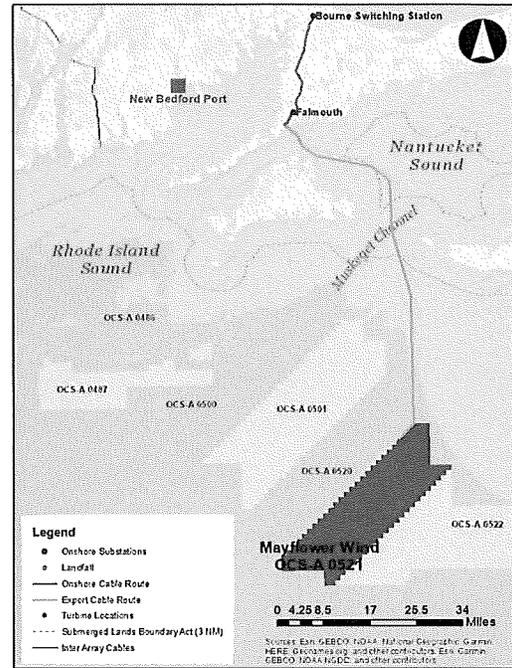
CORE VALUES

- **Safety first, safety always.** We are committed to treating our people, community, and environment with care.
- **Innovation and Industry Development.** We expect innovation will continue to drive the rapid decline in the cost of wind energy and aim to be a leader in this space.
- **Investing in Communities.** We are committed to building responsible partnerships with local communities by supporting jobs, economic development, and innovation that will flourish for decades to come.



SITE: CHARACTERISTICS

- **Location:** Atlantic Coast Outer Continental Shelf
- **Lease:** OCS-A 0521
- **Area:** 127,000 acres (520 km²)
- **Water Depth:** 64% < 55m
36% > 55m
- **Average wind speed at 135m:** 10.1m/s
- **Distance to shore:** 85-105 km
- **Connection point:** Bourne, MA
- **Distance to grid connection:** 125 km
- **Potential:** up to 1,600 MW (depending on technology)



MAYFLOWER WIND PROPOSALS

Massachusetts Section 83C II process

Unanimously selected by MA utilities on 10/30/19
PPAs submitted to MA DPU on 2/10/20

Low Cost Energy

804 MW

Lowest cost for offshore wind energy in the U.S.

Long-term & Ongoing funding for initiatives to support the industry and local economy



Infrastructure and Innovation

804 MW

Adding immediate capital for investment in port infrastructure

Adding near term funding to spur innovation



Massachusetts Manufacturing

804 MW

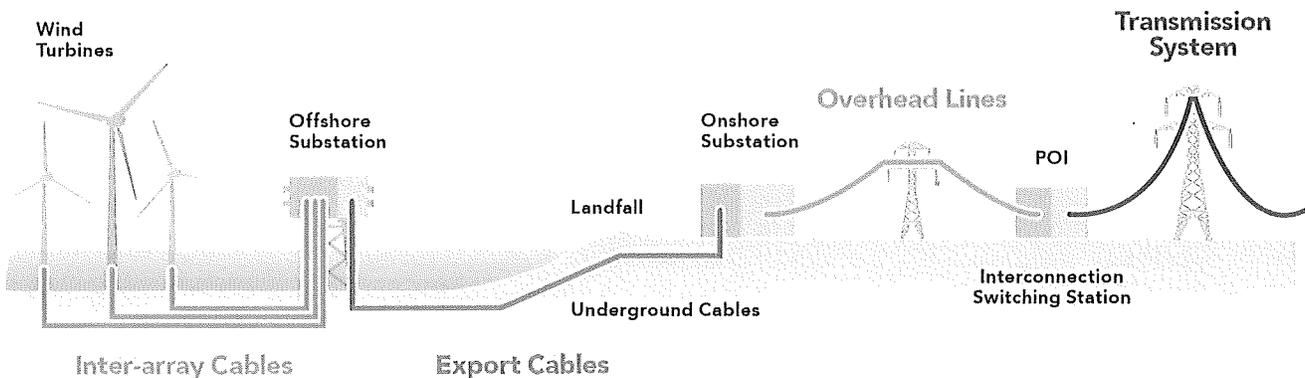
Additional direct investment in a new manufacturing facility creating additional 250 direct jobs



PROJECT BENEFITS

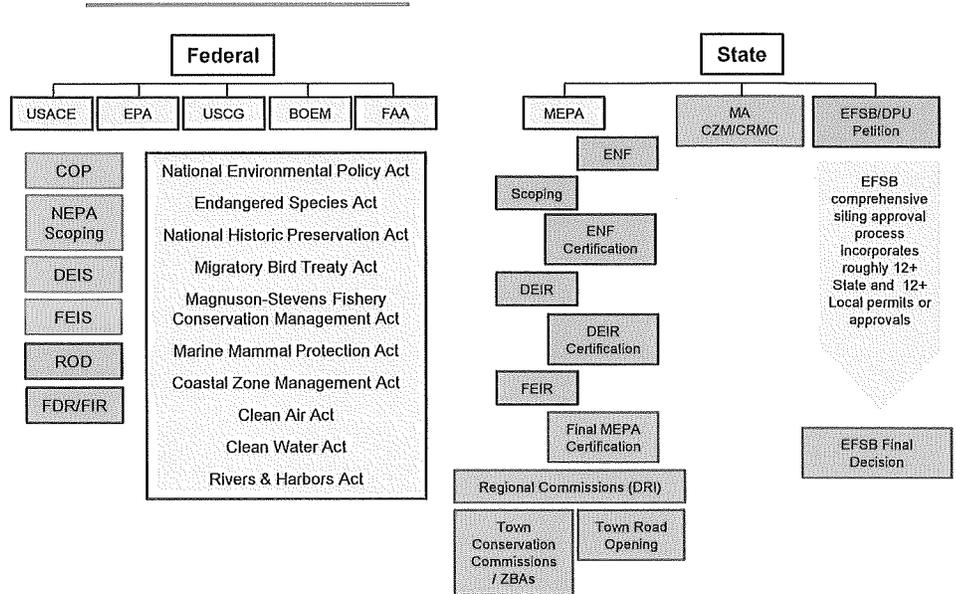
- Enhance reliability for Massachusetts by bringing energy directly into the region
- Bring a large amount of clean/renewable energy into Massachusetts while avoiding the construction of major transmission facilities to reach load centers from remote resources
- Help achieve mandatory state environmental and clean/renewable energy goals, including by potentially eliminating up to 2.5 million metric tons of greenhouse gas emissions annually once in operation — the equivalent of taking 5.3 million cars off the road
- Result in significant energy and capacity cost savings for Massachusetts electric customers as offshore wind prices continue to come down rapidly
- Benefit the workforce through training generations of future New England offshore workers for good-paying, innovative wind-industry jobs, leveraging Shell's 40+ years of operating in the Gulf of Mexico and North Sea and EDP Renewables' experience as the world's 4th-biggest wind energy producer
 - additionally, offshore wind manufacturing and supply chain development represents thousands of new jobs across the Northeastern U.S., including Massachusetts
- \$135 million lease payment will provide revenue to the U.S. government

SIMPLIFIED PROJECT SCHEMATIC



PERMITTING PROCESS

- Project path driven by local, state and federal regulatory approval times
- Federal process is complex and evolving
- Legacy state infrastructure/energy siting process must be adapted to this new technology
- Local engagement is critical for long term success



PROJECT DELIVERY

- PPA** ✓ Experience managing PPAs – sponsors hold over 6,000 MW of Wind Energy PPAs across the US.
- Permitting** ✓ Sponsors understand complexity related to federal and state permitting energy projects
✓ Shell has extensive US offshore experience, EDPR has extensive US onshore expertise
- Design** ✓ Mayflower has begun a number of key design activities including Concept Design for Foundations, Offshore Substation FEED, Offshore Geophys/Geotech surveys, and stakeholder engagements
- Financing** ✓ Strong Sponsor Group capable of direct financing of the project. Excellent lender support to date.
✓ Experience in complex financial structuring and tax equity investments.
- Construction** ✓ Successfully constructing energy projects in the US for over 100 years, the leading oil & gas deepwater developer and onshore wind developer in the country (\$10B/yr of US construction)
- Operation** ✓ Both Sponsor companies long history of operating both Onshore and Offshore projects.
✓ Strong experience with US offshore decommissioning

ROUTE EVALUATION CONSIDERATIONS

Benefits/Public Policy Needs

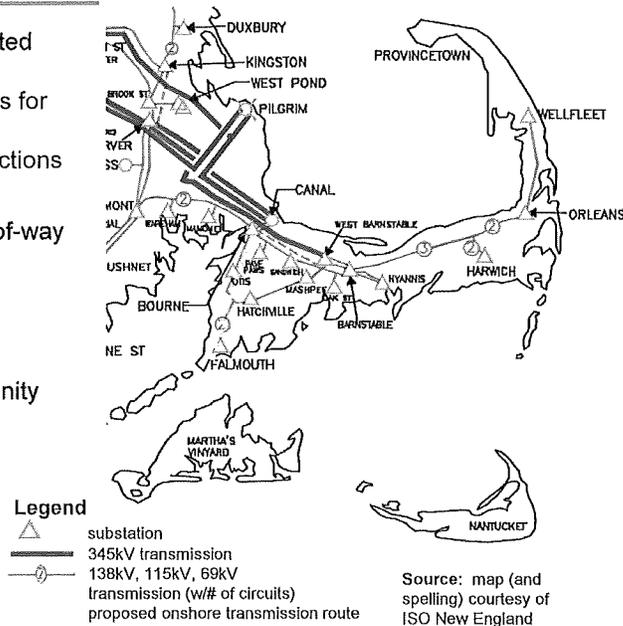
Environmental Impacts

Community Impacts

Costs

Constructability

- Bid selection October 30, 2019; PPA executed January 10, 2020
- Significant energy and capacity cost savings for Massachusetts electric customers
- Significant greenhouse gas emissions reductions annually once in operation
- Previously disturbed areas, existing rights-of-way
- Wetlands
- Endangered species
- Cultural and/or historical resources
- Existing vs. acquisition of easement rights
- Impacts to residential and business community
- Existing land uses
- Underground vs. Overhead
- Length of line
- Existing right-of-way; other options
- Water crossings



Engagement on scientific and environmental issues raised by stakeholders to ensure consideration and integration of proposed solutions, best available science, and BOEM BMPs in project planning



- Key role in launching the Responsible Offshore Science Alliance (ROSA) to advance regional research and monitoring of fisheries and offshore wind interactions in federal and state waters through collaboration and cooperation
 - Mayflower scientist, Dr. Ruth Perry is a founding Board Member
 - Mayflower investment in ROSA to fund research priorities
- Extensive outreach to fishing community underway, including use of key local institutions as Fisheries Representatives
- Working with many local scientific and educational institutions (WHOI, UMass-Dartmouth SMASST, etc.)



Thank You

Questions? Comments?

- Project Hotline: 508-589-3557
- Project website: www.mayflowerwind.com
- Project Email: info@mayflowerwind.com

Diane Davidson

From: Julian Suso
Sent: Tuesday, March 3, 2020 12:19 PM
To: Megan English Braga
Cc: Diane Davidson
Subject: FW: Tommy Leonard Tribute - Stone & Crosswalk
Attachments: Both Light Poles & Crosswalk.jpg; TL Tribute Stone.jpg; Town Hall Sq Light Pole.jpg; TL Tribute Stone Mock Up.jpg

Hello Megan,

I forward an update on the Tommy Leonard tribute initiative. As you will note, the local group would like to present a brief update to BOS at an upcoming meeting. (The one-year waiting period does not expire until May, as noted). However, given that this will involve the erection of a "small" stone monument as depicted in the public greenspace at the end of the proposed "Tommy Leonard Walkway" crossing Main Street from the Quarterdeck to the sidewalk in front of Town Hall Square – it seems appropriate to update BOS prior to taking a further step. If agreeable, March 9 or March 23? Thanks for taking a look.

Julian

From: Thomas Walrath [REDACTED]
Sent: Thursday, February 27, 2020 4:03 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Russ Pelletier [REDACTED] Eddie Doyle [REDACTED]
Subject: Tommy Leonard Tribute - Stone & Crosswalk

Julian,

Thanks for taking time this past Tuesday to sit down with Russ Pellitier and me to discuss the current state of our efforts.

We shared that the funds have been secured by The Falmouth Walk for the stone tribute to TL. This covers the stone, bronze ball cap, bronze plaque(that you saw) and all the work to assemble and install it. This work will be done by Grafton Briggs at Baker Monument. I have attached a photo of the Tribute drawing, and a mock up of where the stone will sit in the landscape. The height will be approximately 40" out of the ground.

We also talked about the naming of the crosswalk that goes from Town Hall Square to the QD, to "Tommy Leonard Walkway". We know that we have to wait until May 7th for the official green light from the Town. We discussed the possibility of back to back signs on the lamp post on either side of Main Street. I have attached two photos of this area and it seems that signage on the South side lamp post would be rather crowded. Maybe we only put the signs on the lamp post in front of the QD? Please let me know when it would make sense to discuss this with Peter McConarty and Jim Grady.

Our idea right now is to proceed with the Tribute work and have it ready for installation shortly after May 7th. You mentioned that it would be great to unveil the crosswalk signage and the Tribute stone together. We fully agree and have selected a target date of May 20th at noon.

I know you'd like us to provide an update to the Selectman and we are ready to address that at the next meeting on March 9th. Please inform us of what date will work.

The Falmouth Walk committee envisions this site to be a regular stop in Falmouth to take photos for many years to come.

Feel free to reach out to us with any questions you may have, and thanks for your help.

Thankfully,
Tom Walrath
President
The Falmouth Walk





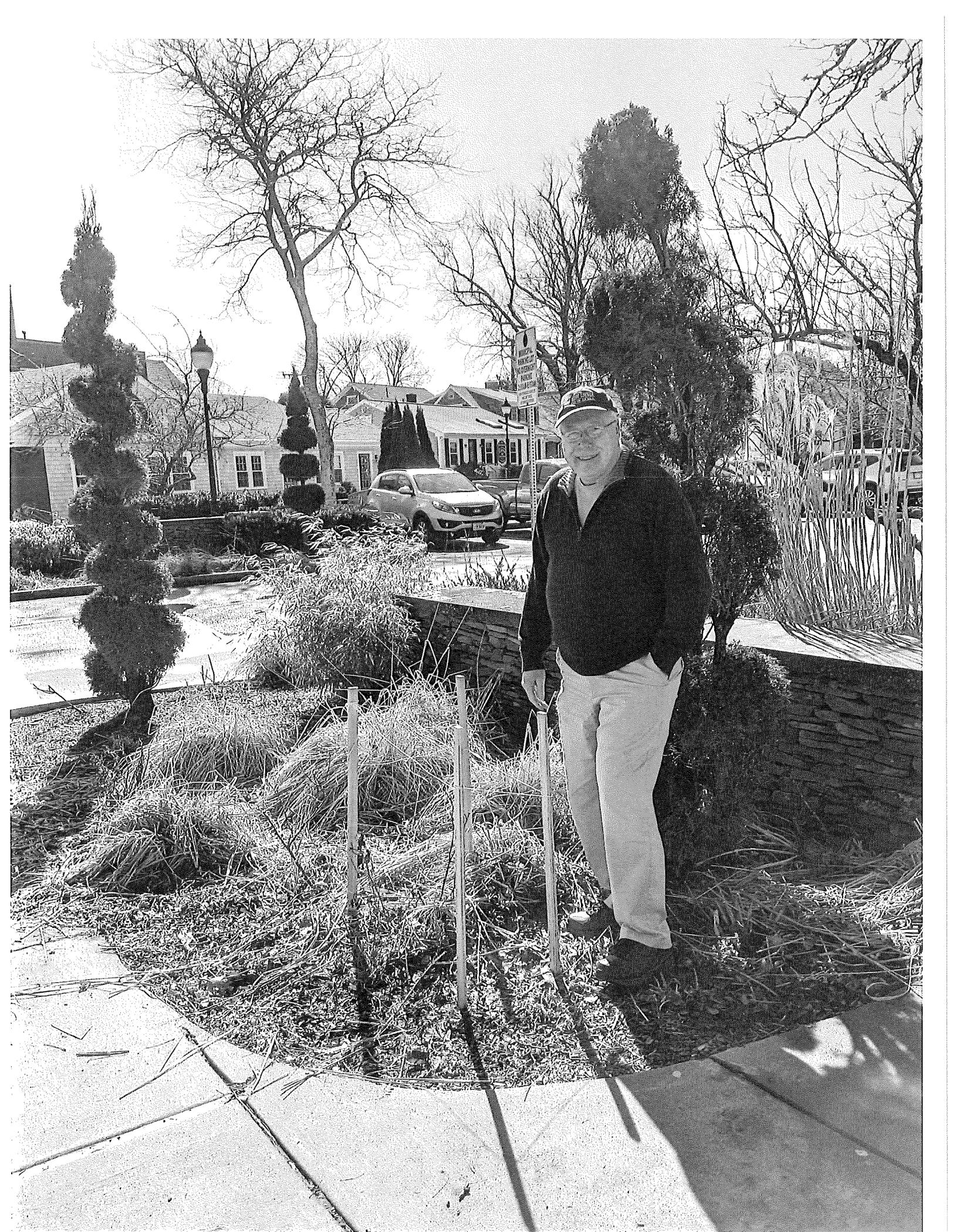


MAIN STREET

TOWN HALL SQ.

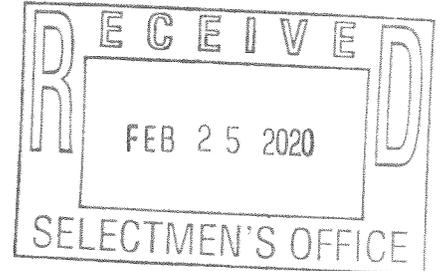
BIKE
PARKING
→

MUNICIPAL
PARKING
NO OVERNIGHT
PARKING
NO BICYCLES



February 24, 2020

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



Dear Selectmen,

The Falmouth Cultural Council manages the Falmouth Art Market at Marina Park during July and August. In previous years we have requested a waiver and would like to do the same for this up coming summer season..

The Art Market is a non-profit group. Vending fees are passed on to the council in order to provide scholarships to artist and to support cultural events in the community.

We hope you will consider our request.

Thank you,
Jane Parhiala,
Falmouth Cultural Council, Chair



2019

TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT Falmouth Art Market

NAME Falmouth Cultural Council, Jane Parhiala

MAILING ADDRESS 59 Town Hall Sq., Falmouth, MA 02540

EVENT DAY & DATE Thursdays: June 13 – August 29, 2019

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell Side)

EVENT TYPE Art Market – Craft Sales

SET-UP/BREAK-DOWN TIME 10:00 / 6:00 EVENT HOURS 12:00 p.m. – 5:00 p.m.

NUMBER OF ATTENDEES 20 -25 # OF VEHICLES 20-25 vendors

ADDITIONAL DETAILS Use of electricity at bandshell for music. Use of restrooms at Harbormaster office for vendors. Tents and chairs.

CONDITIONS:

1. Vendors to drop off and shuttle to/from Gus Canty Recreation Center parking lot.
2. Four spaces available for vendor parking on grass area behind Bandshell.
3. Vendor parking plaques will be placed on vendors' vehicles.
4. Assigned location for parking vendor vehicles.
5. Contact Inspectional Services Department for permit for tents over 400 sq. ft.
6. All areas to be checked for cleanliness following event.

Permit fee reduced to \$300 (\$100 1st, \$100 last, \$100) by B.O.S. 4/22/19.

PERMIT FEE ~~12 days x \$200/day = \$2,400.00~~ FILING FEE \$10.00

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

BOARD OF SELECTMEN:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

FALMOUTH AFFORDABLE HOUSING FUND

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

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

MEMORANDUM

To: Julian M. Suso, Town Manager
Cc: FAHF Working Group

FROM: Carla L. Feroni, Housing Coordinator

DATE: March 5, 2020

RE: 110 Dillingham #313 Resale - Affordability Preservation Options

The Estate of the affordable condominium unit at 110 Dillingham #313 has notified the Town of its intent to sell the unit. Citizens' Housing and Planning Association (CHAPA), the monitoring agent, has determined, pursuant to the affordable housing deed rider, the Maximum Resale Price for the unit is \$179,600. CHAPA and the homeowner have 90 days to locate an Eligible Purchaser for this unit. The 90-day marketing period ends on March 19, 2020. The seller may be amenable to an extension if the Town is willing to pay the carrying costs of the Homeowners Association (HOA) fees and taxes.

The resale agent, Housing Assistance Corporation (HAC) has been actively working to locate an eligible purchaser although one has not been found. The particular challenge in finding an eligible purchaser is the narrow income affordability range of a potential purchaser with an income of 80% of the Area Median Income (AMI) who can afford the additional \$701.00 per month cost of the Homeowner's Association Fee. If an Eligible Purchaser fails to buy the unit during the 90-day marketing period, the owner of the property could sell the unit on the open market for the fair market value. Due to the older type of deed rider, the unit would no longer be deed-restricted and therefore would no longer be counted on the Town's subsidized housing inventory (SHI). In this scenario, the deed restriction requires the seller to sell the unit for no less than 95% of the appraised or fair market value. Any monies received by the seller above the Maximum Resale Price would be returned to the Town's affordable housing fund.

There are several options that the Town may consider for this property. Bearing in mind the Falmouth Affordable Housing Fund uncommitted balance at this time is \$58,560, the options and associated costs/benefits to the Town are as follows:

1. Pay the carrying costs of the HOA fee and taxes for the 60-day extension period in order to gain the seller's agreement to extend the time to find an eligible purchaser. COST: \$1,658

2. Pay the brokerage fees to find an eligible purchaser through the MLS which would create greater visibility of the unit and provide an incentive for realtors to find an eligible purchaser. Note this option is only available if an extension is granted. COST: \$ 4,490 + \$1,658 carrying costs
3. Provide down-payment assistance to make the unit affordable. This would lower the selling price to \$145,000 and meet the 80% AMI target housing cost of \$1,648 per month. There is currently no down payment program in place. Without policies and guidelines insuring granting equity, this may not be a good option at his time. Note this option is only available if an extension is granted. COST: \$34,600 + \$1,658 carrying costs
4. Purchase the unit: The purchase price is \$179,600 and re-sale fees for a broker are \$4,490. Monthly HOA and taxes are \$829. The Town must purchase the unit within the 90-day marketing period, or March 19, 2020. If the Town were to purchase the unit, for any period the Town were to hold the property, monthly HOA fees and taxes, and broker fees would be additional expenses. Vacant property is expensive to insure and finding an eligible purchaser could take more time. COST: \$184,090 plus \$829 per month plus insurance costs.
5. Take no action: By not taking any action, the unit will likely be sold to an ineligible purchaser and the affordable housing restriction will be lost. The seller would be required to sell for 95% of the appraised market value or more with any funds received over the maximum affordable resale returned to the Town's affordable housing fund. It is unclear what the market value of this unit is however it may be in the \$350,000 to \$370,000 range. This could possibly bring an estimated \$170,000 to \$190,000 to the FAHF which could be set-aside and used for other 110 Dillingham resales. Financial Benefit: \$170,000 -\$190,000

FAHF Funds Availability

The FAHF available balance is \$58,600. There are no additional funds anticipated until July 1, 2020 assuming a positive April Town Meeting vote on the CPC article to transfer \$1,357,518 to the FAHF. The FAHF is expecting an application from the Falmouth Housing Corporation for \$585,000 for nine additional units of rental housing for the second phase of Gifford Workforce II.

RECOMMENDATION

Option 5: Benefit: \$170,000 -\$190,000

This is obviously a complicated sale. Any options chosen other than the Purchase option will probably need repeating upon future re-sale of this unit and the other 13 affordable units in this project. These units were constructed without Town funds. It would require significant staff time to try to preserve the affordability of this one unit and there is no assurance that it would remain affordable after the new buyer decides to sell. The social cost of losing this unit would be disappointing but the potential benefit of applying the proceeds of a market sale to buying down 3 or 4 units at 110 Dillingham in the future may outweigh the loss. By buying down the price of Dillingham units sold in the future, the Town can create a price structure that is more likely to be sustainable for the long-term.

DRAFT ONLY

Town of Falmouth Metal Detecting Policy March 6, 2020

The purpose of this policy is to identify the requirements for metal detecting in the Town of Falmouth and provide clear direction to Town staff who receive requests for permission from metal detecting enthusiasts from time to time.

Private Property:

- Written permission of the property owner is required.

Town Property:

- Removal of archaeological/historical artifacts is prohibited.
- Digging on Town property is prohibited.
- Written permission from the Town department with care and control of the property must be obtained prior to conduct of metal detecting. For example, Conservation Director for Conservation land, Park Superintendent for park land, Beach Superintendent for beaches, etc.
- Town authorization to conduct metal detecting on Town land should provide a time period for the detecting to be carried out.
- Department may require photo ID and contact information.

State Parks and other Property owned by the Commonwealth:

- Permission from applicable State personnel generally required, e.g. Department of Conservation & Recreation personnel is required for DCR land.

Laws & Regulations Applicable to Metal Detecting:

- Laws and Regulations governing Cultural Resources On State-Owned Lands In Massachusetts State Register Review (M.G.L. Ch. 9 § 26-27C, as amended by Ch. 254 of the Acts of 1988)
- 302 CMR 12.00: PARKS AND RECREATION (Code of MA Regulations)
- Massachusetts Environmental Policy Act (MEPA)
- Massachusetts Unmarked Burial Law (M.G.L. Ch. 38 § 6b)
- Section 106 of the National Preservation Act of 1966 (16 USC 470 et seq)

Diane Davidson

From: Julian Suso
Sent: Thursday, February 20, 2020 8:24 PM
To: Megan English Braga
Cc: Diane Davidson; Michael Palmer; Frank Duffy; Irie Mullin
Subject: RE: Petition for non-binding question

Sounds good Megan, we will place it on the draft agenda for March 9 (we will need to decide whether a "Business" item or "Summary of Actions." Plenty of time to further review and finalize next week. Thanks.

Julian

From: Megan English Braga <megan.english-braga@falmouthma.gov>
Sent: Thursday, February 20, 2020 6:01 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Subject: Re: Petition for non-binding question

I don't mind having it as a discussion issue on the ninth it will really be up to the board as to whether or not they want to place this on but I think it is probably worth having the discussion there are many factors to consider including the length of the ballot. Let's touch base again next week

Sent from my iPhone

On Feb 20, 2020, at 4:23 PM, Julian Suso <julian.suso@falmouthma.gov> wrote:

Hello Megan,

FYI, the attached email sequence. Sorry to transmit all of this to you. Bottom line, if you prefer to consider this petitioner request involving an appeal to the Governor and the Legislature regarding the handling of spent fuel at the Pilgrim Nuclear Plant (which otherwise was NOT received timely to consider) as a BOS "originated" non-binding ballot question, it appears that this could be placed on the March 9 BOS agenda for consideration on the upcoming May municipal election ballot. There, of course, remains a reasonable general concern regarding the "length" of the election ballot which initially arose regarding the multiple Charter questions. Happy to further review/discuss at your convenience in the coming week.

Julian

From: Irie Mullin <irie.mullin@falmouthma.gov>
Sent: Thursday, February 13, 2020 1:23 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>
Subject: FW: Petition for non-binding question

Julian & Michael,

I spoke to Michael on the phone, and he suggested that these petitioners are actually asking (without explicitly saying so) that the Selectboard exercise its own power under G. L. c. 53, sect. 18A to

“originate” the question contained in the petition proposal and place it on the ballot (as if it were advancing a question of its own making), versus getting approval of a voter-originated petition question. The email below from Ms. Turco merges the concepts somewhat, but the short answer is that there is a way to put this on the 2020 ballot, depending on the specific vote that the Selectboard takes regarding the question.

Under the 2nd paragraph of Section 18A, the Selectboard can vote to place its own question on the ballot, i.e. “originate” the question, no later than 35 days before the election.

“A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election: . . . by vote of the board of selectmen of a town . . . ; or in conformity with the following provision of this section:”

Under the 3rd paragraph of Section 18A, voters can “originate” an advisory question in a petition proposal, which can be placed on the ballot if the petition is approved by the Selectboard, at least 90 days before the election, as a voter-originated question. If this does not occur, the voter-originated question can be placed on the ballot if signatures of 10% of the registered voters in town are obtained at least 35 days prior to the election.

“A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such certification.”

These paragraphs present two distinct options, such that if the Selectboard wants to vote to originate the advisory question contained in the proposal petition, thereby placing the question on the ballot as ‘its own,’ such action can be taken at any time at least 35 days prior to the election, and the advisory question at issue here could be included in Spring 2020 as a governing-body originated question.

Otherwise, if the Selectboard is merely voting to approve the proposal to include a voter-originated petition question on a future ballot, it must do so at least 90 days prior to the election, so in this case the petitioners would need to wait until the 2021 ballot or obtain the 10% registered voter signatures required to place it on the ballot without Selectboard approval at least 90 days before the election.

It is up the Selectboard which option they want to take—there is no obligation for the Selectboard to “adopt” (i.e. originate) this question, and they may merely choose to approve it as a voter-originated question for the 2021 election (or disapprove it completely).

Thanks,
Irie

Irie E. Mullin, Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

From: Diane TURCO [REDACTED]
Sent: Thursday, February 13, 2020 12:36 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Megan English Braga <megan.english-braga@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; [REDACTED]
Subject: Petition for non-binding question

Hello All,

As facilitator of the petition, I would like to explain our intentions via nonbinding public advisory questions. This same issue has come up in other Cape towns and has been resolved.

Part I Administration of the Government

Title VIII Elections

Chapter 53 Nominations, questions to be submitted to the voters, primaries, and caucuses

Section 18A Nonbinding Public Opinion Advisory Questions for Local Ballots

<https://malegislature.gov/laws/generallaws/parti/titleviii/chapter53/section18a>

The first part states "A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election:by vote of the board of selectman of a town,..." . We are asking for the Falmouth BOS to approve or not approve this question for the spring ballot. The 90 day rule is if the BOS "shall not approve" of the petition, citizens still get an opportunity to place the question on the ballot with 10% of registered voter signatures. This section is just to protect citizens rights. However, we are not planning to go that route but simply ask the BOS to approve the petition for the ballot before the 35 days. If they vote to disapprove, we have no recourse to that decision.

I just received this statement from Julie Smith, Town Clerk, Chatham:

"After consultation with the Secretary of State's Elections Division (and other Mass Town Clerks) I was reminded that pursuant to M.G.L. chapter 53, sect 18A, the 90 day deadline is basically a safety net for the petitioners (not a requirement).

At this point, the petitioner will need to go before the BOS. If the BOS approves their Public Advisory Question, it will go on the ballot, as long as I have it in writing 35 days prior to the May 14th Annual Town Election."

[I can forward the full email with her contact info if you prefer.]

Does this help clarify the rules? Will the Falmouth BOS vote on our petition 35 days before the spring town election?

Thank you so much for your time and consideration,
Diane Turco, Director

Cape Downwinders

From: Julian Suso <julian.suso@falmouthma.gov>
Subject: FW: Petition for non-binding question
Date: February 12, 2020 at 10:16:01 AM EST
To: peter waasdorp <[REDACTED]>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>, Frank Duffy <frank.duffy@falmouthma.gov>, Irie Mullin <irie.mullin@falmouthma.gov>, Megan English Braga <megan.english-braga@falmouthma.gov>, Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Hello Mr. Waasdorp,

I understand that you dropped off the petition for a non-binding ballot question related to the Pilgrim Plant on Monday, February 10. I am forwarding to you the guidance that we have received from Town Counsel's Office on the timing of this matter. As noted, the timing does not allow the Board of Selectmen to act on this petition within the specified timeframe. We would be pleased to work with you in regard to your consideration of the two remaining options as outlined in the email from Associate Town Counsel Irie Mullin below, awaiting your preference.

Julian M. Suso

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, February 10, 2020 4:26 PM
To: Irie Mullin <irie.mullin@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>
Subject: RE: Petition for non-binding question

Thank you, Irie.

Diane

From: Irie Mullin
Sent: Monday, February 10, 2020 4:14 PM
To: Peter Johnson-Staub; Diane Davidson; Frank Duffy
Cc: Julian Suso
Subject: RE: Petition for non-binding question

Diane-

The language of the statute states that if the Selectboard "shall not approve said petition at least ninety days before said election," then the petition cannot go on the Spring 2020 municipal election ballot unless there is a petition signed by at least 10% of registered voters in Falmouth. MassPractice Municipal Law Section 38.38 interprets this language as "if the governing body fails to approve the petition at least 90 days before the election," indicating that lack of approval is the key element, not a specific disapproval (i.e. an affirmative "no" vote on the petition by the Selectboard). I concur this with interpretation.

Here, the petition was not delivered to the Selectboard in time to have a properly noticed vote at a public meeting on the advisory question, so the Selectboard is unable to approve at least 90 days before the election and the advisory question cannot go straight to the Spring 2020 ballot by this method.

This leaves the petitioner with two options:

- 1) obtain signatures from 10% of registered Falmouth voters to place the advisory question on the Spring 2020 ballot; or
- 2) wait for the Selectboard to vote on the advisory question at a future properly noticed meeting, and if the vote is to approve, the advisory question could then be placed on the next municipal election ballot, which is Spring 2021 (November is a state election only).

If the petitioner chooses the second option, and the Selectboard votes to disapprove the advisory question, the petitioner would then have to go through option 1 (10% registered voter signatures) to get the question placed on the Spring 2021 ballot.

Thanks,
Irie

Irie E. Mullin, Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Sent: Monday, February 10, 2020 3:48 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Subject: RE: Petition for non-binding question

Frank,

For your convenience, here is the link to MGL C. 53 Sec 18A.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter53/Section18A>

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

<http://www.falmouthmass.us>

Kindly Remember that under MA General Laws most email correspondence to, or from, a municipal employee or committee member is deemed a public record.

From: Diane Davidson <diane.davidson@falmouthma.gov>

Sent: Monday, February 10, 2020 3:33 PM

To: Frank Duffy <frank.duffy@falmouthma.gov>

Cc: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Subject: Petition for non-binding question

Hi Frank,

Today we received the attached petition to place a non-binding question on the next ballot. This is to be submitted to the Selectmen more than 90 days before the election. Today is 91 days. The Selectmen's next meeting is February 24; therefore, the Board will not be able to approve/not approve 90 days before the election. So the question is what happens next:

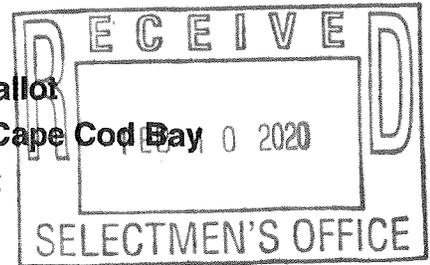
1. Will this petition automatically be placed on the ballot at the following election (November)?
2. Does the petitioner move to the next step and obtain signatures from 10% of the registered voters 43 days before the election to be placed on the ballot?
3. Other?

Thank you for your opinion.

Diane

*Diane S. Davidson
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

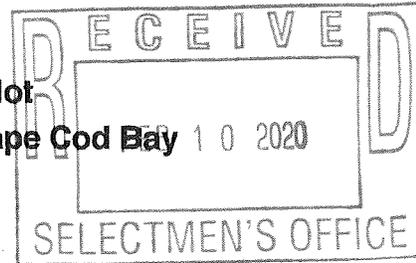
**Public Advisory Question for the 2020 Spring Town Ballot
for increased security at the Pilgrim Nuclear Power Station on Cape Cod Bay
in order to protect the public and the environment**



Whereas, the high level nuclear waste will remain at Pilgrim for decades or more in dry casks that present safety concerns, each holding half the radioactive cesium released at Chernobyl;
Whereas, the spent fuel pool remains full and is vulnerable to terrorist attack or accident that could cause radioactive contamination rendering our communities uninhabitable;
Whereas, due to lack of proper security on the property, there has been open access beyond the posted 'No Trespassing' signs to within line-of-sight of dry casks and spent fuel pool;
Whereas, during decommissioning, the Nuclear Regulatory Commission has abdicated its responsibility to protect the public by approving exemptions requested by new Pilgrim owner Holtec for reduced offsite liability insurance, cybersecurity, and offsite emergency planning;
Whereas, safety is a human right;
Whereas, citizens of the Town of FALMOUTH find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner;
Therefore, shall the people of the Town of FALMOUTH direct the local government to communicate to Governor Baker and the State Legislature to employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened onsite, storage; and (2) spent fuel pool and casks are protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of FALMOUTH and its inhabitants and visitors?

Print Name	Signature	Print Street address
PETER L. WANDORP JR	<i>Peter J. Wandorp Jr</i>	57 BECCLES ROAD
Joshua W. Altshuler	<i>Joshua Altshuler</i>	15 Mallard Way
Joyce A. JOHNSON	<i>Joyce A. Johnson</i>	82 Cokedale Ave.
Lillia Frantin	<i>Lillia Frantin</i>	114 OLD MAIN RD, N.F.
Herb Edwards	<i>Herb Edwards</i>	147 OLD MAIN RD, " "
Marcia MacInnis	<i>Marcia MacInnis</i>	20 Dixon Dr. Mashpee
Demaris Kooker	<i>Demaris Kooker</i>	141 Great Pines Sp Mashpee
Judith G. Stetson	<i>Judith G. Stetson</i>	261 Quissett Ave. Woods Hole
Richard K. Lestone	<i>Richard K. Lestone</i>	62 Prospect St., Falmouth, MA
James B Newman	<i>James B Newman</i>	5 Buzzards Bay Ave, Woods Hole MA
TINKER CAVANAGH	<i>Tinker Cavanagh</i>	57 Beccles Rd. Falmouth

**Public Advisory Question for the 2020 Spring Town Ballot
for increased security at the Pilgrim Nuclear Power Station on Cape Cod Bay
in order to protect the public and the environment**



Whereas, the high level nuclear waste will remain at Pilgrim for decades or more in dry casks that present safety concerns, each holding half the radioactive cesium released at Chernobyl;
Whereas, the spent fuel pool remains full and is vulnerable to terrorist attack or accident that could cause radioactive contamination rendering our communities uninhabitable;
Whereas, due to lack of proper security on the property, there has been open access beyond the posted 'No Trespassing' signs to within line-of-sight of dry casks and spent fuel pool;
Whereas, during decommissioning, the Nuclear Regulatory Commission has abdicated its responsibility to protect the public by approving exemptions requested by new Pilgrim owner Holtec for reduced offsite liability insurance, cybersecurity, and offsite emergency planning;
Whereas, safety is a human right;
Whereas, citizens of the Town of FALMOUTH find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner;
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Print Name	Signature	Print Street address
PATRIC STANTON	<i>[Signature]</i>	33 MORRIS ST. TEATICKET
SUSAN ELAN	<i>[Signature]</i>	33 MORRIS ST. TEATICKET MA
FARLE BARNHART	<i>[Signature]</i>	28 COMMON WAY HATCHVILLE MA
Jou Turner	LOU TURNER	88 Oyster Pond Rd.
DAWNA HAMMERS	<i>[Signature]</i>	326 Woods Hole Rd FALMOUTH, MA
Kathleen Stigberg	<i>[Signature]</i>	12 Solar way, E. Falmouth, MA
Hilde Maignoy	<i>[Signature]</i>	28 common way, 02536
Glennay Frip P	<i>[Signature]</i>	1 Park Rd. WOH
Victor Troll	<i>[Signature]</i>	19 Hyatt Rd, WH
Judith Risch	<i>[Signature]</i>	24 Belvidere Rd. Falmouth



APRIL 2020 ANNUAL TOWN MEETING

Selectmen Announce Annual Town MeetingMonday, December 9, 2019

Close Warrant Friday, January 17, 2020

Selectmen Vote Articles & Execute WarrantMonday, January 27, 2020

Publish Articles Only Friday, January 31, 2020

Presentation on Petition Articles Monday, February 10, 2020

Selectmen Vote RecommendationsMonday, March 9, 2020

Publish Warrant with Recommendations and Mail Warrant Booklets.....Friday, March 27, 2020

Town Meeting.....Monday, April 13, 2020

**Annual Town Meeting
Board of Selectmen Explanations
APRIL 13, 2020**

ARTICLE 3: To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town.
Or do or take any other action in the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 3 as printed.

Explanation: This is a routine article that has been approved every year for many years authorizing the Board of Selectmen to settle claims and law suits.

ARTICLE 4: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw relative to the powers and duties of the Board of Selectmen:

Chapter 65, Board of Selectmen
Article VIII, Settle Suits and Claims
Section 65-13, Authority

The Board of Selectmen are authorized to settle suits and claims which are pending or may arise against the Town.
Or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 5 as printed.

Explanation: Town Counsel has proposed this bylaw which, if approved, will eliminate the need for Town Meeting to vote an article every year to authorize the Board of Selectmen to settle law suits and claims.

ARTICLE 5: To see if the Town will authorize the Board of Selectmen to apply for and accept state and federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public meeting prior to the board's acceptance of any such grant(s) or gifts(s), if said grant(s) or gift(s) require the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, when applicable, the Board of Selectmen will advise the Finance Committee of such anticipated costs prior to the public meeting and may seek further review/comment of the Finance Committee.
Or do or take any other action in the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 5 as printed.

Explanation: This is a routine article that has been approved every year for many years authorizing the Board of Selectmen to apply for grants.

ARTICLE 6: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw relative to the power and duties of the Board of Selectmen:

Chapter 65, Board of Selectmen
Article VII, State and Federal Grants
Section 65-12 Authority to Apply

The Board of Selectmen is authorized to apply for and accept state and federal grants and private grants or gifts they deem beneficial to the Town. If said grant(s) or gift(s) require the Town to meet future financial conditions or costs, the Board of Selectmen will advise the Finance Committee of such future

conditions or costs and shall request comments from the Finance Committee to be returned to the Board of Selectmen within 30 days of the request.

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

RECOMMENDATION (Board of Selectmen): That the Town vote Article 6 as printed with the following amendment, add the word 'significant' to the second sentence:

"...require the Town to meet **significant** future financial conditions or costs, the Board of Selectmen will advise the Finance Committee..."

Explanation: Town Counsel has proposed this bylaw which, if approved, will eliminate the need for Town Meeting to vote an article every year to authorize the Board of Selectmen to apply for grants.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money for the purpose of hiring eight (8) additional firefighters for Fiscal Year 2021 contingent upon voter approval of a proposition 2½ override ballot question.

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

RECOMMENDATION (Finance Committee):

Explanation (Board of Selectmen and Finance Committee): This article proposes a proposition 2 ½ override to hire 8 additional firefighters (also cross-trained as EMTs or paramedics) which are needed to improve fire and medical response for the entire community. There are three important changes to the Fire & Rescue Department staffing model that will take effect on July 1, 2020 with, or without, approval of this override:

- 1) The minimum number of firefighters at the start of shift will increase from 10 to 14.
- 2) The shift commander will have greater flexibility to determine when to call in additional personnel during the middle of a shift as needed in response to particular incidents.
- 3) The Town has committed to eliminating the practice of deploying engine and ladder trucks with only one firefighter. For many years, the Department has commonly resorted to deploying engines and ladders from all 5 fire stations with only one firefighter due to staffing limits and activity levels. Note that Massachusetts regulation requires a minimum of two EMTs on an ambulance.

Adding 8 positions to the budget will result in two additional positions for each 24-hour shift once the positions are filled and the new hires have completed fire academy training, a process which takes 8 – 12 months. These added positions will facilitate adherence to the 2-firefighter per engine/ladder minimum while continuing to operate all five existing fire stations until completion of a new fire station. It should be noted that although firefighters are assigned to a particular station at the start of each shift, the allocation of available Department personnel is determined by the Chief and managed by the shift commander on an hour-to-hour, minute-to-minute basis based on the number of personnel available and where the personnel are most needed at any given moment. For example, it is not unusual for firefighters assigned to Headquarters to respond to a call in East Falmouth. As such, increasing the number of firefighter/EMTs/paramedics on duty for each shift improves response times for the entire Town.

The tax impact of the override is 8 cents on the tax rate. The increase in the tax bill for a home with a median assessed value of \$378,000 is \$30.24 per year.

ARTICLE 15: Shall Town Meeting vote to ask Selectmen to ensure the West Falmouth Fire Station remains open and staffed until such time that a new station is constructed, opened and staffed.

Or take any other action on this matter. On petition of Marc Finneran.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement.

Explanation: This is a non-binding resolution and has already been addressed. As affirmed by the Board of Selectmen on February 24, 2020 the Town is committed to continuing the operation of the West Falmouth Station until completion of a new fire station.

The override to hire 8 additional firefighters (Article 14) will allow for better coverage throughout the entire Town and allow for consistent staffing of all five existing stations but it takes 8-12 months from approval of the ballot question in May to hire and train new firefighter/EMT/Paramedics. In the interim, the Town and the Union have entered into a Memorandum of Understanding to attempt to increase minimum shift staffing to 16 with voluntary overtime so two firefighters can be assigned to the West Falmouth Fire Station at the start of shift. We respect the role of the Chief and the shift commander to determine how best to deploy personnel based on the particular circumstances as they evolve over the course of a given day.

ARTICLE 20: To see if the Town will vote to transfer jurisdiction of the following real property originally acquired by the Town for school purposes as authorized by the vote on Article 41 of the February 19, 1959 Annual Town Meeting and now under the jurisdiction of the School Committee for school purposes to the Board of Selectmen for municipal purposes. Said property has been declared surplus for school purposes by vote of the School Committee on December 10, 2019. The property is known as 300 Dillingham Ave. and is the site of the former Senior Center. The property is further identified as parcel 5 containing 1.6 acres and is shown on a plan titled "Plan of Land in Falmouth to be acquired for school purposes, scale forty feet to an inch, October 1, 1959, Charles A. White, C.E., Sheet 2" which plan is recorded in the Barnstable Registry of Deeds in Plan Book 152, Page 85. The transfer is subject to the condition that if the Board of Selectmen should ever determine that said land is no longer needed for municipal purposes, it shall be offered back to the School Committee before any other disposition is authorized. For title see Order of Taking dated December 28, 1959 and recorded in said registry in Book 1084, Page 364.

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

RECOMMENDATION (Board of Selectmen): That the Town vote Article 20 as printed.

Explanation: The "old" senior center at 300 Dillingham Road is on a parcel of land that is legally under the jurisdiction of the School Committee though it was never used for school purposes to the best of our knowledge. The School Committee does not have any plans to use this building that served as the senior center until March 20, 2020 and recently voted to declare the property surplus. Approval of this article places the property under the jurisdiction of the Board of Selectmen. This action facilitates a lease to the Veterans of Foreign Wars Post #2569 consistent with the vote under article 23 of the November 2019 Town Meeting.

ARTICLE 23: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out of the following road according to a plan on file with the Town Clerk for taking as a public way:

<u>Street</u>	<u>Length</u>
William Road	921.4± ft.

And further to appropriate a sum of money for this purpose, to determine how the same shall be raised and by whom expended.

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

RECOMMENDATION (Board of Selectmen): That the Town vote to approve the layout of William Road by the Board of Selectmen as a public way, including the taking of an easement by eminent domain for road purposes across a parcel of land containing 1333 sq. ft. within the traveled way now or formerly owned by H. Healer, as shown on a plan titled "Roadway Layout Plan William Road N. Falmouth, MA 02556" dated March 4, 2020 prepared by the Town of Falmouth Department of Public Works, and to

appropriate the sum of two thousand seven hundred (\$2,700.00) from certified free cash for the purposes of this article to be expended under the jurisdiction of the Board of Selectmen.

Explanation: William Road runs from Quaker Road to the rear lot line of the North Falmouth Elementary School property. It is the location of the New Silver Beach wastewater treatment plant. William Road is in need of repair and improvement. The town owns the road having acquired it as part of the purchase of the school property in the 1961, but it has never been accepted as a public way. The layout includes the taking of an easement across a vacant parcel of land containing 1333 sq. ft. which parcel lies within the traveled way and has been so used for many years. The parcel has a value of \$2,700.00 as established by an independent appraisal. The road is in disrepair. The town will bear the cost of repairs and improvements to the road and will not assess betterments to the private homes abutting the road due to the presence of the wastewater treatment plant on the road and its frequent use by town vehicles.

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to lease land in the Falmouth village area for municipal parking purposes, which land shall be determined and selected by solicitation of proposals in accordance with G.L. Ch. 30B, § 16, the Uniform Procurement Act, for such term and upon such conditions as the Board of Selectmen deems appropriate.
Or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): Board of Selectmen will make a recommendation from the floor.

Explanation: The Town Manager has issued a request for proposals seeking interest from property owners in the Falmouth village interested in leasing property to the Town for municipal parking purposes. The proposals are due after the printing deadline for this handbook but will be received in time for the Board to make a recommendation to Town Meeting by April 13th. The Board will make a recommendation from the floor.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to sell or lease the single family house at 398 Old Meeting House Road, being Assessor's parcel 21 08 016 003A and part of the property acquired with the purchase of Tony Andrews Farm, upon such terms and conditions as the Board of Selectmen deem appropriate.
Or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 25 as printed.

Explanation: When the Town acquired the Tony Andrews Farm property, Town Meeting was advised that separate lots were created for each of the two existing residential structures and that these lots might be leased or sold. Community Preservation funds were not used for the purchase of these house lots and there is no conservation restriction on these lots. 394 Old Meeting House Road is occupied by the lessor who is managing the leased farm land and that parcel is not affected by this article. 398 Old Meeting House is the original farm house and is vacant. The Board of Selectmen seeks Town Meeting authorization to lease or sell the 398 Old Meeting House Rd parcel for a purpose that is compatible with the adjacent farm.

ARTICLE 26: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw:

Chapter 60. Security Posted in Connection with Licenses, Permits & Approvals

Section 1. Purpose and Authority

§ 1. The purpose of this Bylaw is to provide a mechanism for the application by Town officers, boards, committees and commissions of security posted by applicants in connection with their obtaining licenses,

permits, approvals, authorizations and contracts. This Bylaw is adopted pursuant to the home rule authority of the Town and the authority conferred by G.L. c. 44, §53G1/2.

Article 2. Scope

§ 2. It is the intent of this Bylaw to govern as broad a range of situations as possible in which Town officers, boards, committees and commissions require some form of security from applicants, provided only that this Bylaw shall not apply to deposits or other financial surety received under G.L. c. 41, § 81U. Without limiting the generality of the foregoing, this Bylaw shall apply to surety required by (a) the Board of Selectmen to secure performance under any contract which such board is authorized to execute by general or special law or by any of the General Bylaws; (b) the Board of Selectmen to secure performance of any condition for the issuance by such board of any license, permit or approval including, without limitation, a street opening permit or drain connection permit; and (c) the Conservation Commission to secure performance of any obligation undertaken by an applicant for an order of conditions or other approval granted by such commission.

Section 3. Form and Handling of Surety

§ 3A. Subject to any restrictions set forth in any authorizing statute or Bylaw, Town officers, boards, committees and commissions may require, accept, hold and apply security in any reasonable form including, but not limited to, a deposit of money or negotiable securities, a bond issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, a letter of credit, and a so-called 'tri-partite' agreement of the kind described in G.L. c. 41, § 81U(4).

§ 3B. Any deposit of money hereunder shall be held by the Treasurer in a special account established specifically for such purpose, separate and apart from all other funds. Any negotiable securities, bonds, letters of credit and so-called 'tri-partite' agreements shall also be held by the Treasurer, and any funds generated from such surety shall likewise be deposited in such a special account. Any such account shall be an interest-bearing account with a Massachusetts bank. All interest accruing on each such account shall be added to the principal of such account for disposition as set forth herein.

Section A. Performance Standards

§ 4A. Any Town officer, board, committee or commission demanding surety from any applicant hereunder shall be responsible for determining, in the exercise of his or its reasonable discretion and in good faith, the extent, quality and adequacy of any work done by such applicant or performance by such applicant of the obligation for which such surety was given. Such officer, board, committee or commission may, but need not, reduce the amount of surety held upon proof of satisfactory partial work or performance by such applicant, provided that nothing herein shall require that such reduction be commensurate with the extent of such performance.

§ 4B. If and when such Town officer, board, committee or commission determines that such applicant has fully and satisfactorily completed all work and performed all obligations for which such surety was given, such surety shall be released and returned to the applicant, including any accrued interest.

Section 5. Default

§ 5A. If any Town officer, board, committee or commission which has received surety for work or for the performance of any obligation hereunder determines at any time that the applicant who posted such security is in default of his, her or its obligations (whether because of a failure to complete such work or performance by a designated deadline, or the unsatisfactory quality of such applicant's work or performance, or otherwise), such officer, board, committee or commission may declare such applicant in default.

§ 5B. Upon a declaration of default, such officer, board, committee or commission shall be entitled to apply any and all surety posted by such applicant (including any interest received thereon) to the completion of the work or the performance of the obligations for which such surety was posted. Without limiting the

generality of the foregoing, such officer, board, committee or commission may take any and all actions necessary or appropriate to enforce any bond, make demand on any issuer of a letter of credit, and demand payment under any so-called 'tri-partite' agreement, and any money received as a result thereof shall be deposited in an account held by the Treasurer under § 3B, above. Monies in such special account may be expended by such officer, board, committee or commission, without further appropriation, to complete the work or perform the obligations which such applicant was obliged to do or perform. Any monies remaining in such account after all work has been done and all obligations performed to the full satisfaction of such officer, board, committee or commission shall be returned to the applicant, including any accrued interest.

Section 6. Procedure for Return of Surety

§ 6A. At any time, and from time to time, an applicant whose surety is being held by the Treasurer on behalf of a Town officer, board, committee or commission may give written notice to such officer, board, committee or commission that in such applicant's opinion the work or performance that such surety was intended to secure has been fully and satisfactorily completed. Such notice shall contain a demand for the return of surety and the full name and address of the applicant. If such officer, board, committee or commission determined that such work or performance has been fully and satisfactorily completed, then he, she or it shall release the surety, or so much of it as may then remain, including any accrued interest, as set forth in § 4B, above. If such officer, board, committee or commission determines that such work or performance has not been fully and satisfactorily completed, then he, she or it shall specify in a written notice to the applicant the details wherein such work or performance remains incomplete or unsatisfactory within forty-five (45) days after the receipt by such officer, board, committee or commission of the said notice and demand from the applicant. In the event that such forty-five- (45) day period expires without such specification, then the applicant shall be entitled to the return of all surety then remaining, including any accrued interest. Any notice under this Bylaw by an applicant to a Town officer, board, committee or commission shall be given by certified mail, return receipt requested, or by hand delivery with a signed receipt, and shall not otherwise be effective.

§ 6B. If any applicant appeals from an act or omission of any Town officer, board, committee or commission hereunder, whether by means of an action in the nature of mandamus and certiorari or otherwise, and such action results in a judgment in favor of such officer, board, committee or commission, then the latter's reasonable attorneys' fees and expenses incurred in defense against such action may be reimbursed from the surety posted by such applicant.

Section 7. Severability

§ 7. If any term, condition or provision set forth in this Bylaw should be found by a court of competent jurisdiction to be illegal, invalid or unenforceable as applied under particular circumstances, such term, condition or provision shall not be deemed stricken from this Bylaw but rather shall be, to the greatest extent possible, deemed applicable only to such circumstances as will not support a finding of such illegality, invalidity or unenforceability. The illegality, invalidity or unenforceability of any term, condition or provision of this Bylaw shall not affect the legality, validity or enforceability of any other term, condition or provision of this Bylaw."

Or to take any other action in relation thereto. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 26 as printed.

Explanation: This article is presented at the recommendation of Town Counsel to bring Falmouth into conformity with the Municipal Modernization Act of 2016. Adoption of this bylaw affirms the Town's longstanding practice to accept security and performance bonds from private individuals and contractors in connection with projects which affect town property and infrastructure.

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Police

Department from the provisions of Massachusetts General Laws Chapter 31, s. 1 et seq., the Civil Service law.

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

RECOMMENDATION (Board of Selectmen): That the Town vote Article 27 as printed.

Explanation: The Falmouth Police Department has an acute challenge with respect to filling vacant positions. Over the course of several years, the Massachusetts civil service hiring process has become longer and less reliable. The civil service hiring process, adopted by Falmouth in 1936, is administered by a state agency that is chronically understaffed. The exams that individuals must take to be hired as a patrol officer or promoted to a supervisory position are offered only once every two years. There is then a delay of several months to get the results. Recently, there have not been enough qualified candidates available on the civil service list to fill existing vacancies which has left vacancies unfilled for over a year in some cases.

Many Massachusetts communities including Franklin, Lexington, North Reading, Norwood, Sudbury, Wellesley and Westwood have removed their police departments from civil service. Others including Brewster, Harwich, Mashpee, and Yarmouth were never in the civil service system. These communities that are not part of the civil service system are able to offer exams as often as they need. There are qualified professional firms that administer exams which meet all state and federal requirements and are able to provide the test results within days instead of months. Non-civil service police departments are able to fill positions more quickly. Removal from the state civil service system also affords the Town greater local control of the hiring, promotion and discipline process.

It is imperative that we take prompt action to minimize hiring delays which compromise the ability of the Police Department to protect public safety and place an undue burden on Falmouth police officers when they are required to work overtime shifts to meet minimum staffing requirements. Approval of this article is only a first step. The Town has initiated collective bargaining with the three police unions to address the impacts that this change will have on promotion and discipline procedures. The process to withdraw from civil service will not be completed until this bargaining process is concluded.

ARTICLE 28: To see if the Town will vote to authorize the Board of Selectmen to accept the donation of a parcel of land, Map 38A 09 019A 003 containing 29,440 ± square feet, more or less, which is located on Katherine Lee Bates Road, as referenced in The 300 Committee Land Trust letter of July 18, 2019 for the purpose of contributing additional public open space as a component of the Shiverick's Pond Trail project. The 300 Committee's gift is contingent on Town Meeting's vote to approve the Community Preservation Committee funding of the Shiverick's Pond Project thereon.

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

RECOMMENDATION (Board of Selectmen): That the Town vote Article 28 as printed.

Explanation: The 300 Committee Land Trust seeks to donate to the Town a small parcel of land on Shivericks Pond to facilitate an improvement project that includes construction of a small park, a fishing and viewing platform, vista pruning and invasive species removal. This land donation is contingent on approval of article 43 of this Town Meeting which provides funding to complete this improvement project at Shivericks Pond. Approval of this article authorizes the Board of Selectmen to accept this donation of land from the 300 Committee.

ARTICLE 29: To see if the Town will vote to adopt the provisions of M.G.L. c. 59, § 5, Clause Twenty-second G (inserted by chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for any real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second

C, Twenty-second D, Twenty-second E, or Twenty-second F if the person were the owner of the real estate, or act on anything relating thereto.

Or do or take any other action on the matter. On request of the Veterans' Council and the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 29 as printed.

Explanation: State law allows municipalities to offer a number of property tax exemptions to veterans who own the home they live in. In 2018, the Massachusetts legislature adopted a new provision which extends these tax exemptions to veterans who live in a residential property that is owned by a trust, conservator or fiduciary. Approval of this article will authorize the Town to extend these new tax exemption options to veterans who live in Falmouth.

ARTICLE 30: To see if the Town will vote to adopt the provisions of M.G.L. c. 59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and the Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and Veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation, or act on anything relating thereto.

Or do or take any other action on the matter. On request of the Veterans' Council and the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 30 as printed.

Explanation: Like article 29, this article also relates to changes in property tax exemptions for veterans expanded by state legislation adopted in 2018. This provision extends a tax exemption for the full value of property to the surviving parents or guardians of a service member who suffers a fatal injury or illness during active duty service as detailed in Clause Twenty-second H of M.G.L. c. 59, § 5. Approval of this article will authorize the Town to extend this new tax exemption to surviving parents or guardians of veterans who live in Falmouth.

ARTICLE 31: To Create the position of Affirmative Action/Diversity Outreach Coordinator
Affirmative Action is an active effort through formal and informal measures to improve the employment, educational opportunities, the rights or progress of disadvantaged persons, members of minority groups, women, sexual and gender minorities, and disabled persons through legal measures and voluntary policies, including laws, training programs, outreach efforts, and other positive steps.

The Town of Falmouth Affirmative Action/Diversity Committee and local citizens believe that there is a lack of systematic outreach to community members in the areas of affirmative action education, consciousness-raising, community outreach, advocacy, handling of hate-based incidents, conflict-resolution, and other areas of affirmative action and diversity education and outreach. This leadership

deficit retards progress toward an improved social climate in Falmouth, inhibits cross-group understanding and tolerance, and delays cross-group encounters. It is our firm belief that the Town of Falmouth can improve services to all members of the Falmouth community by establishing a formal structure to address these concerns. These needs can be best served by creating a position: the Falmouth Affirmative Action/Diversity Outreach Coordinator.

The Affirmative Action/Diversity Committee and local citizens ask Town Meeting to create a new full time position, the Affirmative Action/Diversity Outreach Coordinator, effective September 1, 2020, who will report to the Town Manager and Board of Selectmen, and work with the Town of Falmouth Affirmative Action Team.

The current Town of Falmouth Affirmative Action Team includes the Falmouth Affirmative Action/Diversity Committee, the Falmouth Public Schools Director of Human Services, and the Town of Falmouth Director of Personnel, who serve under the direction of the Town Manager and Board of Selectmen. The Affirmative Action/Diversity Outreach Coordinator will join the Affirmative Action Team and close a substantial deficit in service to Falmouth by performing crucial outreach activities to our community. Duties of the Affirmative Action/Diversity Outreach Coordinator will include, but are not limited to:

- Coordinate and consult with members of the Affirmative Action Team, including the EEO/AA Compliance officers for the Town of Falmouth and the Falmouth Public Schools, The Falmouth Public Schools Director of Human Services, the Town of Falmouth Director of Personnel, and the Falmouth Affirmative Action/Diversity Committee;
- Serve as Affirmative Action Liaison with local citizens, government branches, civic organizations, and other organizations, including the Falmouth Police Department, Falmouth Public Schools, Falmouth Academy, Town Government departments and Boards, Falmouth employee Unions, Falmouth Chamber of Commerce, Falmouth Real Estate Board, Elder Services, Veterans' Council, Commission on Disabilities, Upper Cape Interfaith Alliance, Council of Churches and Faith Communities, the Woods Hole scientific community, the Mashpee Wampanoag Tribe, and other groups and organizations, as appropriate;
- Serve as Affirmative Action/Diversity Liaison with local and regional groups and organizations representing ethnic, racial, religious, gender-based, ability-based, veterans, and other groups, including but not limited to the Cape Verdean Club, Portuguese American Association, Falmouth Jewish Congregation, NAACP, PFLAG, NPFH-Falmouth, Cape and Islands Gay and Straight Youth Alliance (CIGSYA), Cape Cod PRIDE, Independence House, Inc., Woods Hole Diversity Advisory Committee, the Mashpee Wampanoag Tribe, Mashpee Affirmative Action/Inclusion Diversity Committee, and other committees and groups that work with or whose members belong to minority, disadvantaged, or impacted groups;
- Attend meetings or serve as liaison to local and regional affirmative action-related organizations, including the Falmouth Affirmative Action/Diversity Committee, Barnstable County Human Rights Commission, Cape Cod Coalition for Safe Communities, Falmouth Housing Trust; and the Woods Hole Diversity Advisory Committee, and others as appropriate;
- Coordinate and/or assist with the development of programs, workshops, educational materials, educational activities, meetings, consultations, and other activities aimed to foster wider understanding of affirmative action and diversity, a culture of respect and tolerance, and the building of cross-group encounters in Falmouth and throughout the region;
- Write grant proposals, develop workshops and training activities, and develop and implement outreach plans to constituencies in Falmouth, the Upper Cape, and regionally, as appropriate;
- Assist with the informal resolution of conflicts outside formal EEO/AA and public employee Union processes, which may include citizen complaints, grievances, hostilities, racist, homophobic, or other acts of intolerance directed at members of the Falmouth community, and other conflicts as appropriate.

In light of what we believe is a substantial need, we ask Town Meeting for an affirmative vote to create an Affirmation Action/Diversity Outreach Coordinator position.

On petition of Sandra Faiman-Silva.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

Explanation: While the goals of this petition article and the Town position that it seeks to create are laudable, the Board of Selectmen does not support approval of the article for the multiple reasons delineated below. Per the Town Charter Section C5-7B, creating a new position requires a 4/5 vote of the Board of Selectmen. The Town has a formal, disciplined budget process that begins with the Town Manager's proposed budget developed in close consultation with departments, which is presented to the Board of Selectmen and then reviewed in detail by the Finance Committee before being considered by Town Meeting. Adding positions through a petition article subverts this budget process and takes the issue out of the context of other mission-critical budget priorities (such as Public Safety). When a new position is created, we rely on our professional staff to carefully craft the job description and determine the pay classification taking into consideration the job requirements, the labor market, collective bargaining issues and internal equity and potential duplication relative to other existing Town positions. The Board has some concerns about the particulars of the job description in this petition article that has not taken into full account these important elements.

Town Counsel has provided some further insightful comments on this petition article. The Town of Falmouth originally engaged an Affirmative Action Officer in 1988 to comply with an order of the US District Court following settlement of a discrimination suit brought by a School Department employee. The settlement required employment of the officer for a three-year period, which has long expired. Nevertheless, the Town continued to employ this School Department employee until Mr. George Spivey retired in 2013. A significant concern is that this petition article presents a job description that, per the Town Charter, is not a function of Town Meeting. Some of the duties specified in this proposed article are currently being performed by existing Town and School Department employees. Section C5-6 of the Falmouth Home rule Charter authorizes the Town Manager to determine the functions, duties and responsibilities of Town departments and divisions which necessarily includes employees in each department and division. Town Counsel has affirmed that this petition article intrudes into the discretionary authority of elected and appointed officials and is advisory only.

ARTICLE 33: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Falmouth, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Falmouth. Enforcement of this regulation will begin September 1, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. c. 40 § 21 D. The following penalties apply:

• First violation: Written warning • Second violation: \$150 fine • Third and subsequent violations: \$300 fine
Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Falmouth.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.

On petition of Christine Kircun.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

Explanation: This bylaw bans the sale of plastic water bottles in the Town of Falmouth and requires the Town to enforce the ban. This packaging regulation will impact a larger number of small businesses and franchises and will be onerous for the Town to enforce. This significant inspection and enforcement responsibility placed upon the Town has not been appropriately evaluated. It is the Board's view that this type of regulation should be addressed at the state level rather than town by town.

ARTICLE 34: To see if the Town will vote to adopt the following ban on the sale of miniature single use containers for alcoholic beverages as a general by-law and to insert into the Code of the Town of Falmouth, Massachusetts as Chapter 79-4: "The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Falmouth." Effective: January 1, 2021
On petition of Ron Klattenberg on behalf of the Falmouth Litter Reduction Team (FLRT).

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

Explanation: This article proposes a bylaw to ban the sale of so-called "nip" bottles. There are compelling reasons to support such a ban given the proliferation of nip bottles found along roadsides and throughout town. The City of Chelsea enacted a similar ban and the ban has been appealed to the Massachusetts Alcohol and Beverage Control Commission (ABCC). The ABCC has not ruled on Chelsea's ban but it is likely to be appealed in court if the ABCC allows the ban to remain in place. If the Town were to adopt this bylaw at this time, it will likely result in appeals and court action which will require staff and budgetary resources that might be better spent on other Town priorities.

ARTICLE 36: To see if the Town will vote to adopt the following Town Bylaw to read as follows and to be appropriately numbered by the Town Clerk
Before any building permits for the reroofing of a municipal building with electric service shall be issued, the roof location shall be assessed for appropriateness of solar collection. This requirement shall be dependent on the availability of interconnect to the electric grid. Should the location be found to be economically feasible for solar collection the solar collection shall be required over all feasible areas. The only exception for roof areas shall be governed under the authority of the Historical Commission.
On petition of J. Malcolm Donald.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

Explanation: This article proposes a general bylaw to require that the Town consider solar panels when replacing roofs of municipal buildings. There is no known comparable bylaw in Massachusetts. The bylaw places the enforcement responsibility on the Building Office which typically enforces only zoning and building code matters in reviewing building permit applications. It is within the authority of the Board of Selectmen to make this a Town policy without the necessity for a bylaw.

ARTICLE 37: To see if the Town will vote to adopt the following resolution:
Be it resolved that the Town of Falmouth recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses a threat to the health, safety and economic security of the residents of the Town. The Town of Falmouth therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and requests the Board of Selectmen to direct all officers and departments of the Town to take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.
On petition of Rosemary Carey.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

Explanation: The Board of Selectmen agrees that climate change poses significant threats and challenges to the Town. The Town is actively evaluating the challenges and potential solutions through the Coastal Resiliency Action Committee and has obtained planning grants through the Massachusetts Municipal Vulnerability Preparedness Program. Thanks to this grant funding the Town was able to retain the Woods Hole Group and recently completed a Climate Change Vulnerability Assessment and Adaptation Planning report which can be found on the Town website. The Board voted to support Massachusetts Senate Bill #1924 An Act to Combat Climate Change which would establish a market-based mechanism to reduce carbon emissions. It is our view that the Town is taking appropriate steps calibrated to the nature of the problem and available resources and that setting policy on climate change is better addressed at the state and federal level.

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes
MONDAY, DECEMBER 16, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

1. Call to Order at 7 p.m. by Chair English Braga.
2. Pledge of Allegiance
3. Proclamation-none.
4. Recognition

Chair English Braga noted the passing of Tom Norton on 12/9/19 and recalled him as a wonderful person, a veteran, and worked for many years at the Tides Motel and was an avid tennis player.

5. Announcements

- Falmouth Marina 2019 Boaters' Choice Award Recipient
Greg Frasier explained this is the 2nd year they have received the award, based on reviews by boaters who use the marina. They are trying to get wifi to the marina and he is working on that with the IT dept.
- Mr. Johnson-Staub reported the Town and union representing Town Hall employees reached an agreement on a 3 year contract to include fiscal year 2020-2022.

6. Public Comment

Jan Shellant, 597 West Falmouth Highway and moved there 7 years ago. They appreciated all the village had to offer. They learned the West Falmouth community has engaged to make the community better for all, many improvements have occurred over the 7 years. Resided in Wesley for 30 years and was a school principal, understands working as community officials. The proposed changes to the Fire Station brought some concerns, she was not aware of how to communicate her concerns. She was made aware of the committee to evaluate fire protection in Town and thanked the BOS. She is hoping a model will be developed for Falmouth to assist all citizens and urged the BOS to rescind the decision for the station and wait until the committee has done their work. She provided the statement that she did not have time to finish reading to the BOS.

Terry Jurant asked if the water has been tested. Chair English Braga said that the BOS cannot answer questions during the public comment period and suggested she email the BOS. Ms. Jurant said asbestos has been going on for years and indicated she was not in favor of a drug rehabilitation program next to a school.

SUMMARY OF ACTIONS

1. Licenses

- a. Approve Application for a Change of Manager of an All Alcoholic Common Victualler License – Josh's at Davisville, 339 East Falmouth Highway, East Falmouth, continued from 12/9/19

Kim Martin has been working at the restaurant, she has been in the business for 30 years, bartended, served, and opened the restaurant with Josh. She has not been a manager for alcohol license before and is aware that she is responsible for service even when not present at the establishment.

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

2. Administrative Orders

- a. Vote Appointment of Town Accountant
Mr. Suso explained under the Town Charter, Town must affirm appointment of the Town Treasurer, Victoria Rose has been serving in the last 3 year term. He recommends her appointment for another 3 year term.

Mr. Jones motion to affirm Victoria Rose's appointment. Second Ms. Moran. Vote: Yes-5. No-0.

- b. Act on Solid Waste Advisory Committee Recommendations

Ms. English Braga received a request from Linda Davis to put this over to another meeting because she and others are not able to attend this evening. The BOS is following most recommendations they made and working collaboratively with the committee.

- c. Vote Effective Date for One-Time Plastic Bottle Ban

Requirement of the article passed at Town Meeting.

Bylaw specifies the effective date of the ban purchased by the Town, sold by the Town, or by a tenant on Town property. The bylaw said the effective date would be no later than 9/1/20. The lessees affected and may benefit from having the 9/1/20 effective date. The request could be made to begin earlier than 9/1/20.

There is an exemption for public safety and health emergencies. No hardship hearings.

Mr. Jones made motion for effective date to be June 1, 2020. Motion withdrawn.

Mr. Patterson motion the effective date of 9/1/2020. Second Ms. Moran. Vote: Yes-4. No-1.

The schools are already doing this.

Applicants for special events will be notified.

- d. Vote to Approve Expenditure from the Recreation Department Donation Account in the amount of \$1,195.00 to Dattco Bus Company

This is for a trip to New York for the day.

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

- e. Authorize application to MA Department of Conservation & Recreation (DCR) Forest Stewardship Program to obtain a Forestry Plan for 17 acre parcel adjacent to Coonamessett Farm in Hatchville

Mr. Patterson motion to authorize. Second Ms. Moran. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

- 1. Shade Tree Hearing – 220 Old Main Rd.

Chair English Braga read the hearing notice.

Jeremiah Pearson, Tree Warden, explained it is an American Elm. The Parks Department has not removed it because of the type and historical significance. Sonic Tomography was used to test the tree, it is 64% internally decayed and is leaning towards a house. An elm will be put in its place.

Public Comment:

Ron Benham, they do not want the tree to hit their house. They would like to have a new tree in its place.

Chair English Braga noted emails from Mrs. O'Reilly and Mr. Lebauch also asking for the removal.

Mr. Jones motion to close the hearing. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion approval and replacement. Second Ms. Moran. Vote: Yes-5. No-0.

2. Shade Tree Hearing – 475 Main St.
Chair English Braga read the hearing notice.

Jeremiah Pearson said a large portion of the crown tore off during October storms and is unstable; it has a large target zone of Main St. and the sidewalk. An elm was removed in that area last year. Replacement of a set back planting would have a better chance to live. The other tree was not replaced because it was in pavement. Mr. Jones noted if they put on nonstreet side it would allow the pavement to be continuous and flat.

Public comment-none.

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

Mr. Jones motion to approval removal of the tree and replacement. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Application for a Change of Officers/Directors/LLC Managers and a Change of Ownership Interest of an All Alcoholic Common Victualler License – 99 Restaurants of Boston, LLC – 30 Davis Straits, Falmouth

Chair English Braga read the hearing notice.

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

BUSINESS

1. Interview, vote and appoint committee members:
 - a. Transportation Management Committee:
 - Edward DeWitt
In Falmouth since 1988 has history of being involved in transportation types including Coast Guard, ran an airport, pavement management, and was the Falmouth rep to the SSA. He can contribute to this effort. The local comprehensive plan is not a visionary approach to transportation and he would like a more visionary approach. We need to take the mindsets. Parking was an issue at Town Meeting and he would like to look at the utilization of parking before acquiring additional parking.
 - John Keenan
45 year resident of North Falmouth. Architect in Falmouth for 40 years, involved in every major municipal project in Town and throughout the region. He is most concerned about the quality of life in Town in the summer. It is statewide congestion and the local plan needs to include the state plan. Bridge plan needs to be included and he has heard 2 bridges with 6 lanes each over and back. He worked on the Sagamore Bridge flyover, during that study it was learned that 60% of the traffic over that bridge comes from the west. If coming to go down cape, you should not to be able to go the Bourne Bridge; you should go the Sagamore Bridge. The bridges may cause us more trouble because it will bring more people here and we need to do it better. He has served on other boards in Town, used to Town Meetings and committees.
 - Alison Leschen-not present.
 - Ralph Herbst
Precinct 8 and a 30 year resident. He finds this a challenge, his work on Planning Board and the CPC and he would enjoy this challenge. He helped the fairgrounds deal with transportation issues up there, including parking issues that were resolved. A survey of West Sacramento was done, residents 45 and over rated transportation most important for

a livable community. He would like to know about the program they adopted in 2017 that was a blend of transportation between bus service and Uber. The local businesses need to be taken into consideration. Staff support was suggested by the BOS and Ray Jack suggested a consultant if Complete Streets is adopted, would there be funds available for a recording secretary. He recommends funding for those areas. His experience includes transportation experience from his time serving in the Airforce.

- Jane Perry
Precinct 8 and lived here for 50 years. She had to give up driving due to her vision and was introduced into the CCRTA B Bus. A member of several other committees over the years. She is passionate about transportation, understands Complete Streets. Understands the challenges for those who are disabled and their ability to access transportation. Need to revise the mission statement to address today's transportation issues. Also need to promote the availability of transportation both public and private and how to use it in this Town. Bus service is less than what is needed, particularly on Sunday and after 7 p.m.
- Paul Dreyer (Planning Board Appointment)
Interview not needed, he will be the Planning Board designee for this committee.

Bicycle and Pedestrian Committee representative is still needed.

Additional applicants need to be interviewed, so no vote occurred tonight.

b. Steamship Authority Working Group and Task Force

- Nat Trumbull
Issue is the huge impact the SSA has on the households affected by noise. SSA focused on its activity and impact on Falmouth is an externality and SSA not taking into account residents' issues. Safety issues related to moving Vineyard fuel through Falmouth. Appreciates the SSA reaching out and expressing interested in working with Falmouth and the Vineyard. Solution could be an off cape port; doubling of SSA truck traffic is projected to continue and double by around 2038. His main mission and interest in this group is trying to extract information from the SSA and this is a useful instrument. He will do his best to work with them and not be adversarial. He is a researcher and works with numbers a lot; he can assist with projections. He is applying for the Working Group.

Mr. Jones would like to be on the Working Group with another person. Mr. Jones deals with the Woods Hole traffic.

Chair English Braga noted the SSA looking for 2 individuals to be representatives on the Task Force with one being a staff member. Reviewed the mission of the Task Force.

Two individuals to be part of the Working Group to focus on reasonable and practical ways to monitor and mitigate noise and traffic from the SSA operations.

Ms. Moran motion to appoint Mr. Trumbull and Mr. Jones to the Working Group; Mr. Brown and a staff to be determined by the Town Manager to the Task Force. Second Mr. Patterson. Vote: Yes-4. NO-0. Abstain-1.

c. Affordable Housing Committee:

- Onjalé Scott Price
Recent owner of home in East Falmouth, works in Woods Hole and member of the Woods Hole Diversity Committee. Almost all who she works with have a place to live during the year, except during the summer. She attends the meetings, would like to be more involved and able to vote.

Mr. Jones motion to appoint Ms. Price to a term ending June 30, 2022.

d. Falmouth Cultural Council:

- Alicia Buccino-not present.

- Marilyn Rowland

Worked with the council for 3 years and helps to run the art market in the summer and on various art councils. She has attended meetings since September.

Chair English Braga would love to hear about ways the Town can support the cultural events. The art market runs every Thursday at the bandshell.

Mr. Jones motion approval of Ms. Buccino and Ms. Rowland to terms ending June 30, 2022. Second Ms. Moran. Vote: Yes-5. No-0.

e. Human Services Committee:

- Deb Berglin-not present.

Mr. Jones motion to term ending June 30, 2022. Second Ms. Moran. Vote: Yes-5. No-0.

2. Interim Report – Edward Marks Building Advisory Committee

Barbara Weyand, Chair, provided the interim report to the BOS. Made a PowerPoint presentation. Reviewed the mission of the committee. Reviewed the members of the committee. This is the oldest municipal building in Falmouth, has a well preserved colonial exterior, social history as a poor house from 1814-1966, was awarded honorary national register status, and is Town owned and the Town can prevent its loss. The Committee first met in July 2019, the made proposal to Falmouth CPC to underwrite a historical structures report, the foundation on which historic preservation proceeds. Proposal they put in is going forward. They have drafted an RFP and sent to consultants. Met with an architect and campus parking committee, along with lighting. Gathered documents, reviewed the concept architectural plan and awaiting information on the HVAC plan. Subcommittee with construction experts to look at what should be preserved and/or repaired on the main floor with anticipation of move in of Human Services Department. Preparing application for MA Historical Commission funds and they have a good shot at getting that money because Falmouth is a certified government because it has a Historical Commission and 7 Historic Districts. Meeting with David Vieira to brainstorm other sources that may fund a municipal building. They are ready to move forward on projects independent of the first floor, such as plan for the exterior of the building. There are no sketches or paintings that exist from when it originally was located on Sandwich Road in Hatchville.

Mike Duffany provided the Existing Conditions Report of the Poor House. They looked at the whole building, documented what was in the building, additional work may be necessary. Some windows were restored in the early 1990s. The Human Service Room has been completed. Reviewed the doors and baseboards, wainscoting, flooring, cubicles, plaster walls, closets, windows. Next step is to meet with the architects and what they feel should be protected features. Assess the rear L in back of the building that houses the bathroom and open rooms. They would like to extend their analysis to the second floor so those features are protected. The BOS was offered another tour.

Tom Bradshaw, Lesley St., Woods Hole, a historical study of the building was done in the 1990s, late 90's the building was shut down. Efforts by the Town included engineering reports with plan to renovate and preserve the building. This is a timber frame building, the engineer who planned it decided to preserve it by using a steel frame, which was unnecessary. The Historical Commission hired John Looney to come up with alternative plan to repair what was there, analyze the elements, and respect the building. Renovations were made to accommodate the Retirement Board.

3. Status Report on Grinder Pump Partial Payment

Amy Lowell, Wastewater Superintendent, provided a background that each property owner was to connect their building to the service at the street, half via gravity pipe and half a grinder pump. The property owners were concerned about the difference of the requirements for connections. The BOS voted a Grinder Pump Policy in 2016, Town would purchase and provide Grinder Pumps to those property owners who needed to install them. Included the Town would provide modest subsidy for one time partial reimbursement cost triggered by completed Town inspection of both grinder pump install and septic system abandonment. Now the project is complete and the Town has the information needed to discuss this policy. Average cost to complete the connection was about \$1800 more than the gravity connection based on the data provided by 3 different contractors that did more than 100 connections each. Town also provided 5

year warranty and commit to maintain them in perpetuity with caveats about proper use of the pumps. Generator Service in case of extended power outage the Town would provide the generator service. Most required indoor plumbing changes, the cost varied between properties based on many factors including distance from street, length of pipe, depth of excavation, and restoration cost. The intent was not to get to a perfect hold for all, but to provide a reasonable partial reimbursement based on a averaged condition. Grinder pump required electrical service, a deeper excavation, and some upgraded their electrical for this work. This is within the range of the amount discussed. If 680 residential property owners were reimbursed \$1800 each, it would be about \$1.2 million, sufficient funds are available to cover it and the Bourne's Pond widening project. The work is complete except for some lift station work and Bourne Pond Inlet Widening Project which is on its way, but about a year from implementation. They will need to have a follow up on how to do this, requirements, and schedule at a future BOS meeting. Seven properties have not connected yet out of 1350 properties.

4. Acting as Trustees of the Falmouth Affordable Housing Fund, presentation and vote on application from Falmouth Housing Corp for 10 units of affordable, workforce housing to be constructed at 591 Gifford Street – "Gifford Workforce Phase II"

Linda Clark, President Falmouth Housing Corp. asking the BOS to vote on recommendation for \$65,000 from CPC for workforce phase 2 housing on Gifford St. 1 BR affordable units, 50 & 80% units. Applied for State funding and have been approved to move forward to a full application which will be submitted in February. Hoping to receive funding by July 2020. LPP and phase 1 will be about 50 units of affordable housing. All the units developed by FHC are all affordable. Transportation will be important to this area. At end of Phase 2 there will be 70 units and public transportation will be critical.

The BOS would like to go to the CCRTA to request the service to this area when there is demand. Mr. Patterson suggested he and Ms. Clark present this to the CCRTA.

The BOS has a memo from Housing Coordinator that the fund has about \$123,000 uncommitted so the request is within the funding amount. The balance of the \$65,000 per unit will total \$650,000 and the Falmouth Housing Corporation will come back to request.

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

5. Presentation of 2020 Projects – Ronit Goldstein and John Ventura, Eversource Energy

Monique Goldstein, Community Relations Eversource Energy. John Mentor also present, Manager of Engineering for southeastern MA. They both met with Mr. Suso regarding upgrades to come in 2020 and beyond.

John Ventura noted Falmouth had problems with power last summer, much was geographic and they have projects planned in the future to address that. Made a PowerPoint presentation West Falmouth, center, and Capeskin/Davisville Road areas.

West Falmouth/28A has 2 substations and there has been heavy loading. They installed 3 remote switches installed this year. Voltage regulators will also be installed. Proposing 2 new transformers by Brick Kiln Rd. and Palmer Rd. near the hospital. More work will be done down the road. It is on Town property.

Before summer they would like to put line extension along Brick Kiln Rd. and a new transformer has been installed, provided better service for that area. They will need to install underground system under Route 28A and bring in high voltage line to that transformer.

400 Palmer Ave., they would like to put a transformer there and will provide better supply for that area. Described the unit they would use that has been used in other cape towns.

E. Falmouth-investigating the Manahan Rd. Bridge Crossing, there are two long circuits. They would like to attach a conduit to the side of the bridge with manhole on each side to tie the circuits together with Town approval.

They are hoping to have the Brick Kiln enhancement before summer and will work with Town departments to move things along.

The fuse blows on pole transformers and makes a loud explosion type sound, but the encased one located at ground level is enclosed and there is not a large charge. The transformers are filled with a vegetable oil that is biodegradable.

The double poles follow up by Ms. Goldstein, she will follow up via email. There was a focus, but unknown what the numbers are at this time. Every time a pole is hit or a project that requires new poles, then new double poles are created. There is no way to get rid of them, but part of the upgrade is new poles. The database she referred to when last addressing the BOS is private for the utilities and the Towns, not made available to the public. She can meet with DPW to talk about the utilities that are needed to coordinate the work. The Town gets a snapshot when they look in the database. The Town has had lingering projects but when the BOS asks what is going on, it is helpful for the BOS to be able to give people an answer. The BOS would like Eversource to sit down with the DPW. Chair English Braga noted that North Falmouth also has problems with power, Eversource is planning an extension in service in 2024 in that area.

Mr. Brown noted Sandwich Road double pole near the Dunkin Donuts blocks view of traffic.

Coastal Resilience Action Committee, looking at ways to consider elevating the road or dunes, or berms, and suggested Eversource review that area. Eversource encouraged the Town to communicate with Eversource regarding what the Town may do for coastal resiliency.

The Bourne Bridge may be replaced in upcoming years and Eversource may want to see what affect and opportunity that may have on utilities.

6. Vote to Approve Complete Streets Policy

The BOS reviewed the staff recommendation, Planning Board, and Bikeways Committee edits in the packet. Mr. Suso noted the clear copy the BOS received this morning include the edits effecting the merger of the suggestions. The BOS may change this policy anytime they choose.

Once Transportation Management Committee is up and running, this policy may be edited, it is an evolving document.

Mr. Suso noted there would be a direct liaison with the DPW regularly to have an ongoing collaborative relationship.

Mr. Brown motion to adopt the policy as edited. Second Mr. Patterson. Vote: Yes-5. No-0.

The BOS will have a meeting with Bikeways, Planning, and DPW.

7. Approve 2020 Annual License Renewals:

ALL ALCOHOL RESTAURANT

La Cucina sul Mare, 237 Main Street
The Black Dog Heights Café, 465 Grand Avenue
The Pizza Bar, 146 Sandwich Road

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

ALL ALCOHOL PACKAGE STORE

Kappy's, 21 Spring Bars Road

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

COMMON VICTUALLER LICENSE

La Cucina sul Mare, 237 Main Street
The Black Dog Heights Café, 465 Grand Avenue
The Pizza Bar, 146 Sandwich Road
LBK, dba Burger King, 111 Teaticket Highway
Eat Your Heart Out Café & Gourmet Market, 587 Main Street
Cupcake Charlie's, 153 Main Street
The Buffalo Jump, 277 Hatchville Road

Martha's, 281 Main Street
Peel Pizza, 31 Teaticket Highway
Subway

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

INNHOLDER LICENSE.

Shoreway Acres, 59 Shore Street

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

ENTERTAINMENT

La Cucina sul Mare, 237 Main Street
The Pizza Bar, 146 Sandwich Road

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

SUNDAY ENTERTAINMENT

La Cucina sul Mare, 237 Main Street

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

USED CAR DEALERS – Class I, II, & III

Rte. 28 Auto Center, 550 East Falmouth
Highway
Battles Used Cars & Trucks, 14 Depot Avenue

Falmouth Motorcar, 716 Teaticket Highway
**Ms. Moran motion approval. Second Mr.
Jones. Vote: Yes-5. No-0.**

8. Minutes of Meetings:
Public Session – October 21, 2019
Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

9. Individual Selectmen's Reports

Mr. Brown:

Attended the Water Quality Mgt Committee on Denitrifying septic systems, making progress.

Attended the All Inclusive Playground Meeting, they have conceptual plans and he would like more apparatus.

Attended the Fiber Optic Meeting, starting viability studies.

Attended the Marks Building Meeting

Attended the Selectmen Counselors Meeting talking about trash and developments that have happened.

Mr. Patterson:

Attended the School Committee meeting and subject of having authority over the old senior center and generally supportive of the transfer of authority to the BOS.

Attended the CPC meeting-support subsidies for workforce housing.

Attended the EDIC meeting and good to see feasibility study moving forward.

10. Town Manager's Report

This meeting is final meeting of the calendar year and decade.

Town Hall and Offices closed on 12/25/19 and 1/1/20.

Next BOS meeting will be 1/6/20.

Mr. Jones motion to adjourn at approximately 10 p.m. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes
MONDAY, FEBRUARY 24, 2020
SELECTMEN'S MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Megan English Braga, Chair; Doug Brown, Vice Chair; Doug Jones; Sam Patterson.

Absent: Ms. Moran.

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

1. Call to Order by Chair English Braga at 7 p.m.
2. Pledge of Allegiance
3. Proclamation – White Ribbon Day – March 12, 2020
Chair English Braga read the proclamation as a motion. Second Mr. Patterson. Vote: Yes-4, No-0. Absent-1.

Richard Dubi told the BOS that the event is 3/12/20 at 9 a.m. at Hermann Room in the Library with guest speakers. Provided a history of the organization, in U.S. it is mainly organized by women, but this is not a women only problem.

4. Recognition
Mr. Brown attended funeral of Chace Soares, his brother is still in the hospital. Prayers are with the family.
5. Announcements-none.
6. Public Comment

Mark Finneran, 98 Grande Ave., 4-5 years ago he brought up streets of Falmouth Heights on Worcester Court, the stop signs are run often and a danger. He requested a pair of stop signs in that area.

Amy Sellars, 16 Old Dock Rd., she was surprised when she saw the fire station will remain open, yet only if firefighters volunteer to staff it on an overtime basis. Chair English Braga noted this is on the agenda.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to Approve Application for the Assistance to Firefighters Grant (AFG)
Chief Small made a PowerPoint presentation. The AFG is a federal program that has been around for at least 15 years; Falmouth has participated twice in this program for purchase of fire rescue boat and improvements to protective gear and breathing apparatus. It is a yearly grant, the federal government pays 90% and the Town pays 10%. He is looking for 2 ambulances to be retrofit with power load system and he would also like to get an air compressor; the current compressor is no longer in service. He provided a demonstration of what the 2 older ambulances in the fleet work to load patients.

Mr. Jones noted this is in the capital budget, Mr. Suso noted the size of the fire budget is okay and the Town can handle it. They are awaiting input from the Finance Committee.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4, No-0. Absent-1.
 - b. Approve Grant of Revocable License to Thomas L. Messer, Marysia F. Messer and Joanna Bennett to Maintain a Retaining Wall at 190 Goeletta Drive, East Falmouth

Marysia Messer present. Attorney Matt Terri, Ament Klauer Law Firm, representing the applicant asked for this license to maintain 4 sq. feet of retaining wall that was constructed inadvertently into the private way of Goeletta Drive, it extends into the legal limit of the road. Encumbrance in name only, on the ground it appears well behind the driveway and landscaping that is the access point of the property. The wall was constructed in the last year or so to mitigate run off from installation of a septic system and there was prior conversation with the Town around the retaining wall, good quality, and looking for license to maintain the small portion of the wall that goes onto Town land. License would be revocable by the Town for any reason. Addressed all Mr. McLaughlin's comments in the revised plan as of 1/28/20. The owner be identified on exhibit, Goeletta Drive labeled as public, existing monumentation, and telephone pole shown on the exhibit.

James McLaughlin, Town Engineer, reviewed the revised plan and recommend approval. There is no sightline blockage, it is off to the side at the end, it is behind a telephone pole and pedestal, and it is also low to the ground.

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

- c. Approve Grant of License Temporary Seasonal Canvas Vestibule Water Street Kitchen, 56 Water Street, Woods Hole

Mr. Suso expected a representative for the applicant be present. This item was held for a representative to be present to answer questions.

- d. Vote to Designate Members of the Citizens Advisory Committee—Future Fire Station as Special Municipal Employees for Purposes of the Conflict of Interest Law

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

- e. Vote to Transmit Letter of Concern to State – Trunk River Bikeway Protection Revetment

James McLaughlin, Town Engineer, showed photos from last October's storm and handed to the BOS. The area adjacent to the parking lot further down towards Woods Hole subject to a number of storm damage events. Explained the area in relation to the Pond, those areas prevent construction of a revetment because of definitions under DEP; a new revetment is not allowed, only repair of an existing one. There is evidence of large revetment stone, based on this evidence, they are allowed and permitted to rebuild that section of the revetment. Showed the plan approved in 2015 and what was constructed a couple years ago. An area past that has no evidence of revetment stone, only sand nourishment. He reviewed the proposed revetment site plan. This may continue to erode and will need to be repaired more frequently.

The DEP turned it down because it was not allowed by regulation; either solution is not a panacea.

This letter would be a record that the Town will do what they were told, but do not agree given the Town's experience and knowledge.

Mr. Johnson-Staub showed a few photos of the area where the revetment ends and the catastrophic damage.

Mr. Jones motion approval to send the letter to the DEP, Governor, and State Legislature. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

2. Special Events

Recurring - Recommended:

- a. Seagull Six Spring Classic Road Race – Start/Finish Woods Hole Community Center, Water St. – Sunday, 3/29/20

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

- b. Falmouth Village Association

1) Easter Egg Scramble – Library Lawn and Peg Noonan Park – Saturday, 4/18/20

2) Concerts in the Park – Peg Noonan Park – Thursdays, 7/10, 7/17, 7/24 and 7/31/20

- 3) Arts & Crafts Street Fair – Main St. (Post Office Rd. to Shore St. Ext.) – Wednesday, 7/8/20
(Rain date Thursday, 7/9/20)
- 4) Movies in the Park – Peg Noonan Park – Wednesdays, 8/5, 8/12, 8/19 and 8/26/20
- 5) Holiday Stroll – Queens Buyway to Main St. to Shore St. Ext. and Peg Noonan Park –
Saturday, 12/5/20

Mr. Jones motion approval of items 1, 2, 4, and 5. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Mr. Jones troubled with item 3 due to traffic and disruption to the Town during that day and not an event he is in favor of. Mr. Patterson noted it is an annual event many look forward to inside and outside Falmouth.

Jessica Cosgrove said it brings a lot of traffic to visit the local merchants; they thrive that day as well and given the opportunity to display their wares on the street at booths or storefront. They have worked hard to organize the event so at the end of the day you would never know it was there. This event gives the Town great visibility and allows the Village Association to put on other events at no cost to the Town. Mullen Hall is exhibitor space parking and they encourage use of the Lawrence School for street fair parking, they have someone on traffic control there.

Chair English Braga noted sidewalks get squeezed and wheelchair/stroller navigation is difficult, she would like the sidewalks to remain open for use. Ms. Cosgrove said there will be access to all areas sidewalks to wheelchairs and walkways will be 8 feet between all the groups.

Chief Dunne said they post that area and the FPD enforce it. Last year there were no issues with Gifford Street, Shore Street is enforced by FPD. There were times when Katherine Lee Bates road had accidents, but by posting and enforcing they have had no problems.

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

- c. Liam Maguire's Irish Pub Almost Five Miler – Start/Finish Town Hall Square – Sunday, 5/10/20
Press Pelletier, King Street, present. No road closures.

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

- d. Spring at Spohr – Spohr Gardens, Fells Road – Saturday, 5/16/20 (Rain date Saturday, 5/23/20)

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

- e. Stroll & Roll for CCALS – Bourne Farm–Bike Path–Old Dock Rd. – Saturday, 5/16/20

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

- f. Falmouth Farmer's Market – Marina Park – Thursdays, 5/28/20 – 10/8/20 + Tuesday, 11/24/20

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

- g. Wounded Warrior Project Soldier Ride Cape Cod – Shining Sea Bike Path – N. Falmouth to Woods Hole to N. Falmouth – Friday, 5/29/20

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

- h. Pedal to Parcels – Start/Finish Andrews Farm – Sunday, 5/31/20

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

- i. Falmouth Classic Car Club Cruise In Car Show – Marina Park – Sundays: 6/14/20, 7/19/20 and 8/9/20
Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

Mr. Johnson-Staub will send notification to all special event applicants that single use plastic band will be adopted in September 2020, also asking for solid waste and recycling plan.

- j. Juneteenth Festival – Peg Noonan Park, Saturday, 6/20/20

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

- k. Falmouth Education 5K – Falmouth Heights Ball Field Start/Finish – Sunday, 6/21/20

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

- l. Walk for HOPE – Start/Finish Village Green – Sunday, 6/28/20

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

- m. Run Jack Run Family Fun Run/Walk – Trotting Park Soccer Field and Track – Saturday, 7/4/20

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

- n. Fourth of July Fireworks – Falmouth Heights Beach and Ball Field – Saturday, 7/4/20 (*Rain date Sunday, 7/5/20*)

Kevin Doyle, 346 Mill Rd., on behalf of the committee, honored to be a part of this and stage fireworks for the community. They will use the same vendor as last year. This year is the 40th year the committee has been tasked with fireworks and 400th year of Mayflower's arrival. They have activities beginning at 4 p.m. for food and entertainment.

Need t-shirts from 1992, 1994, and 1998 to put together the 40 years of book.

Chief Dunne noted the exit plan works and will continue with it and improve on it every year.

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

- o. Falmouth Sprint Triathlon – Surf Drive Beach – Sunday, 7/12/20

Chief Dunne said the triathlon organization did road closure signs on their own, Mr. Suso told them it would not be done again without BOS approval.

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

- p. Rockin' Recovery – Old Silver Beach and Parking Lots – Wednesday, 7/29/20 (*Rain date Thursday, 7/30/20*)

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

- q. Coast Fest Concert – Marina Park/Bandshell – Saturday, 8/1/20

Last year Chair English Braga heard from a resident and commercial abutter, commercial abutter upset about overflow parking into his establishment and resident felt the music was very loud. It was more popular than people thought it would be last year and make sure they have parking plan in place. The event ends at 10 p.m.

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

- r. Butterfly Garden Day – Spohr Gardens, Fells Road – Saturday, 8/8/20 (*Rain date Saturday, 8/15/20*)

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

- s. Shakespeare at the Bandshell – Richard Mover – Bandshell – August 8, 10, 11, 2, 17, 18, 19, 21, 22 and 23

The BOS asked if there is a charge for this, Mr. Johnson-Staub believes it is free to public.

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

- t. The Falmouth Walk – Town Hall Square to St. Barnabas (sidewalks) – Saturday, 8/15/20

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

- u. New Balance Falmouth Road Race – Woods Hole to Falmouth Heights – Sunday, 8/16/20

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

- v. Rotary Club Craft Fair – Bandshell & Marina Park – Saturday, 9/5/20 and Sunday, 9/6/20 (*Rain date Monday, 9/7/20*)

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

- w. Striper Fest – Marina Park and Bandshell – Saturday, 9/26/20 (*Rain date Sunday, 9/27/20*)

Chris Meagan, owner on the water, was present. Chair English Braga explained that people were concerned the event has outgrown the space, parking interfering with others trying to use their boats in the marina. They are opposed to the use of Marina Park for this event. Mr. Brown read a letter received by several individuals.

According to Mr. Meagan, attendees come and go throughout the day, most traffic between 3-4 p.m. They have 2 busses running from Lawrence School where parking is encouraged. Tents are set up on Friday, block areas on Thursday night to make room to set up. Mr. Meagan is willing to work with the people who wrote the letter. He also works with Greg Frasier. No one parks along the stretch parallel to the harbor.

Mr. Johnson-Staub reached out to Greg Frasier about whether there were any complaints; he said he had not heard of the complaints. Mr. Frasier suggested shuttle busses in and out of the marina after the event, he suggested a detail officer at Scranton and Main Street at the end of the event. The event is well organized and responsive.

Chair English Braga is inclined to approve with condition to meet with the folks who wrote the letter and alleviate their concerns.

Mr. Meagan believes they have maxed out the number of people who will attend; many attendees are the same year after year. The trial boat number has not changed, sponsorships remain the same, and he does not anticipate growing more than it is now. They have it on the shoulder season. He knows the people who complained and is willing to reach out to them. They have monitors at the Lawrence School. With the partners they have, they would lose the group that comes in here if this event were transferred to the fairgrounds.

Mr. Jones approval with condition that Mr. Meagan follow up with those who wrote the letter and then follow up with the Town Manager's Office. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

- x. The Kirwin-Murray Memorial Bike Ride-Tour de Falmouth – Start/Finish Surf Drive Beach – Sunday, 10/11/20 (*Rain date Monday, 10/12/20*)

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

- y. Falmouth in the Fall Road Race – Woods Hole to Falmouth Heights Beach – Sunday, 11/1/20

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

- z. June Jog – Falmouth Heights to East Falmouth Elementary School – Sunday, 6/7/20

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

- aa. ZOOMA Women’s Half Marathon & 10K – Sea Crest, North Falmouth, Bike Path, Old Silver Beach Lots – Sunday, 9/27/20

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

Mr. Jones noted there would be no road closures for this event.

New – Recommended:

- a. Wedding Ceremony – Alfieri – Old Silver Beach – Saturday, 9/26/20
- b. Wedding Ceremony – Wright – Surf Drive Beach – Saturday, 6/6/20

Mr. Patterson motion approval of items a and b. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

Recurring – Not Recommended:

- a. Bike Parade – Falmouth Village Association – Main Street to Shore St. Ext. – Saturday, 7/4/20
Not recommended because of concern about that weekend is so activity laden, the FPD does not have the resources to close Main Street.

Donna Buckley, Falmouth Village Association Board Member, explained this event is designed for families and children, about 20 years old, part of the 4th of July celebration and location is key for that. This year they tried to figure out an alternative and talked with the Chief about having a permit granted for 6/27/20.

Chief Dunne said 6/27 is more workable than 7/4. This event has become successful; it takes 1.5 hours and 9 police officers. The event is long, there are many participants, will still take 9 officers to get the children from Village Green to Mullen Hall. Parking is not restricted during the event.

The Village Association supports this event and was present. A couple years ago they had about 900 children, the application notes 200+. They post through social media about the road closing; The BOS would like them to post it on the road as well. Chief Dunne said they can do the street postings or in conjunction with the Village Association. FPD will provide signs about the temporary closure.

Mr. Brown motion approval for the amended date to 6/27/20. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

BUSINESS

- 1. Discuss Memorandum of Understanding with Fire Union

Mr. Suso explained that in January when hosted community meeting at the FHS, included was a review of 4 alternatives for enhancing staffing beginning 7/1/20. The MOU before the BOS tonight that has been worked out is in furtherance of one of those alternatives; provide voluntary overtime for two firefighters on each shift beginning 7/1/20.

Chair English Braga noted this has been discussed for a while, ongoing dialogue to best address public safety. The FFD Chief, FF Union President, and Vice President have signed the MOU. Chair English Braga read the MOU. Town has budgeted resources and included 2 firefighters per shift to work overtime and assigned to West Falmouth Fire Station.

Mike Mueller, President FF union, he polled union membership and about 70% of members responded to the poll about 85% said they would be interested in working additional overtime at the West Falmouth Fire Station. The overtime that has been available will not be available after 7/1/20, so it is more likely that the 2 shifts of overtime will be taken.

Chair English Braga noted theoretically the West Falmouth Station is an easier shift; it is just the engine, not tasked with bringing anyone to the hospital and following through with that stuff. You do the first responding, ambulance shows up, and then you go back to the station.

Amy Sellar, 16 Old Dock Rd, FPD not allowed to take vacation on 4th of July, what if no one volunteers for overtime at West Falmouth Station that weekend? Chair English Braga said that if 1-person volunteers and not 2, that 1 person will go to North Falmouth, but the goal will be to get people to work those days and think about high peak days during the summer. There is no 100% guarantee 365 until there is a new station. If they get the override passed and once hire 8 more firefighters, there will be additional resources. The BOS is putting forward the article regarding firefighters and question for override will hopefully result in additional firefighter. Mr. Jones noted they have hired 9 firefighters over the last 9 years, to do more they need an override.

Tom Taylor, West Falmouth, Retired firefighter, they are short staffed; staffing plan is different than they have now. July 1 there will be a 14 man minimum with 4 stations open. The override is important, but if it does not pass maybe the increased staffing in other stations can be put on hold until the new firefighters are on board. The volunteer positions at Station 4, he expects it will not be filled in the summer. There has to be a better way to do this. This is complicated and we should not slight a section of Town.

Mike Scruer? (phonetic) suggested creating per diem firefighter and paramedics. Hourly rates would be paid and benefits not provided. Firefighters from other towns may be interested in per diem. The residency law, 15 mile limit, but per diem could be taken from a wider area. He would like this to be explored. Chair English Braga noted that this would need to be bargained with the union.

Mr. Suso said some issues raised are being discussed with the Finance Committee and he cautioned all not to oversimplify civil service rules, collective bargaining, and using per diem. There are a number of challenges and not a large pool of individuals, they have explored that but it is not a reasonable solution. He appreciates the union's comments about the polling of the union, he feels positive about the support of the fire fighters. The level of participation and engagement is unprecedented here and appeals to the community to move forward with this issue to maintain operations in the West Falmouth Station.

According to Chief Small, if only one firefighter volunteers, than that firefighter will go to North Falmouth Station. Some many wait a little longer for service, but what they get from that larger crew will be significantly better.

Marc Finneran, hiring freeze in 2008 with the recession, the Town is late with addressing this problem. Short staffed at the DPW, this problem will continue for years. He expects more overrides will be needed in the future. The Town is not being maintained properly.

Mr. Suso noted that the 9 positions over 5 years were newly funded positions.

Chair English Braga noted that adding positions in the Fire Department and Police Department while also doing major projects need to be managed and balanced.

Maureen Harlow-Hawkes presented documents to the BOS. She is glad to see the FFD getting more support. Woods Hole has a volunteer and it is there 80% of the time-20% of the time the ambulance cannot leave. Now have volunteer and permanent position in Woods Hole-staffed with 1 person through voluntary overtime. Glad to see the grant being applied for, Chief's understanding is that preference is given for those communities hiring off the Safer Grant, they are holding available slots for those towns hiring through that grant. Need to look into the Safer Grant, she is disturbed that we have left \$1.5 million on the table each year. It is supposed to help budget so not looking at an override, if we had been doing this over the last few years we could slowly build up our resources.

Chief Small said that if all come to work, there will be an extra person that goes to Woods Hole. Previously, they would put that ambulance in and out of service 8 times daily. Now with voluntary person, that station staffed with 2 people about 80% of the time.

Chair English Braga said that you cannot apply for the Safer Grant unless you already have the money budgeted.

Mr. Suso noted the document provided by Ms. Harlow-Hawkes compares several communities, Barnstable does not have municipal fire department, and they have multiple fire districts. Yarmouth and Falmouth are legitimate comparison.

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

2. Emerald House Property – Future Uses:

- a. Master Plan for 67 & 81 Davisville Rd.– Discussion of Potential Layout for Community Gardens and All Peoples Playground

Mr. Johnson-Staub made a PowerPoint presentation. They want to present the ideas being discussed.

Emerald House 67 Davisville Rd., 4.9 acres acquired for public recreation or municipal services, house is in excellent interior condition, half kitchen and half bath only. At the time it was sold to the Town, there was hope the use of the property would honor the Portuguese history of the Town.

81 Davisville Rd., about 4 acres and acquired for public use. One idea is inclusive playground, community garden, and may want to consider affordable housing blend the community gardens and/or playground.

No immediate proposal for the acreage, potential uses could be open space, affordable housing development. Showed plan of the inclusive playground/community garden.

Next steps include community meeting on proposed of the play space and community gardens; complete feasibility study and concept plan for the play space, BOS hold public hearing on final design; license agreement with Farm Falmouth for Community garden; applications for Community Preservation Grants submitted for design and construction.

The focus tonight is on the land use being contemplated.

Mr. Brown feels the playground is a good idea and eventually there could be walking trails behind the playground.

Green Pond is a private road, may be a challenge to get access from there. The access could be the shared access parking or would be to enter the driveway to the Emerald House with a cutover to the playground. Need to look hard and go to Planning Board for site plan review for best access to the property. Playground lot takes up 1.6 acres. The BOS would like to explore the use for playground, community gardens, and affordable housing.

Mr. Suso noted sewer is not expected in that area soon.

Mr. Jones motion to approve the master plan. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

- b. Historic Structure, 67 Davisville Rd. – Discussion of Potential Uses of Historic Structure, Terms for Future Lease

Uses are limited re: zoning. Include housing, agricultural, philanthropic, museum, municipal, among others allowed by right. Professional offices and retail are not permitted. Could consider sale of the Emerald House for affordable housing with deed restriction.

No provision for a use variance in the current bylaws. Only other potential would be a zoning change, problematic to make case for business zone.

The interior is not in good shape for residential use, affordable housing could be pursued with the existing structure. Public access was why the Town acquired the property. BOS likes idea of using for rest rooms, museum, supporting the farming and playground.

Next steps, if going to find occupant for Emerald house need to issue Request for Proposals. It has to be competitive and can be narrow or broad in focus for entities entertained for that structure.

The BOS discussed an RFP that is narrow enough to include something connected directly to Falmouth, non profit with connection to Falmouth or history of Portuguese or Cape Verdean, to really tell the story. Include the past farming and future farming. Under the last lease, there was contribution for maintenance based on percent of profit that went to a nonprofit and a minimum contribution to a maintenance fund.

Kathleen Haynes likes the ideas presented, including affordable housing. Biggest concern is that the play space has agreement with BOS to use property for the playground. They are planning a public forum for input and will talk with the DPW about a maintenance plan. She has talked to the community about having the Emerald House as a meeting for nonprofits and to be able to have security cameras at the playground. They are halfway to financing their own nonprofit status and prepared to take care of the maintenance. Other groups could meet there. They are planning to put together another grant by August for construction costs. Once the proposal and design are completed this will be the biggest inclusive playground in MA and a destination.

Richard Kendall, Precinct 4, they would like to leave a legacy behind about the farming, trying to get someone in the building to take materials. Whatever happens, much thought needs to be given about how we tell future generations what the farming was in Falmouth and what will happen when we do not have it anymore. The value of farm land and include a mission statement about telling future generations how hard it was to live and the history of strawberry farming in MA.

Dick Pulli, E. Falmouth, tried to get community garden plot at Falmouth Service Center, they were full, got one 2 years ago then notice no more garden. Started working with the Agricultural Commission and went after space for a new garden. Moved the garden to Andrews Farm, 60% occupancy last year. This year 100% occupied. This would be perfect place for community farm, marry the play space with the garden, raised bed, accessible. Looking for 1/2 an acre. There are 65 plots at Andrews Farm on 1/3 of an acre. Looking for open space, need fence, and irrigation.

3. Presentation of Playground Design – Fuller Field, 790 Main Street, Falmouth, MA

Mr. Johnson-Staub said this is to address construction of new playground at Fuller Field. Nancy White is the playground consultant contracted with to assist. Designs were drafted, taken to the Recreation Committee and Disability Commission, favorable recommendations from both. \$300k allocation and the next steps include BOS input, finalize design, procurement and construction, complete construction by July 1, 2020.

Nancy White provided plans of the inclusive playground. Most important thing is for them to be see through, it is wide open, colors are soft so they will blend in. Something for all children, things that kids can grow into, more independent pieces, merry go round at grade, net swing. Important to look at the entire experience, sensory, parallel play, and intergenerational play. Handicap parking spaces will be included and it meets all national regulations for ADA. 5,250 sq feet in size. Ms. White explained the location sited, 20 ft. high on 80 ft. long area. It will be chain linked in 4 ft. tall. Designed for no-low maintenance, the design will meet the accessibility but still have a lot of wood fiber that will require maintenance. The Falmouth Road Race has been working with money for the rubber. She suggested doing the rubber now, it is more expensive to do the rubber in the future, best to do it now. Poured in place rubber was best alternative, fencing posts will be installed first, then the poured in place will go behind a little and fold down to meet the grass. Location is far right corner, far away from baseball field, in right field corner. The poured in place rubber based on square footage will be higher cost by using both wood fiber and poured in place because it has to bevel down. It would be a \$45,000-50,000 cost difference partial poured in place and full poured in place. Good reception from Road Race Committee, may be willing to be a funding source. Potentially the senior center contingency funding could be used. Warranty on the pour in place is 7 years product and 7 years labor. May be a drop in head impact. Life expectancy based on installation, weather; install is very important.

Mr. Johnson-Staub suggested motion to proceed with full poured in place.

Burning or cutting is how it may be damaged, the contractor can cut the area out and replace. The rubber will be hot. Kids should not be in bare feet. Shade is needed, Mr. Johnson-Staub said they are working with Jeremiah Pearson on a landscape plan to bring in more mature trees for shading. Canopy over playground is out of the price range.

Mr. Brown motion to proceed with full poured in place rubber. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

4. Presentation of Draft Mission Statement for Transportation Management Committee

BOS discussed the updated draft in the packet. CCRTA and CC Commission and environmental concerns consulting with the committee was missing, the BOS added that to the statement.

Mr. Dewitt said there is an absence of other regional entities including the Cape Cod Commission, SSA, also no mention of accessibility, historical significant, public safety, and environment; all of which are important. Helpful to have a goal or vision of how the BOS sees an integrated transportation system for the Town. Public involvement: engage the public in discussions. Biggest transportation is the school department and there is no mention of them.

The BOS would like them to discuss the mission statement at the first few meetings.

Mr. Jones motion to approve the draft mission statement, take it out of draft, and to an accepted statement. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

Mr. Suso noted that they are awaiting a Historical Commission designee, the BOS asked him to ask one more time and then move on so the committee will not be held up any longer. The BOS agreed they could get started even without the Historical Commission designee.

5. Minutes of Meetings:

Public Session – February 10, 2020

Mr. Patterson motion approval with edits. Second Mr. Brown. Vote: Yes-5. No-0.

6. Individual Selectmen's Reports

Mr. Patterson:

Attended the School Committee meeting last week, there is a second artificial turf field proposal that needs to get on the BOS radar; for the field hockey fields near Old Campus Drive.

Attended the Fire Station Kick Off Meeting.

Mr. Brown:

Attended the Coastal Resilience Action Committee

Attended the Water Ways Committee, the dredging was half completed because the dredge broke.

Attended the Marks Building Committee that meets every other week.

Attended the Fire Station Committee meeting.

Attended the Water Quality Management Committee

Attended a Mill Pond Way discussion, Jen McKay attended and offered technical advice.

Attended the Composting Meeting at the recreation center, he would like to get food waste out of waste stream.

Mr. Jones:

Maybe need to get a dredge for the Town.

Attended the second SSA parking forum, but no one from MV has been appointed yet.

7. Town Manager's Report

Mr. Suso said the BOS will be convening tomorrow at 7 p.m. at Hermann Room, topics include FY 21 FFD budget and the BOS proposed override to fund the additional firefighters. This is the Finance Committee's meeting, the BOS will be providing answers but not voting on anything.

Mr. Jones motion to adjourn at 10:45 p.m. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

JMSuso

DATE: March 6, 2020

- Selectmen will take on a large number of housekeeping, briefing and discussion items at your business meeting on Monday evening as well as four scheduled public hearings.
- The Board will hear an update from the group working on the Tommy Leonard memorial. You will recall that their request to “name” the pedestrian walkway from the Quarterdeck to the Town Hall Sidewalk cannot be acted upon until May (one-year waiting period). However, as they are proposed to place a “relatively small” stone monument in the small greenspace adjacent to the existing public sidewalk as you enter Town Hall Square, I think it is important that the Board consider/vote to approve such a monument. I recommend favorable action.
- You are asked to consider a draft policy on the use of metal detectors on public property. This arises out of an inquiry involving a historic property.
- Failure to timely file a proposed petition article is resulting in the Board’s consideration of **sponsoring** a non-binding ballot question (as we are advised by Town Counsel that this is the only option for placement on the May 2020 municipal ballot). You will recall the Town Clerk’s concern with the length of this ballot, especially given the many Charter issues there.
- I have requested of Health Agent Scott McGann and Board of Health (BOH) Chair Diana Molloy that they provide a short briefing to Selectmen on general information and preparations related to the much-publicized coronavirus (also known as Covid-19). The BOH will be meeting downstairs in Town Hall Monday evening as well and this will be one of the topics of discussion for their meeting. Scott and Diana will be joining us at the conclusion of their meeting.
- I have been convening internal meetings of involved staff members to review/discuss issues, preparations and potential challenges related to the coronavirus. As mentioned recently, there is considerable information on the coronavirus posted on the Board of Health portion of the Town website, including informational links to the State Department of Health.
- I was pleased to attend the Tuesday evening Finance Committee meeting and the second meeting of the Fire Station Location Committee on Thursday evening.