

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JULY 13, 2020 – 6:30 P.M.
SELECT BOARD'S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the July 13, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

AGENDA

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Department of Public Works negotiation settlement for FY21
2. M.G.L. c.30A s.21(a)(6) – Discuss Lyberty Green appeal by the Zoning Board of Appeals

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public comment
6. Vote to affirm appointment of Fleet Services Manager

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Vote to approve application for a new Common Victualler License – RTP LLC d/b/a Lobos House of Pizza, 338 East Falmouth Highway

2. Administrative Orders
 - a. Vote to accept donation from Thomas W. Irvine, MD in the amount of \$500.00 to the Falmouth Police Department Donation Account
 - b. Vote to accept donation from Susan Lewis and Steven Karas in the amount of \$500.00 to the Falmouth Police Department Donation Account
 - c. Vote to accept donation from Old Stone Dock Association in the amount of \$510.30 to the Beach Department Donation Account for flower boxes at the Ellen T. Mitchell bath house
 - d. Acting as Trustees of the Falmouth Affordable Housing Fund:
 - 1) Vote to authorize expenditure of up to \$4,000 for consulting services to obtain State certification for newly constructed affordable housing units
 - 2) Vote to authorize expenditure of \$2,500 to contract for monitoring agent services for 504C Palmer Avenue
 - e. Authorize Project Eligibility Letter regarding 40B Comprehensive Permit Application for Lewis Neck Road. Application proposes construction of 4 single-family, 3-bedroom houses all of which 4 are proposed to be affordable
 - f. Vote to adopt resolution to affirm the sale of real property of the town, located in Palm Coast, Florida, in the name of the Lieutenant James M. Pafford, Jr. Essay Fund
 - g. Vote to designate members of the Historical Commission special municipal employees for purposes of the Conflict of Interest law
 - h. Acknowledgement of contribution – Gardiner Road seawall

7:30 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
 - Social distancing concerns at selected Town beaches
 - Updated discussion on municipal beach parking limitations
2. Acting as Trustees of the Falmouth Affordable Housing Fund, vote to award \$585,000 to the Falmouth Housing Corporation for the Gifford Workforce II project located at 591 Gifford Street
3. Update on Fire Department staffing since July 1
4. Transportation Project Presentation – John Diaz, Greenman Pedersen, Inc., traffic consultant
5. Vote to approve closure of additional portions of Great Bay Street
6. Vote to approve an extension of the term ending date for the Coastal Resiliency Action Committee
7. Vote to approve an extension of the term ending date for Fire Station Location Committee
8. Individual Select Board member's reports
9. Town Manager's report

Megan English Braga, Chair
Select Board

SCRIPT FOR REMOTELY CONDUCTED OPEN MEETINGS

Call Meeting to Order:

Good evening this is Megan English Braga, and I am calling this meeting of the Select Board to order.

Confirming Member Access:

As a preliminary matter, I will confirm for the record the members and staff are present and can hear me.

- Members, when I call your name, please respond in the affirmative.
Doug Brown, Doug Jones, Sam Patterson, Nancy Taylor.
- Staff, when I call your name, please respond in the affirmative.
Julian Suso, Peter Johnson-Staub,

Introduction to Remote Meeting:

This Open Meeting of the Select Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This Order does not require public participation except for certain regulatory matters requiring a public hearing. At the discretion of the Chair, a method for public participation may be provided for matters that do not require it under this Order.

For this meeting, the Select Board is convening by video conference via Zoom App. The meeting is also being broadcast on cable Channel 15 and streamed online at www.fctv.org. For those who wish to view the meeting but do not wish to participate, we suggest viewing on FCTV. Members of the public who wish to make comments or ask questions during the meeting may join the meeting as Zoom "attendees"

which allows you to submit written comments and questions via the chat function and also to see and hear the meeting in real time. Please note there is a time lag between the real-time Zoom online meeting and the FCTV video whether viewed on cable TV or streamed online. The link and instructions for joining the meeting are listed in the agenda posting on the Town website. For more detailed instructions on how to use the chat function, please go to the Town website and enter 'Zoom instructions' in the search box at the top of the page.

This meeting is being recorded and some individuals who have been invited to make a presentation are also participating by video conference. For those of us participating as Zoom "panelists" on the video conference, please be aware that you can be seen and heard unless you have muted your microphone and/or camera. Panelists are asked to mute their mics except when speaking and attempt to minimize background noise in your location to maintain audio quality. Also be advised open windows on your computer may be broadcast and recorded if you hit the "screen share" button on your computer. Anything captured by this Zoom teleconference will be broadcast and recorded.

Meeting Materials

All supporting materials that have been provided to members of this body are available on the Town's website unless otherwise noted. For this meeting, the meeting packet can be found on the Select Board page by clicking on the "Select Board's Meeting Packets" tab on the menu bar on the left.

Meeting Business Ground Rules

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- As Chair, I will introduce each speaker on the agenda.
 - Please remember to unmute your microphone and face the microphone on your computer when you are recognized to speak so you can be heard clearly.

- Please remember to mute the mic on the Zoom app when you are not speaking; or if using a mobile phone mute your phone when not speaking;
- When a meeting participant wishes to interject a question or comment, please state your name and ask to be recognized.
- After the presentation and member discussion, the Chair will ask a staff member to read any questions or comments typed into the Zoom chat by members of the public.
- All votes for this remote meeting will be taken via roll call. I will call out the name of each member and ask you to repeat your last name before stating your vote.

We will now proceed with the meeting begin with the pledge of allegiance.

EDWIN RIVERA
91 SANDWICH RD TEATICKET MA 02536
[REDACTED]

JOB OBJECTIVE

Seeking full-time entry position as an Fleet Manager for the Town of Falmouth Department of Public Works

EDUCATION

1991 to 1994: At Upper Cape Cod Vocational High School, Bourne Ma.
Studied Automotive and Basic Academics

SKILLS AND ABILITIES

TROUBLE SHOOTING

Automotive Diagnostics of drivability concern like check engine light, ABS, etc. I can also diagnose symptoms that have to do with electrical wiring circuits like shorts and incorrect wiring.

IGNITION SYSTEMS

Automotive, Diesel, single and multiple cylinder Electrical Circuits, tune up etc.

BRAKE SYSTEMS

Brake system theory and repair on disc, drum, air, electric over hydraulic brake system.

ELECTRONIC SYSTEM INSTALLATION

Installation and repair of radio, warning lights, plow electronics, etc.

OTHER EXPERIENCE

Over my 25 plus years of experience I have learned proper maintenance and operation of light and heavy equipment. How to diagnose and repair small engines, maintain and repair medium and heavy duty trucks, also am able to diagnose hydraulic systems and rebuild hydraulic pumps and cylinders. Over my years I have learned fabrication and welding of metal. In my 6 plus years at the Town of Bourne Vehicle Maintenance Supervisor I learned how to work with and oversee a budget. I learned how to schedule daily to weekly repair for preventive and scheduled maintenance. I have also operated light and heavy equipment ran and operated plows and sanders during snow events.

RELATED WORK EXPERIENCE

08/13 to present: Vehicle Maintenance Supervisor for the Town of Bourne Highway dept.

03/11 to 08/13: Vehicle and Equipment Manager at Chris Mark and Son's Inc.

12/08 to 03/11: Automotive Technician at Dave's Repair Bourne

12/06 to 11/08: Automotive Technician at Clements Auto Service Falmouth

10/00 to 11/06: Vehicle Maintenance Technician for the Town of Bourne Highway Dept.

08/98 to 09/00: Automotive Technician at Battles GMC Bourne

08/94 to 07/98: Automotive Technician at Tom Flurkey's Chevy Falmouth

To whom it may concern:

At the time at the Town of Bourne DPW my responsibilities are the scheduling, assigning, and overseeing the work of vehicle maintenance work crews, as well as performing maintenance and repair work. This includes planning and prioritizing tasks to ensure municipal vehicles are operating efficiently, assisting in procurement and budgeting process, maintaining records, and providing and assistance related to work. As a supervisor I worked under the Director of public works to plan, organize, manage and evaluate the work of the vehicle maintenance department to ensure efficient, timely and cost effective service. I participated and instructed mechanics in the repair and reconditioning of cars, trucks, tractors, sweepers, mowers and other standard and specialized equipment.

During my time at the DPW I established and maintain effective working relationship with department staff and other town departments and vendors. I got a chance to assist in the preparation of department budgets and monitor expenditure and manage reports on fleet cost and department budget. I planned and administered a preventive maintenance and replacement plan for vehicles and equipment. I worked closely with the Director to plan and quote the proper specs for vehicle and equipment to be presented at capital outlay and finance.

Number:
034-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Lobos House of Pizza
(RTP LLC)
Lobsang Phurchen, Manager
338 East Falmouth Highway
East Falmouth, MA 02536
is hereby granted this
Common Victualler's License

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

Hours and Days: Monday - Sunday: 11:00 a.m. - 9:00 p.m.

Indoor dining area: 16 seats.

Valid from: July 13, 2020

Valid until: December 31, 2020

By order of The Falmouth Board of Selectmen

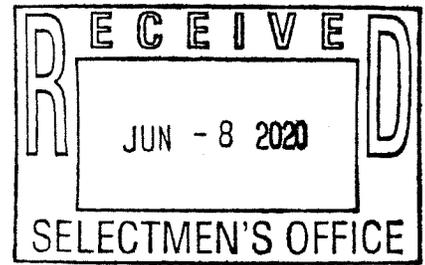
July 13, 2020

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



**DOCUMENTS FOR THE APPLICATION OF A
COMMON VICTUALLER LICENSE**

- ✓ 1. Application For License
- ✓ 2. Copy of Lease or Deed
- ✓ 3. Submission of a \$10.00 Filing Fee
- ✓ 4. Business Structure Documents:
 - a. Copy of Articles of Organization *(if corporation)*
 - ✓ b. Copy of LLC Agreement *(if limited liability company)*
 - c. Copy of Partnership Agreement *(if partnership)*
 - d. Copy of Certificate of Doing Business *(if sole proprietorship)*
5. Copy of special zoning permits, if any
- ✓ 6. Food Service Establishment Permit – Falmouth Health Department
7. Occupancy Permit – Building Department
- ✓ 8. Copy of Floor Plan
- ✓ 9. Copy of Menu
- 7/13/20 10. Attend a hearing before the Board of Selectmen at a time and date designated
11. Upon approval of the application a Certificate of Doing Business from the Town Clerk's Office and a fee of \$60.00 will be required



Town of Falmouth
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, MA 02540
508-495-7320



PAID
 \$70.00
 CK# 1042

APPLICATION - COMMON VICTUALLER

NAME OF ESTABLISHMENT: RTP LLC

DBA, if any Lobos house of pizza

BUSINESS ADDRESS: 338 East Falmouth Highway

MAILING ADDRESS: East Falmouth MA 02536
(if different)

NAME OF APPLICANT: _____

HOME ADDRESS: 82 Shakerhouse Rd, Yarmouth port

FID# [REDACTED] MA 02675

MANAGER: Lobsang Phurchen **EMAIL: (required)** loboshop7@gmail.com

DAYS OF OPERATION 7 days **HOURS OF OPERATION** 11am - 9p

PARKING PLAN Plaza

TELEPHONE: (BUS.) 508-540-3595 (HOME) [REDACTED]

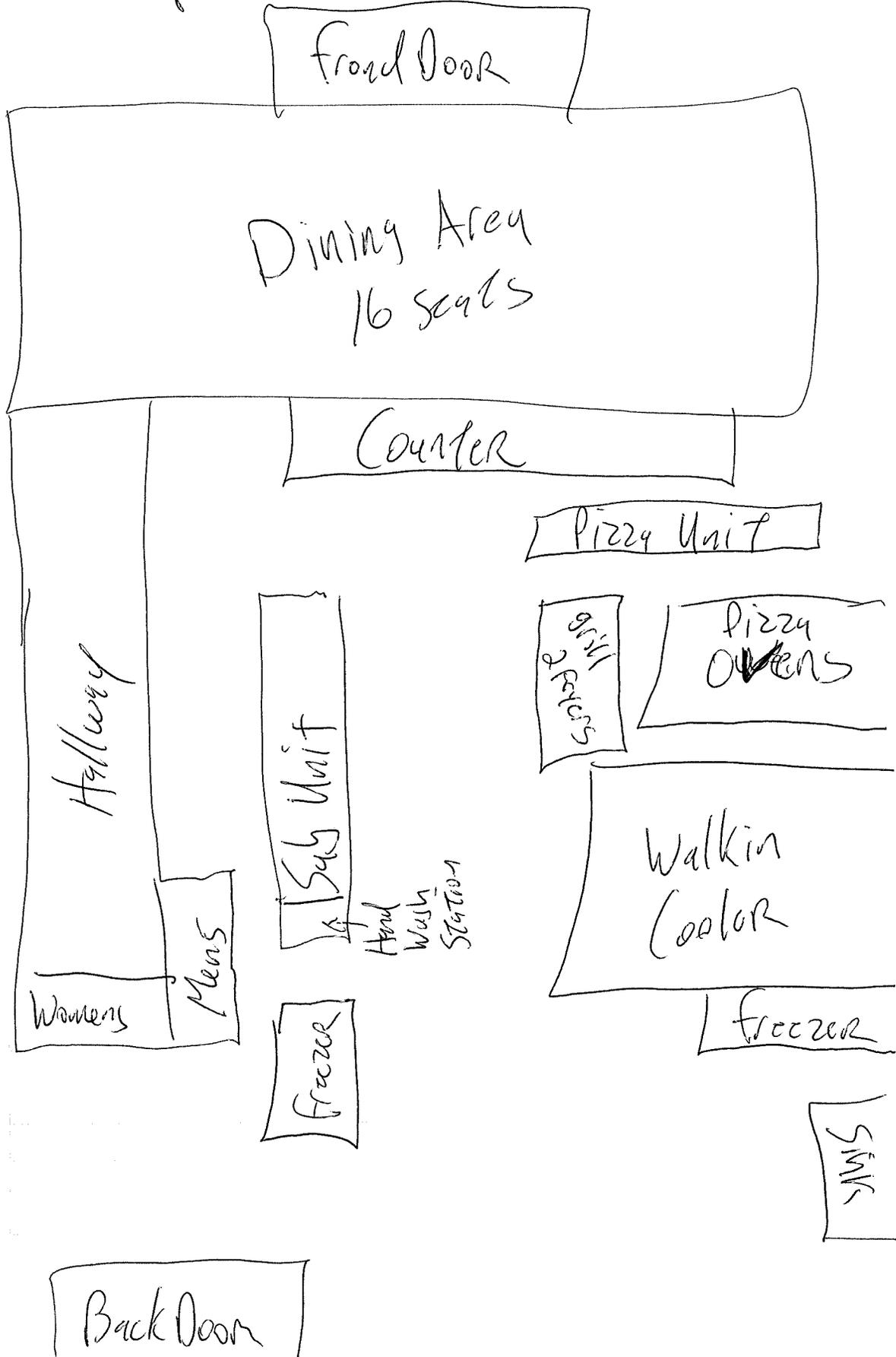
SEATING CAPACITY: 16 **OCCUPANCY #** _____

5-13-2020 [Signature]
DATE **OWNER / MANAGER / AUTHORIZED AGENT**

FEES:
 \$60.00 - Common Victualler
 \$10.00 - Filing Fee

BOARD OF SELECTMEN

Lobos House of Pizza's Floor Plan.



Mexican

Super Tacos

Hard or Soft Shell with your choice of Beef or Chicken \$3.99
Comes Topped with Lettuce, Tomatoes and Cheese.

Burrito

Your choice of Beef, Chicken, Bean or Combo \$8.99
Baked with Lettuce, Tomato and Cheese. Topped with Black Olives and Mozzarella Cheese. Served with Tortilla Chips, Sour Cream and Salsa.

Quesadillas

Your choice of Beef, Chicken, Bean or Combo \$8.49
Folded Tortilla Filled and Baked with Cheese. Served with Sour Cream and Salsa.

Super Quesadillas

SAME AS ABOVE PLUS Lettuce, Tomato and Black Olives with Guacamole on the side..... \$9.49

Nachos

Tortilla Chips and Nacho Cheese. Served with Salsa..... \$6.49

Super Nachos

SAME AS ABOVE with your choice of Beef, Chicken or Bean. \$9.49
Topped with Lettuce, Tomato, Black Olives and Jalapenos. Served with Salsa, Sour Cream and Guacamole.

Taco Salad

Tortilla Bowl with your choice of Beef, Chicken or Bean..... \$9.49
Filled with Lettuce and Tomato and Topped with Black Olives and Cheese. Served with Sour Cream and Salsa.

Extra Sour Cream, Salsa or Guacamole. \$1.25

Fried Chicken

Chicken

Wing or Leg...\$2.00	Thigh..... \$2.50	Breast \$3.00
5 PC.....\$8.99	9 PC.....\$14.99	12 PC.....\$18.99
	15 PC.....\$22.99	

Dinners

All Dinners Come with Two Sides

2 PC..Thigh & Leg.....\$6.99	3 PC..2 Thighs & Leg..... \$7.99
2 PC..Breast & Wing..... \$7.25	3 PC..1 Breast & 2 Wings..... \$8.25
4 PC..Breast, Thigh, Leg & Wing..... \$10.49	
5 PC..2 Breast, Thigh, Leg & Wing..... \$12.49	

Sides: French Fries, Spicy Fries, Jo Jo Fries, Salad, Coleslaw or Onion Rings.

Family Dinners

All Family Dinners Come with Three Large Sides

9 PC.....\$24.99
12 PC.....\$28.99
15 PC.....\$34.99

Sides: French Fries, Spicy Fries, Jo Jo Fries, Salad, Coleslaw or Onion Rings.

*Consuming Raw or Undercooked Meats, Poultry, Seafood, Shellfish, or Eggs May Increase Your Risk of Foodborne Illness.

Pasta

Chicken, Broccoli & Alfredo

Spaghetti Or Ziti.....	\$9.99
Ravioli.....	\$8.49
Manicotti.....	\$8.49
Stuff Shells.....	\$8.49

Spaghetti Or Ziti

With Sauce.....	\$6.99
With Meatballs.....	\$8.99
With Sausage.....	\$8.99
With Eggplant Parmesan.....	\$8.99
With Chicken Parmesan.....	\$9.49
With Veal Parmesan.....	\$9.49
With Grilled Chicken.....	\$9.49

All Pasta Served with Garlic Bread & Topped with Mozzarella Cheese.

Side Orders

Small Large

French Fries.....	\$4.00	\$5.00
Spicy Fries.....	\$4.50	\$5.50
Jo Jo Fries.....	\$4.75	\$6.00
Onion Rings.....	\$4.25	\$5.25
Mozzarella Sticks.....(7) \$7.49.....(10) \$9.49		
Chicken Fingers.....(5) \$8.00.....(7) \$10.00		
Buffalo Fingers.....(5) \$8.25.....(7) \$10.25		
Broccoli Poppers.....(5) \$7.00.....(8) \$9.00		
Jalapeno Poppers (Cheddar Cheese).....(5) \$7.00.....(8) \$9.00		
Garlic Bread.....	\$3.00	
Garlic Bread w/Cheese.....	\$3.99	
Hotdogs.....	\$2.99	
Grilled Cheese.....	\$2.99	
Loaded Fries.....	\$7.49	
Smothered With Mozz. Cheese and Bacon Bits & Served with a Side of Ranch for Dipping.		
Wing Dings or Buffalo Wing Dings		
8 for \$7.99..... 12 for \$10.49..... 20 for \$15.49		

Kids Menu

Chicken Tenders with Fries.....	\$6.49
Spaghetti with Meatballs.....	\$5.49
Grilled Cheese with Fries.....	\$4.99
Hotdog with Fries.....	\$4.99

Desserts

Cookies.....	\$1.49
Baklava.....	\$1.99
Brownies.....	\$2.75
Peanut Butter Pie.....	\$4.99
Carrot Cake.....	\$4.99

Before placing your order, please inform your server if a person in your party has a food allergy.

Lobo's House of Pizza

POCASSET | N. FALMOUTH | E. FALMOUTH

OPEN DAILY AT 11AM

Pocasset
508-564-5954

590 Macarthur Blvd., Pocasset, MA

Serving:

Pocasset • Cataumet • Monument Beach • Bourne

Delivery

\$2.00 Fee

\$6.00 Minimum Delivery. Major Credit Cards Accepted.

Prices are subject to change without notice.

Pizzas

	Small	Large
Cheese	\$7.99	\$10.99
1 Topping	\$8.99	\$12.49
2 Topping	\$9.99	\$13.99
3 Topping	\$10.99	\$15.49
Extra Cheese	\$2.00	\$3.00

Calzones

	Small	Large
Up To 3 Toppings	\$9.99	\$12.99
Extra Toppings	\$1.25	\$1.99

Fresh Grilled Chicken, Steak, Chicken Parmesan, Roasted Peppers.
All count as two toppings.

Toppings

Pepperoni • Onion • Pineapple • Sausage • Eggplant
Jalapeno • Hamburger • Mushrooms • Garlic • Meatball
Broccoli • Feta • Salami • Spinach • Anchovies • Ham
Black Olives • Linguica • Green Pepper • Bacon • Tomato
Steak, Chicken or Roasted Peppers - All count as two toppings.

Specialty Pizzas

	Small	Large
Bread Stick Pizza	\$7.99	\$10.99
Garlic Butter Base served with Marinara on the side.		
Villa Pollo	\$11.49	\$15.99
Alfredo Sauce, Grilled Chicken, Broccoli, Garlic.		
Chicken Ranch	\$11.49	\$15.99
Ranch Dressing Base, Chicken Fingers, Bacon, Cold Lettuce and Tomato. Drizzled with more Ranch.		
Steak Bomb	\$11.49	\$15.99
Steak, Onions, Peppers, Mushrooms.		
Backyard	\$10.99	\$15.25
Onions, Garlic, Roasted Peppers.		
Texas Style	\$10.99	\$15.25
BBQ Sauce, BBQ Chicken, Roasted Peppers, Garlic.		
Greek	\$10.99	\$15.25
Spinach, Feta, Tomato, Black Olives.		
Meat Lovers	\$11.49	\$15.99
Pepperoni, Sausage, Hamburger, Ham, Bacon.		
Barbecue	\$9.99	\$13.99
Grilled Chicken With BBQ Sauce.		
Buffalo	\$10.49	\$14.49
Grilled Chicken With A Side Of Blue Cheese.		
Mexican	\$11.49	\$15.99
Chili, Cheese, Lettuce, Tomato, Black Olives.		
Chili	\$10.99	\$15.25
Chili And Cheese.		
Veggie Delight	\$11.49	\$15.99
Tomatoes, Onions, Green Peppers, Mushrooms, Spinach, Broccoli, Black Olives.		
House Special	\$11.49	\$15.99
Pepperoni, Sausage, Hamburger, Ham, Green Peppers, Onion, Mushroom, Black Olives.		

Subs

	Small	Large	Wraps
Italian	\$7.49	\$8.49	\$8.49
Turkey	\$7.49	\$8.49	\$8.49
Turkey & Ham	\$7.49	\$8.49	\$8.49
Ham & Cheese	\$7.49	\$8.49	\$8.49
Roast Beef	\$7.49	\$8.49	\$8.49
American	\$7.49	\$8.49	\$8.49
Genoa Salami	\$7.49	\$8.49	\$8.49
Tuna	\$7.49	\$8.49	\$8.49
Chicken Cutlet	\$7.49	\$8.49	\$8.49
Chicken Salad	\$7.49	\$8.49	\$8.49
Chicken Fingers	\$7.49	\$8.49	\$8.49
Grilled Chicken	\$7.49	\$8.49	\$8.49
Linguica	\$7.49	\$8.49	\$8.49
Meatless	\$6.99	\$7.99	\$7.99
Steak Cheese	\$7.49	\$8.49	\$8.49
Steak Onions	\$7.99	\$8.99	\$8.99
Steak Peppers	\$7.99	\$8.99	\$8.99
Steak Mushrooms	\$7.99	\$8.99	\$8.99
Steak Bomb	\$8.49	\$9.49	\$9.49
Pastrami	\$7.49	\$8.49	\$8.49
B.L.T.	\$7.49	\$8.49	\$8.49
*Cheeseburger	\$7.49	\$8.49	\$8.49

Parmesan

	Small	Large
Meatball	\$7.99	\$8.99
Chicken	\$7.99	\$8.99
Veal	\$7.99	\$8.99
Eggplant	\$7.99	\$8.99
Sausage	\$7.99	\$8.99

Specialty Subs

	Small	Large	Wraps
BBQ Chicken	\$7.99	\$8.99	\$8.99
Chicken Stir Fry	\$8.49	\$9.49	\$9.49
Buffalo Chicken	\$8.49	\$9.49	\$9.49
Chicken Ranch	\$8.49	\$9.49	\$9.49
*Steak Tip	\$8.49	\$9.49	\$9.49
Gyros (Pita)			\$7.49
Extra Cheese	\$1.00	\$1.25	\$1.25
Add Bacon	\$1.00	\$1.25	\$1.25

*Consuming Raw Or Undercooked Meats, Poultry, Seafood, Shellfish,
or Eggs May Increase Your Risk of Foodborne Illness.

Prices are subject to change without notice.

Specialty Wraps - White or Wheat

Caesar Rollup	\$8.99
Grilled Chicken, Romaine Lettuce, Croutons, Parmesan Cheese & Caesar Dressing.	
Greek Rollup	\$8.99
Grilled Chicken, Feta, Lettuce, Tomato, Black Olives & Greek Dressing.	
Turkey Cobbler	\$8.99
Turkey, Stuffing, Cranberry Sauce & Mayo.	

Dinners

Chicken Fingers	\$9.49
Buffalo Finger	\$9.49
Grilled Marinated Chicken	\$10.49
*Steak Tips	\$12.00
Chicken Wing Ding	\$9.49
Buffalo Wing Ding	\$9.49

All Dinners Include Choice of Two Sides: French Fries, Spicy Fries,
Jo Jo Fries, Garden Salad, Coleslaw or Onion Rings.

Club Sandwiches

Ham & Cheese	Roast Beef
Turkey	Tuna
B.L.T	Chicken Salad
Grilled Chicken	Chicken Cutlet
BBQ Chicken	*Cheeseburger

Clubs Includes: Lettuce, Tomato, Bacon & Mayo.
Choice Of White Or Wheat And Served With Fries.

All Club Sandwiches \$9.49

Salads

Tossed or Caesar	\$6.99
Greek	\$7.99
Chef or Antipasto	\$8.99
Steak Tip	\$10.50
Grilled Chicken, Chicken Salad, Tuna	\$3.00

Dressings: Italian, Blue Cheese, Ranch, French, Parmesan Peppercorn,
Honey Mustard, Thousand Island, Greek, Low-Cal Italian, Caesar,
Fat-Free Raspberry Vinaigrette, Balsamic Vinaigrette, Creamy Italian

Before placing your order, please inform your server
if a person in your party has a food allergy.

Diane Davidson

From: Scott McGann
Sent: Wednesday, June 24, 2020 11:01 AM
To: Diane Davidson; Rod Palmer; Brian Reid; Sean Doyle; Timothy Smith; Noreen Stockman
Subject: RE: Common Victualler License - Change of Ownership

Permit for new owners has been issued
Scott

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, June 22, 2020 4:18 PM
To: Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: Common Victualler License - Change of Ownership

To all,

Attached please find an application for a change of ownership of a Common Victualler license from Primetime House of Pizza to Lobos House of Pizza, located at 338 East Falmouth Highway. Please review and provide any recommendations or comments by Wednesday, July 1, 2020. This is be scheduled on the next regular Select Board meeting on July 13.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*



THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH
BOARD OF HEALTH

PERMIT TO OPERATE A FOOD ESTABLISHMENT

Permit No. 20A-228
Fee: \$150.00

Date: June 18, 2020

In accordance with Regulations promulgated under authority of Chapter 94, Section 305A and Chapter 111, Section 5 of the General Laws a Permit is hereby granted to:

Lobo's House of Pizza

Whose place of business is: 338 East Falmouth Highway, Falmouth MA

Type of business and any restrictions: **Food Service Permit**

To operate a food establishment in: Falmouth

PERMIT EXPIRES: December 31, 2020

Health Agent
Falmouth Board of Health

Diane Davidson

From: Brian Reid
Sent: Tuesday, June 23, 2020 11:37 AM
To: Diane Davidson; Phyllis Downey
Subject: RE: Common Victualler License - Change of Ownership

We have 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: Diane Davidson
Sent: Monday, June 22, 2020 4:18 PM
To: Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: Common Victualler License - Change of Ownership

To all,

Attached please find an application for a change of ownership of a Common Victualler license from Primetime House of Pizza to Lobos House of Pizza, located at 338 East Falmouth Highway. Please review and provide any recommendations or comments by Wednesday, July 1, 2020. This is be scheduled on the next regular Select Board meeting on July 13.

Thank you,

Diane

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321

Diane Davidson

From: Noreen Stockman
Sent: Tuesday, June 23, 2020 4:33 PM
To: Diane Davidson
Subject: RE: Common Victualler License - Change of Ownership

We do not show a special permit for the restaurant on the lot, therefore no concerns about outdoor dining this season.

Noreen

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

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Monday, June 22, 2020 4:18 PM
To: Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
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Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

Diane Davidson

From: Diane Davidson
Sent: Monday, June 22, 2020 4:18 PM
To: Rod Palmer - Inspectional Services (rod.palmer@falmouthma.gov); Scott McGann; Brian Reid; Sean Doyle; Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov); Noreen Stockman
Subject: Common Victualler License - Change of Ownership
Attachments: Application for Common Victualler License - Lobos House of Pizza.pdf

To all,

Attached please find an application for a change of ownership of a Common Victualler license from Primetime House of Pizza to Lobos House of Pizza, located at 338 East Falmouth Highway. Please review and provide any recommendations or comments by Wednesday, July 1, 2020. This is be scheduled on the next regular Select Board meeting on July 13.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

Diane Davidson

From: Melinda Rebelo
Sent: Wednesday, July 1, 2020 10:08 AM
To: Diane Davidson
Cc: Edward Dunne; Anne Bastille
Subject: Board of Selectmen's Agenda - July 13, 2020

Hi Diane,

Per our conversation this morning (Wednesday, July 1, 2020) we would like to add two items to the Board of Selectmen's agenda scheduled for July 13, 2020.

1. Vote to accept donation from Thomas W. Irvine, MD in the amount of \$500.00.
2. Vote to accept donation from Susan Lewis and Steven Karas in the amount of \$500.00

Both of these donation would be deposited into the police donation account.
Please let me know if you need anything else.

Thank you.

Melinda

Melinda A. Rebelo, Administrative Assistant
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4529 Ext. 4500
melinda.rebelo@falmouthpolicema.gov



OLD STONE DOCK ASSOCIATION, P. O. Box 835, Falmouth, MA 02541

Web site: www.oldstonedock.com

E-mail: info@oldstonedock.com

President: Jay Thayer
Vice Pres:
Secretary: Cindy Lehtinen
Treasurer: Bob Lehtinen

2019/20 Board Members – Past Presidents noted with an *
Rebecca Bevilacqua, Mike Herlihy, Dorie Ketterer, Anne Prior,
Steve Saunders, Terry Saunders, Paul Smith,
Jim Crossen*, Kevin Doyle*, Jack Driscoll*, Jim Fox*

June 23, 2020

Town of Falmouth
Julian Suso, Town Manager
Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Ladies / Gentlemen:

The Old Stone Dock Association arranged for and had the 12 flower boxes filled and installed by M. R. Soares Co., Inc. at the Ellen T. Mitchell Bath House on May 24, 2020.

Enclosed please find the invoice from Soares for \$510.30 made out to the Town of Falmouth and a check from the Old Stone Dock Association payable to the Town of Falmouth for the Beach Donation Account in the amount of \$510.30.

It has been our pleasure to supply these flowers.

Sincerely

The Old Stone Dock Association

OSDA Letter 06-23-20 to T of Falmouth

M.R. Soares Co., Inc.

**1021 Sandwich Rd
East Falmouth, MA 02536
(508)548-5288**

Invoice

Date	Invoice #
6/30/2020	20-269

Bill To

**Town of Falmouth
416 Gifford Street
Falmouth MA 02540**

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	Nursery Sales - 12 Window boxes for Surf Drive Beach House		
36	Planting services, Includes labor soil, fertilizer and water retention granules - \$5.75 per foot 12 x 3 = 36	5.75	207.00
36	Annual 4.5" Premium - NG Imps	6.00	216.00
24	Annual 4.5" Premium - Lobelia	6.00	144.00
	10% Discount - 567 x 10% = 56.70	-56.70	-56.70

To plant a garden is to believe in tomorrow!

Total

\$510.30

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 Suso
Town Manager
Cc: FAHF Working Group Members
FROM: Carla L. Feroni, Housing Coordinator
DATE: June 25, 2020

RE: FAHF Request for BOS Approvals

The FAHF Working Group is requesting the Board of Selectmen approve the following agenda items at their July 13, 2020, meeting.

Subsidized Housing Inventory Proposal

The FAHF Working Group is requesting the Board of Selectmen approve funding not to exceed \$4,000 of non-CPA funds from the Falmouth Affordable Housing Fund to fund consultant services to assist the Town with adding deed-restricted properties to the state DHCD Subsidized Housing Inventory (SHI).

Falmouth has a number of 40B developments, both ownership and rental, that have not yet been added to the SHI. The Proposal for Housing Services from Elizabeth Rust, ERD Enterprises, includes a document review and comparison of town 40B developments and the SHI. Documents will be retrieved from the Barnstable County Registry of Deeds and other storage locations and will be submitted to the state to request the units be included on the SHI. This intent of this work is to add projects that are eligible for inclusion on the SHI to meet the state's 10% affordability goal under Chapter 40B. The consultant will work under the leadership of Carla Feroni, Housing Coordinator.

Monitoring Proposal

The FAHF Working Group is requesting Board of Selectmen approve the expenditure of non-CPA funds from the Falmouth Affordable Housing Fund in the amount of \$2,500 to contract with the Falmouth Housing Trust (FHT) for monitoring services for one single family affordable unit at 504 Palmer Avenue.

The unit at 504 Palmer was created as a by-right unit without a comprehensive permit and has no named monitoring agent. The proposal by FHT will assist the owner through refinancing, revise the regulatory agreement, coordinate with the Barnstable County HOME program, and strive to modify the deed restriction from an older version that does not survive foreclosure to the newer Universal Deed rider that does survive foreclosure. The FHT would then continue to monitor the property in perpetuity.

DRAFT

July 14, 2020

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

RE: Site Approval and Project Eligibility – 55 Lewis Neck Rd (Parcel C2), Falmouth Housing Trust

Dear Michael Busby:

The Town has reviewed an application for site approval and project eligibility for four units of affordable housing located on lot C2 of Lewis Neck Road (shown as 55 Lewis Neck Rd in the Town's GIS) in Falmouth submitted by the Falmouth Housing Trust, which is a private, non-profit entity independent of the Town. Town staff members have met with the developer's representatives and visited the site. This project was discussed at a meeting of the Town's development staff on June 18th. The proposal consists of 4 single-family houses on 1.16 acres of which two are proposed to be deed restricted at 80% of Area Median Income (AMI) and two deed restricted at 100% of AMI. Two of the proposed units are 2-bedroom and two are proposed as 3-bedroom units.

The subject property abuts residential properties to the north and west; to the south there is a parcel that is undeveloped at this time. The Local Comprehensive Plan (LCP) calls for "housing for all" with greater infill residential density where appropriate primarily through redevelopment in some areas and discouraging further development in others. The areas for greater density should be determined by available infrastructure, walkability, schools, and services. The Lewis Neck Road location does not meet those aspirational goals of the LCP but there is a convenience store and a school within about a mile and a half and there is a sidewalk along most of these roads. There is water and electricity to the parcel but no sewer at this time.

The Planning Board is on the record in opposition to construction of 4 units of housing on this parcel due to concerns regarding access – see attached letter from Patricia Kerfoot. Lewis Neck Road is an unpaved, dead end, private road approximately 800 feet long with a 12-foot right of way. The road has recently been cleared to a width of 18 feet to meet the requirements of a covenant placed on the deed as a result of a request from the applicant for a determination of access from the Planning Board, which was needed to remove a note on the plan prohibiting development of the parcel. The Fire Department deems the road adequate for public safety access to the subject parcel in its present condition. It is not clear how the road will be maintained at its current cleared width and height given private ownership. Town Counsel, Frank Duffy, has opined that the Zoning Board cannot issue a comprehensive permit for more than one single-family house on this parcel until the covenant is released, a process which requires a vote of the Select Board and Town Meeting per the attached opinion.

The proposed density of this development is approximately 3.4 units per acre which is low for a 40B development. The proposed lot coverage by buildings listed in the application ranges from 8.8% to 14.5% per lot and lot coverage by development structures for the property is 23%, both of which are within the By-Law limits of 20% and 40% respectively. The property is located within a Coastal Pond Overlay District, however, given the modest scale of the project it would not trigger any restriction or septic denitrification under this bylaw due to the limited size of the project.

The Town's housing needs as identified in the 2018 Housing Production Plan (HPP) call for 85% of new affordable units to be rental and 15% to be home-ownership. Of the target 56 homeownership units to be created each year, the HPP calls for 50% to be one- and two-bedroom units and the other 50% to be 3-bedroom+ units. The Town is pleased to see the inclusion of two 2-bedroom units in this proposal and acknowledges that this site is not conducive to rental housing which requires a greater number of units to provide cost effective property management services. The modest size of these houses (1,077 – 1,551 square feet) is viewed positively to moderate the cost of acquisition and maintenance for future occupants. Units that are barrier-free and handicapped accessible, were also identified as a need in the Falmouth HPP.

If the proposed project clears legal hurdles with respect to the covenant, the Town requests that all units be visitable. The Town will ask that the developer mark the limit of work before clearing and preserve as many existing trees as possible. As we know, mature trees cannot be quickly replaced and provide a host of benefits including improved air quality and water quality. The units should be situated in a way that maximizes their orientation for solar panels. The Town may have further comments during the ZBA's comprehensive permit review should the proposal progress to that point.

We look forward to working with MassHousing and Falmouth Housing Trust to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Julian M. Suso
Town Manager

Attachments:

- Letter from Patricia Kerfoot of 6/18/2020
- Covenant Lewis Neck Road Parcel C2
- Memo from Frank Duffy of 6/18/2020
- Email from Frank Duffy of 7/10/2020

CC: Karen Bissonnette, Falmouth Housing Trust
Planning Board
Select Board



Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

June 18, 2020

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

RE: Project Eligibility – Lewis Neck Road, E. Falmouth, ‘Lewis Neck Road’

Dear Mr. Suso:

At a special meeting of the Planning Board called June 2, 2020 to ensure that comments to the Select Board were forwarded within the time frame for comment on the “Lewis Neck Road” Project Eligibility Letter request, the Planning Board offers the following history of actions:

There has been considerable discussion with Falmouth Housing Trust (FHT) throughout 2019 about their efforts to buy parcel C-2 and to have the note “Not A Building Lot” removed from the ANR Plan endorsed by the Planning Board on August 9, 2011. Lewis Neck Road is a private dirt road with a 12± foot right of way. The FHT lot is approximately 800 feet from the end of the pavement at Irene Ave. After numerous meetings and several votes, the Board voted a Determination of Access for one dwelling on November 5, 2019 with the following determination:

...the above referenced parcel is adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby with the following conditions:

1. Lewis Neck Road from Irene to the subject property, Parcel C-2 should be cleared of brush for its length from Irene across the frontage of Parcel C2 to a width of 18 feet and 13 feet of height.
2. Lewis Neck Road shall have potholes filled in front of the property across the frontage of Parcel C2.

On November 26, 2019 the Planning Board voted to endorse an ANR plan removing the “Not A Building Lot” note subject to a Covenant (attached), signed by the Planning Board, Falmouth Housing Trust and the Town Manager. One of the clauses of the Covenant definitively states that the endorsement of the ANR was specifically contingent on there being a building permit for only one single family residential structure:

RE: Project Eligibility – Lewis Neck Road, E. Falmouth, ‘Lewis Neck Road’

WHEREAS, this COVENANT sets forth the agreement by and between the FHT and the Town of Falmouth and the FPB with respect to the FPB’s endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.

This was an unprecedented measure of having a Covenant in place prior to endorsing an ANR removing a note on a parcel, due to the conditions, width and length of Lewis Neck Road to the subject property.

It should be noted here that the Planning Board is strongly in support of Affordable Housing. But in this instance the Board is concerned with the location of this development due to the length and condition of the unpaved dead end roadway. The Board does not believe the proposal is consistent with the Local Comprehensive Plan which says: “Locations for future housing options should be determined by available infrastructure, walkability, schools, and services.” The Board is concerned about increasing traffic, perhaps up to eight additional vehicles, on a narrow unpaved roadway that was discussed and voted on with Covenant in place for one single family residence, and is now being proposed for four single family residences. Both the Planning Board and Town Counsel believe that no further development of the Lot is possible unless the Town agrees to release the Covenant. There is a recent SJC case , 135 Wells Avenue, LLC v. HAC, that appears to indicate that c. 40B does not give the ZBA authority to change a recorded land use covenant, even if that covenant is held by a municipal entity and creates a restriction that is similar in subject to zoning.

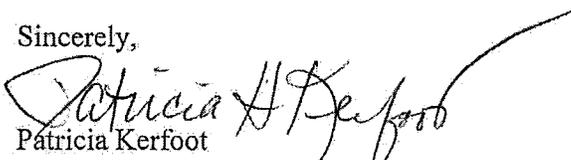
The Board was also concerned about numerous inaccuracies in FHT’s Application including, on page 7 “Site Characteristics and Development Constraints.” FHT answers “no” to the question: “Are there any easements, rights of way or other restrictions of record affecting the development of the site?” There is a lack of any mention of the Covenant.

In summary:

The Board endorsed the Approval Not Required plan only after agreeing to enter into the attached Covenant, an agreement between parties, for one single family residential structure. The Board and Town Counsel agree that the Covenant is not subject to be changed unilaterally by any other than the signatories.

As such, the Planning Board on June 2, 2020 stated that they would not support the Lewis Neck Road 40B project without the release of the Covenant and the release of the Covenant would not be possible with the current road conditions and other expressed concerns regarding infrastructure, walkability, schools and services. The Chair polled the Board; six of the seven members concurred that with existing conditions they would not support a vote to release the Covenant if the FHT requested such.

Sincerely,


Patricia Kerfoot
Chair, Falmouth Planning Board

RE: Project Eligibility – Lewis Neck Road, E. Falmouth, ‘Lewis Neck Road’

CC: Falmouth Select Board
Falmouth Housing Trust

Attachments: Covenant



RECEIVED
DEC 11, 2019 PM 2:24

Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540
Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov TOWN CLERK

December 10, 2019

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

Re: Approval Not Required Decision – Falmouth Housing Trust
Parcel C-2 Lewis Neck Road
Map #40 03 001C 002C

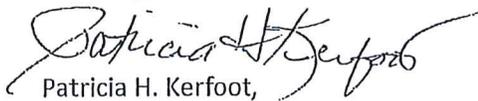
Dear Mr. Palmer,

At its meeting on November 26, 2019 the Planning Board voted to endorse the following plan as not requiring approval under the Subdivision Control Law along with a Covenant to be recorded simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the Falmouth Housing Trust at the Registry of Deeds:

"Plan of Land in Falmouth, Massachusetts Owner Ellen W. Pildis Family Trust Ellen W. Pildis, Trustee PO Box 3384 Waquoit, MA 02536", prepared by Warwick & Associates Inc., dated 09/13/2019, Revised 11/20/2019, Scale 1" = 20'.

The plan does not depict a subdivision by definition. This endorsement is without regard to zoning or buildability and should not be construed as an approval that the lots shown are entitled to a building permit.

Sincerely,


Patricia H. Kerfoot,
Planning Board Chair


Thomas Bott
Town Planner

Attachments: Copy of Covenant for Parcel c2 Lewis Neck Road signed December 6, 2019
Determination of Access Letter for One Dwelling, Parcel C2, Lewis Neck Rd
November 25, 2019 Memorandum to Planning Board RE: Lewis Neck Right of Way

cc: Applicant
Assessor's Office
Rod Palmer, Building Commissioner

Address of Premises: 0 Lewis Neck Road (Parcel C2), East Falmouth, MA 02536

COVENANT

WHEREAS, on November 5, 2019 the undersigned **FALMOUTH HOUSING TRUST, INC.**, a non-profit Massachusetts corporation, with an office address at 200 Main Street, Falmouth, Massachusetts ("FHT") received a vote from the **FALMOUTH PLANNING BOARD** ("FPB") as to a determination of access with respect to Parcel C2 on Lewis Neck Road, East Falmouth, Massachusetts as shown on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 641 Page 33 ("Parcel C2"); and

WHEREAS, the work required to comply with the terms and conditions of the determination of access has not been done because the FHT has not acquired title to Parcel C2; and

WHEREAS, the FHT has assured the FPB that it intends to complete the work required to comply with the determination of access upon acquiring title to Parcel C2; and

WHEREAS, the vote by the FPB as to the said determination of access is documented in a letter dated November 21, 2019 from the Falmouth Town Planner to the Falmouth Building Commissioner and filed with the Falmouth Town Clerk, a copy of which is attached hereto as Exhibit A and recorded herewith; and

WHEREAS, on November 26, 2019 the FPB voted to endorse as Approval Not Required a Plan dated September 13, 2019, Revised November 20, 2019, with respect to Parcel C2 that contains a note: "See Falmouth Planning Board Determination of Access to Parcel C2 voted November 5, 2019" (the "ANR Plan"); and

WHEREAS, this COVENANT sets forth the agreement by and between the FHT and the Town of Falmouth and the FPB with respect to the FPB's endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.

NOW THEREFORE, FHT covenants and agrees with the FPB and the Town of Falmouth as follows:

This Covenant shall be recorded with the Barnstable County Registry of Deeds simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the FHT and it shall be effective as of the date of such recording and shall bind the parties and their successors and assigns.

A building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of

access (Exhibit A). have been met as set forth in sec. 240-179.1C "Permits" of the Falmouth Zoning Bylaw.

EXECUTED as a sealed instrument on December 6, 2019.

FALMOUTH PLANNING BOARD

FALMOUTH HOUSING TRUST, INC.

Patricia Kerfoot
Patricia Kerfoot, Chairman

Joanne O'Sullivan
By: its President, Joanne O'Sullivan

Charlotte Harris
Charlotte Harris, Vice Chairman

Susan Roman
By: its Treasurer, Susan Roman

Paul Dreyer
Paul Dreyer

Robert Leary

John Druley
John Druley

Pamela Harting-Barrat
Pamela Harting-Barrat

Jim Fox

ACCEPTED by the Town of Falmouth

By: Julian M. Suso
Julian Suso, Town Manager 12/9/19

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 6th day of December, 2019, before me, the undersigned notary public, personally appeared Joanne O'Sullivan, proved to me through satisfactory evidence of identification, which was Personal Knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of Falmouth Housing Trust, Inc.

Donna M. Sybertz
Notary Public
My Commission Expires: 11/4/2022
(SEAL)

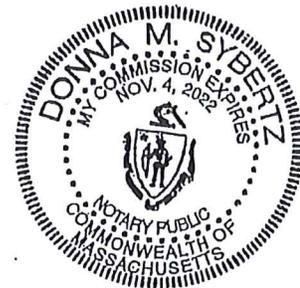


EXHIBIT A

Access Determination of the Falmouth Planning Board



Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

November 21, 2019

Rod Palmer, Building Commissioner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Determination of Access for One Dwelling – Parcel C2, Lewis Neck Road, East Falmouth, MA
Falmouth Assessor's Map # 40 03 001C 002C

Dear Mr. Palmer:

At its meeting of November 5, 2019, the Planning Board voted access to the above referenced parcel is adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby with the following conditions:

1. Lewis Neck Road from Irene to the subject property, Parcel C-2 should be cleared of brush for its length from Irene across the frontage of Parcel C2 to a width of 18 feet and 13 feet of height.
2. Lewis Neck Road shall have potholes filled in front of the property across the frontage of Parcel C2.
3. This decision is not a determination that the applicant has any rights to enter onto private property for this purpose.
4. This determination applied to Parcel C2 only and it's not a finding that any other property along Lewis Neck Road is eligible for a similar determination of access.

MOTION by R.Leary/J.Druley
Voted 5-0-1

Sincerely,

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK DUFFY, TOWN COUNSEL
SUBJECT: 55 LEWIS NECK ROAD COVENANT
DATE: JUNE 18, 2020
CC: PETER JOHNSON-STAU, ASSISTANT TOWN MANAGER; THOMAS BOTT, TOWN PLANNER

The Falmouth Housing Trust seeks to develop a parcel located at 55 Lewis Neck Road with four dwellings pursuant to G. L. c. 40B. On November 5, 2019, the Trust granted a recorded covenant to the Town and Planning Board, stating that “[a] building permit shall not be issued for a single family residential structure on [the lot] by the Falmouth Building Commissioner until the terms and conditions of the determination of access (Exhibit A) have been met”

This covenant arose during proceedings before the Planning Board about an Approval Not Required Plan showing the lot as unbuildable. The Trust requested a determination of access with respect to the lot. The lot is on a long, poorly maintained, private dirt road. Adequate access to the lot was a valid concern. The covenant was a compromise agreed to by the parties to settle a dispute about the access to the lot. Upon recording of the covenant, the Approval Not Required Plan was revised to remove the notation that the lot was unbuildable, and replace it with a reference to the Planning Board’s determination of access vote. Since the covenant was recorded, the determination of access conditions have been met.

A covenant restricting use of land is a property interest in that land which cannot be overridden by a zoning board under the authority of G. L. c. 40B, § 21 when issuing a comprehensive permit. This is true even if the entity holding the interest in land is a municipality. In *135 Wells Avenue LLC v. Housing Appeals Committee*, 478 Mass. 346 (2017), the Supreme Judicial Court rejected the assertion that a city’s interest in deed restrictions limiting a property to certain uses and setbacks were functionally equivalent to zoning restrictions which could be waived by a zoning board “permit or approval” under c. 40B. Instead, the *135 Wells Avenue LLC* court held that “[d]espite their similarity to zoning provisions, the deed restrictions are a property interest, a restrictive covenant on land, that cannot be abrogated by any act of a zoning board.” For that reason, the court upheld the underlying decisions of the zoning board and Housing Appeals Committee’s to deny a comprehensive permit on the grounds that restriction-holder, the city, had not approved a modification of its interest in the land.

The covenant at issue here states that a building permit for “a single family residential structure” will only be issued if the owner meets road access conditions. The specification of “a” single family residential structure limits the use of the property to one structure. A comprehensive permit for four single-family residential structures would conflict with the Town’s existing interest in the land.

A release of this interest in the land requires a vote of the Select Board to place an article on the warrant for town meeting approval of the release. A vote of the Planning Board is not required because only the Town, not a regulatory board, can hold an interest in land conveyed to it. If the Town chooses to take no action with respect to the covenant, and merely fails to press its interest, there will likely still be title issues which remain for the property owner should a comprehensive permit for multiple dwellings be issued by the zoning board.

Diane Davidson

From: Peter Johnson-Staub
Sent: Friday, July 10, 2020 2:36 PM
To: Diane Davidson
Subject: FW: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Diane,
Please include this email in the Select Board packet for this item.

Thank you,
Peter

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

<http://www.falmouthmass.us>

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Friday, July 10, 2020 1:53 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Carla Feroni <carla.feroni@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>
Subject: RE: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Peter: This is a summary of comments and concerns of the Office of Town Counsel for consideration by the Select Board in connection with its recommendation to Mass. Housing.

The current issue arose when Falmouth Housing Trust filed an application with the Planning Board to make a "determination of access" relative to parcel C2 on Lewis Neck Road. At that time parcel C2 appeared on a plan of record recorded in the Barnstable Registry of Deeds bearing the note "not a buildable lot." FHT expected the determination of access would suffice to release the restriction on building. Lewis Neck Road is a private road and has never been approved under the subdivision control law. At the time of submission of FHT's application, the road was a dirt road that did not meet the standards for approval under the subdivision control law.

Nevertheless the Planning Board has authority under G.L. c. 41, s. 81P to endorse a plan Approval Not Required (the ANR endorsement) if it determines that the plan does not show a subdivision. It is not a subdivision if the plan shows land on a way in existence having in the opinion of the planning board adequate access. At the request of the Planning Board, this office reviewed the application for determination of access. We concluded that the Planning Board had no established procedure and thus no authority to make a determination of access unless the determination is made in connection with review of a plan filed for the ANR endorsement. For its part FHT insisted the Planning Board had made similar determinations of access previously and declined to file a plan for the ANR endorsement. The dispute continued unresolved from June to November of 2019.

The dispute was finally resolved when, at the suggestion of this office, the Planning Board and the FHT agreed that the parties would execute a Covenant authorizing the FHT to record a plan of parcel C2 in the Barnstable Registry of Deeds without the note "not a buildable lot." The plan would bear a new note referring to the Covenant. The Covenant, signed by both the Planning Board and the FHT, provides that upon completion of certain agreed upon improvements, parcel C2 could obtain a building permit for a single family house. The Covenant expresses its purpose and reads: "this Covenant sets forth the agreement by and between the FHT and the Town of Falmouth with respect to the FPB's endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2." Thereafter the Covenant contains the following language: 'a building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of access (Exhibit A) have been met ... " Read together it is clear the Planning Board and the FHT were providing for the construction of a single family residence.

The Covenant settled the dispute. The Planning Board determined how to achieve adequate access to Parcel C2, the FHT accepted the single family residential structure limitation and the new plan and the Covenant were recorded in the Barnstable Registry of Deeds. The improvements to Lewis Neck Road have been satisfactorily completed and a building permit for a single family residential structure may be issued.

The Town of Falmouth has an interest in the development of Parcel C2 and that interest is clearly expressed in the Covenant. The Town has the right to enforce it and gain the benefit of its bargain.

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

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From: Peter Johnson-Staub
Sent: Thursday, July 9, 2020 12:34 PM
To: Frank Duffy; Irie Mullin
Cc: Julian Suso; Carla Feroni; Thomas Bott
Subject: FW: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Hi Frank and Irie,

We received the attached set of information from FHT counsel regarding this 40b site approval application. The Select Board will be asked to approve a "Project Eligibility Letter" regarding the site application submitted to MassHousing at its meeting July 13th. On page 6 of the attached, attorney Moynihan sets forth her opinion that the covenant does not prevent 4 single-family homes from being constructed under a comp permit. I expect Julian and the Board may want to receive a response from you before the Board authorizes a Project Eligibility Letter (which needs to be submitted to

MassHousing next week to be considered by MassHousing per the two time extensions we've been granted). Do you wish to provide a written response or would you prefer to address the matter verbally at the meeting on Monday?

Peter

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

<http://www.falmouthmass.us>

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Laura Moynihan <laura@lmoynihanlaw.com>
Sent: Thursday, July 9, 2020 12:12 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Megan English Braga <megan.english-braga@falmouthma.gov>; 'Karen Bissonnette' <kb@falmouthhousingtrust.org>; 'Joanne O'Sullivan' <joanne@attorneysullivan.com>
Subject: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Dear Peter,

I understand the Select Board will have this matter on its agenda for consideration on July 13, 2020. The letter attached is provided with information relevant to the Select Board's consideration of this Comment Letter request from MA Housing and the Planning Board comments. I would appreciate if you would forward it electronically to the Select Board members for review in advance of the July 13th meeting.

Thank you,
Laura M. Moynihan

Laura M. Moynihan, Esq.
Law Office of Laura M. Moynihan
17 Academy Lane, Suite 1
Falmouth, MA 02540
Tel: 508-548-5558
Fax: 508-548-5553

DUE TO THE INCREASE IN WIRE FRAUD, THIS OFFICE NO LONGER PROCESSES WIRE TRANSACTIONS. IRS Circular 230 Required Disclosure: Any tax advice in this e-mail or any attachment (a) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties that may be imposed upon any taxpayer and (b) may not be used in promoting, marketing, or recommending any entity, investment plan, or arrangement. Confidentiality Statement. This e-mail and any attachments are legally privileged and confidential information intended solely for the use of the intended recipient. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and any attachments are strictly prohibited. If you have received this e-mail in error, please notify me immediately by reply e-mail to laura@lmoynihanlaw.com and delete the message. Thank you.

Diane Davidson

From: Peter Johnson-Staub
Sent: Thursday, July 9, 2020 12:36 PM
To: Laura Moynihan; Diane Davidson
Cc: Julian Suso; Megan English Braga; 'Karen Bissonnette'; 'Joanne O'Sullivan'
Subject: RE: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Hi Laura,

Happy to include this material in the Select Board packet for the meeting.

Thank you,
Peter

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

<http://www.falmouthmass.us>

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Laura Moynihan <laura@lmoynihanlaw.com>
Sent: Thursday, July 9, 2020 12:12 PM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Megan English Braga <megan.english-braga@falmouthma.gov>; 'Karen Bissonnette' <kb@falmouthhousingtrust.org>; 'Joanne O'Sullivan' <joanne@attorneyosullivan.com>
Subject: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

Dear Peter,

I understand the Select Board will have this matter on its agenda for consideration on July 13, 2020. The letter attached is provided with information relevant to the Select Board's consideration of this Comment Letter request from MA Housing and the Planning Board comments. I would appreciate if you would forward it electronically to the Select Board members for review in advance of the July 13th meeting.

Thank you,
Laura M. Moynihan

Laura M. Moynihan, Esq.

Law Office of Laura M. Moynihan

17 Academy Lane, Suite 1

Falmouth, MA 02540

Tel: 508-548-5558

Fax: 508-548-5553

DUE TO THE INCREASE IN WIRE FRAUD, THIS OFFICE NO LONGER PROCESSES WIRE TRANSACTIONS. IRS

Circular 230 Required Disclosure: Any tax advice in this e-mail or any attachment (a) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties that may be imposed upon any taxpayer and (b) may not be used in promoting, marketing, or recommending any entity, investment plan, or arrangement. Confidentiality Statement. This e-mail and any attachments are legally privileged and confidential information intended solely for the use of the intended recipient. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and any attachments are strictly prohibited. If you have received this e-mail in error, please notify me immediately by reply e-mail to laura@lmoynihanlaw.com and delete the message. Thank you.

LAURA M. MOYNIHAN
Attorney at Law

*17 Academy Lane, Suite 1
Falmouth, Massachusetts 02540
Telephone: 508-548-5558
Fax: 508-548-5553
Email: laura@lmoynihanlaw.com*

July 10, 2020

Via Email and First Class Mail

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

**Re: Falmouth Housing Trust, Inc. – Lewis Neck Road
Site Approval Application to Massachusetts Housing**

Dear Select Board Members:

I represent the Falmouth Housing Trust, Inc. ("FHT").

FHT is proposing to construct 4 affordable dwelling units at Lot 2C Lewis Neck Road in East Falmouth. Two of the homes are proposed to be 2 bedroom homes and 2 of the homes are proposed to be 3 bedroom homes. All of the homes are to be offered for sale and subject to affordable housing restrictions. Two homes (1-2 bedroom and 1-3 bedroom) will be restricted to households earning up to 80% of median income for Barnstable County and two homes (1 – 2 bedroom and 1-3 bedroom) will be restricted to households earning up to 100% of median income for the County. You have been asked by Massachusetts Housing to provide comments on the pending application of FHT to Massachusetts Housing. FHT is asking for your support of this project.

The project as proposed is important to the development of affordable housing and to address the affordable housing crisis in Falmouth. The critical need for affordable housing is well known in the community. Specifically, information provided by the Massachusetts Housing Partnership ("MHP") indicates that:

- **50%** of Falmouth residents earn less than 80% of the Annual Median Income ("AMI") for Barnstable County-80% median income for a 4 person household is \$68,950.
- **33%** of Falmouth residents earn less than 50% of AMI for Barnstable County-50% median income for a 4 person household is \$43,094.
- **16%** of Falmouth residents earn less than 30% of AMI for Barnstable County-30% median income for a 4 person household is \$25,856;

- 6.7% of Falmouth residents are below the poverty level.¹

MHP has also indicated that a deficit exists in Falmouth of 1005 housing units affordable to households at or below 50% of AMI. In addition, 760 households are "severely cost burdened", spending more than 50% of their household income on housing.² Therefore, not only are 50% of Falmouth residents below 80% AMI, but also a significant number of households are spending more than 50% of their household income on housing.

In an effort to address this housing crisis, the Town adopted a comprehensive Affordable Housing Production Plan in December, 2018, which was certified by the Department of Housing and Community Development ("DHCD").

This Affordable Housing Production Plan calls for the creation of 74 affordable housing units per year.

The summary of housing needs and targeted development goals in the Town's Affordable Housing Production Plan is 370 units (74 units per year over 5 years) based on:

- (1) 314 rental units; and,
- (2) 56 ownership units.

The summary of housing needs and targeted development goals in the Town's Affordable Housing Production Plan is as follows with respect to the 56 ownership units:

- (1) 14 – 1 bedroom units;
- (2) 14 – 2 bedroom units; and
- (3) 28 – 3 or more bedroom units.³

The Town's Affordable Housing Production Plan was certified by DHCD in January 2019. Since its certification and approval by DHCD, according to Zoning Board of Appeals data, only 12 units of affordable housing have been approved:

¹ MHP - US Census data for 2012-2017 American Community Survey and Massachusetts Housing Partnership 2018 Income Limits for Affordable Units based on US Department of Housing and Urban Development Income Limits for 2018, as cited in Project Eligibility Letter dated 8/21/18 issued to Falmouth Housing Corporation (Gifford Workforce Housing) – **Attachment 1**.

² MHP – US Department of Housing and Urban Development data as cited by in the Project Eligibility Letter dated 8/21/18 issued to Falmouth Housing Corporation (Gifford Workforce Housing) – **Attachment 1**.

³ Affordable Housing Production Plan, Town of Falmouth 2018, page 79, Table 5-31, Summary of Priority Housing Needs and Targeted Development Goals – **Attachment 2**.

-
- (1) 3 at Locustfield Estates (Locustfield LLC), ZBA File No. 006-19;
 - (2) 4 at 0 & 213 North Falmouth Highway (Meawad), ZBA File No. 020-19;
 - (3) 3 at Crooked Meadow Road (DeSangro), ZBA File No. 058-19; and,
 - (4) 2 at 40 Shore Street (Buzzards Bay Development), ZBA File No. 078-19. ⁴

For 2019, the annual affordable housing goal is short 62 units, and for 2020, with zero units created, the shortage is 74 units. As a result, after 1 ½ years into the 5 year Affordable Housing Production Plan, there is a shortage of **136** units. The creation of **358** affordable housing units in 3.5 years will be required to meet the targeted goals.

The FHT understands this data and its impact on the shortage of affordable housing, as well as the effect of falling behind in the targeted development goals of the Affordable Housing Production Plan. Playing “catch up” is very difficult if the annual production is substantially lower than the annual targets, which appears to be the case to date. Significant efforts must be made to meet the goals and objectives of the Affordable Housing Production Plan, and in doing so, flexibility applied as to current zoning and subdivision rules and regulations. As noted by Alisa Magnotta Galazzi, Chief Executive Officer of Housing Assistance Corporation, in her statement to the Massachusetts State House in favor of Governor Baker’s Housing Choice Bill⁵:

- Barnstable County lost 3000 year-round homes since 2014 and gained 5000 seasonal homes;
- zoning regulations are outdated to assist affordable housing – for example, it can be easier to build an addition and rent seasonally than add an in-law apartment for a year-round worker;
- available land is limited with less than 20% of the land on Cape Cod being buildable and much of that being in flood zones;
- “We don’t need more single-family homes on lots the size of a football field” – this artificially drives up prices out of reach of Cape Cod residents.

The project that FHT proposes at Lewis Neck Road is one that is worthy of the Select Board’s support. It is based on a density of 4 units per acre, which is consistent with, and in most cases at or less than, prior housing developments approved by the Zoning Board of Appeals in recent years since 2017: ⁶

- Locustfield Estates, (0 Locustfield Road), 2019- **4 units per acre.**
- Meawod (0 & 213 North Falmouth Highway), 2019- **3.43 units per acre.**
- DeSangro (Crooked Meadow Road), 2019- **6.28 units per acre.**
- Woods Hole LLC (533 Woods Hole Road), 2018- **7.2 units per acre.**

⁴ *Zoning Board of Appeals, Chapter 40B and 40A Affordable Permits, Status Report – Attachment 3.*

⁵ *“Housing Choice Bill Can Help Cape Cod Year-Rounders”, Housing Assistance Corporation Website haconcapecod.org, Statement of Alisa Magnotta Galazzi to MA State House, May 15, 2019 – Attachment 4*

⁶ *Zoning Board of Appeals, Chapter 40B and 40A Affordable Permits, Status Report – Attachment 3.*

-
- Gifford Workforce, LLC (587 Gifford Street), 2018- **5.9 units per acre.**
 - Habitat for Humanity (off Barrows Road), 2018- **8.54 units per acre.**
 - Helms Circle (Worcester Court/Alma Road), 2017- **6.12 units per acre.**
 - Northstar Place (Brick Kiln Road), 2017- **5.4 units per acre.**

In addition, it is important to consider with respect to this project:

- The site is not located in a Water Resource Protection District.
- The project supports the implementation of local and regional housing plans.
- The project supports Governor Baker's Housing Choice goal of 135,000 new housing units in the Commonwealth over the next five years.
- The project addresses the affordable needs of the Town in accordance with the Town's Affordable Housing Fund Board of Trustees' 2019 Funding Priorities⁷ as it:
 1. Creates affordable housing with an increased density that is compatible with surrounding homes and neighborhoods;
 2. Meets the criteria of the target population by providing housing for low-income households;
 3. Provides housing for larger families needing 3 bedroom housing;
 4. Creates homes for first time home buyers;
 5. Provides workforce housing with income up to 100% of AMI for units in excess of the 25% required by a M.G.L. Chapter 40B comprehensive permit;
 6. Creates more affordable units than proposed and required through M.G.L. Chapter 40B comprehensive permit applications.
 7. Preserves open space with smaller, clustered lots.

The project is also compatible with the neighborhood based on neighboring lots – **See Town of Falmouth GIS Map Attachment 5.** The neighborhood consists of Lewis Neck Road, Irene Avenue, Carol Avenue, and Harborview Avenue. There are currently six homes on Lewis Neck Road ranging in house size from 754 square feet to 3,500 square feet. The lot size for these homes is about 1 acre each. Irene Avenue, which is the road available to access Lewis Neck Road, also has six houses on it, all of which have 1/3 acre lots and the houses range in size from 884 square feet to 1,700 square feet. On Harborview Drive, which is directly behind the site, there are 15 houses, 9 of which are located on lots of about 8000 square, 2 on lots of about 10,000 square feet, and the remaining 4 lots on less than ½ acre of land. There are 11 Carol Avenue lots that abut Lewis Neck Road to the east that are about 1/3 to ½ of an acre in size. It is obvious from the GIS Map attached and the neighboring lots that development within this Lewis Neck Road parcel is "infill" development within an existing residential neighborhood.

With limited land available within the Town, and competing land uses, there will always be an objection, a concern, or a regulatory hurdle that must be overcome in the development of affordable housing. Review of such housing proposals needs to balance the critical need for

⁷ Affordable Housing Production Plan, Falmouth Affordable Housing Fund Priorities, Appendix 7 – Attachment 9

home ownership against current zoning and subdivision standards of development for market rate homes. The Town will not reach its affordable housing goals if such standards are not relaxed and flexibility imposed in the review process. The lack of affordable housing in Falmouth contributes to the loss of our young workforce, many of whom are low to moderate income people who provide essential services to our community. As Falmouth's young workforce has decreased, our population continues to grow older; the number of age dependent people (children and those 65 and older) is larger than our working population. The community needs a diverse, productive, workforce to thrive. The recent closure of Falmouth Hospital Maternity and Pediatric units is a reminder of the lack of people in Falmouth and the surrounding areas of child-bearing age. The reduction in students in Falmouth public schools also indicates this decline. Falmouth Public Schools enrollment records note a decline for K-4 enrollment from 1476 in FY 2016 to 1322 in FY 2020, and Massachusetts Department of Education data indicates an overall decline Pre-K to 12 from 4144 in 2005-2006 to 3379 in 2017-2018⁸

By losing or not attracting this demographic, our community is losing the diversity, vibrancy, and contributions that this population brings, which effects our local economy and threatens our quality of life. Falmouth's lack of affordable housing is an obstacle to attracting and retaining a young and talented workforce. To retain this population, our low to moderate income residents must have housing they can afford. It is very important to support the efforts to develop affordable housing with the affordable housing crisis in mind, and to apply a broad and open-minded review process that is flexible when considering strict current zoning and subdivision regulations that may be in conflict with the standards of development necessary for meeting affordable housing goals.

The Planning Board's review of this project, as referenced in the letter dated June 18, 2020 from the Planning Board Chair to Julian Suso, Town Manager, is an example of applying current subdivision regulations and zoning bylaws to affordable housing development, specifically as to Lewis Neck Road. Lewis Neck Road was dismissed by the Planning Board as not suitable when there are many roads in the Town of Falmouth of similar condition that are used on a regular basis by homeowners. The Planning Board cites the Local Comprehensive Plan for applicable criteria for future housing options - available infrastructure, walkability, schools and services - and states that the Planning Board does not believe the site meets this criteria. However, the Planning Board does not discuss or review this site's infrastructure - water and electricity are available in Lewis Neck Road - or that schools are close by in the Davisville Village area, that services and employment are available at the Davisville Village area, as well as regional bus service, all of which can be reached within walking distance. At the same time, other guidelines of review were not considered. For example, the following policies of the Local Comprehensive Plan were not considered or discussed by the Planning Board:

Policy #1: Falmouth will allow for greater infill residential density where appropriate.

⁸ Falmouth School Enrollment and Affordable Housing Production Plan, Table 4-13 – Attachment 6

Policy #2: Falmouth will allow and encourage the market to create multiple housing opportunities that allow for more choices.

Policy #3: Falmouth will accept responsibility for providing housing for people at all stages of life and all levels of income, separate from mandatory state statutory requirements.

(Voted at April 2015 Town Meeting)

In addition, the criteria set forth in the Affordable Housing Production Plan or the Board of Trustees 2018 Funding Priorities, or the Governor's Sustainable Development Principles, were not considered with respect to this project.

Instead, the Planning Board's review of this project appears to have been focused on a prior permit application that FHT made under the Falmouth Zoning Bylaw in order to secure a building permit by right for a single-family dwelling. The Planning Board's role and jurisdiction in that proceeding was to approve and condition an access determination for one by right building permit as required by the Falmouth Zoning Bylaw. There was no application before the Planning Board for more than one house as it did not have jurisdiction under the Zoning Bylaw or M.G.L. Chapter 40B to consider such a request. The parcel otherwise met the requirements under the Zoning Bylaw for a buildable lot by right. The Planning Board was well aware in that process that it did not have jurisdiction over a M.G.L. Chapter 40B permit for more than one house. The Planning Board, Town Planner and other Town officials were also made aware, as early as May of 2018, that FHT intended to build 4 houses on the parcel. **See Memorandum of Meetings, Communications – MA Housing Application for Site Approval Attachment 8.** At no time did any Planning Board member, Town Counsel, or the Town Planner, during this process indicate that the review of the application for a by right building permit under the Zoning Bylaw would limit FHT's development on the parcel to only one house under M.G.L. Chapter 40B or otherwise, nor was that the intention of FHT that had been clearly conveyed as noted above. At no time in the multiple meetings the FHT had with the Town Manager, Assistant Town Manager, Town Planner and Town Counsel prior to the Planning Board's access determination approval was there any discussion or even a suggestion that development would be limited to one house on the parcel. There was never a request or any discussion to the effect that the FHT would agree to limit development on the parcel to one house. Why would the FHT agree to such a situation when it was intending to construct more than one house? The FHT would never have agreed to such a request and certainly would have voiced objection if it was even suggested.

The intentions noted above are certainly controlling when considering the Covenant⁹ discussed by the Planning Board in its letter to Mr. Suso, as well as the "after-the-fact" legal interpretation provided, and the Planning Board information overall. Notwithstanding, the Covenant referenced by the Planning Board was an agreement by FHT to take certain action

⁹ **Attachment 7** contains a copy of the Covenant referenced, as well as the Building Permit issued April 2020 as indicated in the Covenant as evidence that the conditions for issuance of the Building Permit were satisfied and approved by the Town.

with respect to the road improvements as a condition of a permit approval under the Falmouth Zoning Bylaw, and in exchange it would receive a building permit under the Zoning Bylaw since the pre-requisites under the Zoning Bylaw for that building permit would be met. The action of road improvements was taken, the building permit issued, and the contract and covenant with the Town satisfied. There is no title issue involved if more than one house is constructed as the conditions of the permit approval through the Covenant have been satisfied as evidenced by the issuance of the building permit by the Town and a release is not required by the Planning Board or otherwise. Town Meeting does not need to release this Covenant - first, because it does not require release by its terms, and second, because release or modification of regulatory conditions or restrictions do not require, and have not required, Town Meeting approval. The Planning Board routinely releases road Covenants as a matter of course without Town Meeting approval.¹⁰ Similarly, the Planning Board and the Zoning Board of Appeals and Conservation Commission routinely modify, release and eliminate conditions and restrictions affecting land as a part of their regulatory process. Such actions do not require Town Meeting approval.

In addition, this Covenant does not contain a land use restriction preventing development of more than one house on the lot of the type referenced in the SJC Wells Avenue case cited by the Planning Board – an express prohibitive restriction¹¹. The land use restriction as discussed in that case was an expressly stated prohibition on residential development on a parcel owned by the City of Newton for the benefit of an adjacent parcel also owned by the City. The Court discusses the requirements for a valid land use restriction – an express prohibition on use that is expressly stated as being for the benefit of another parcel of land owned by the City. This is clearly not the situation with the Covenant entered into by FHT. Even a non-lawyer can read the Covenant and see that it in no way is a restriction that prevents or prohibits construction of more than one house on the lot, there is no land that it specifically benefits, it does not state that it is a restriction on land, and there is no requirement for it to be released. Further, the Covenant also references specifically the Zoning Bylaw as the basis for the Covenant and application, not M.G.L. Chapter 40B affordable housing provisions. The Planning Board's assertion that a "Whereas" explanatory contractual statement referencing one house is somehow an agreement of FHT to such a prohibitive restriction is so preposterous that it can only be construed by a reasonable person as a very weak attempt to try and retain control and jurisdiction over this property to prevent an affordable housing project that is not otherwise

¹⁰ The Planning Board's standard Road Covenant form pursuant to the Subdivision Regulations, which is available on the Planning Board website, specifically requires release by the Planning Board by its terms, states expressly that it is a restriction on land, and contains express prohibitions on certain actions. For example, "The undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lots has been completed in accordance with the covenant, conditions, agreements, terms and provisions as specified in the following..." In addition, the form states "That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released". The Covenant of the FHT for the Lewis Neck Road building permit does not contain these types of provisions as there was no intention at any time that it would contain express prohibitions on development or a release requirement. **See Covenant, Attachment 7.**

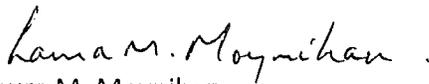
¹¹ 135 Wells Avenue, LLC vs. Housing Appeals Committee & others, SJC 12253, 2017

legally available to the Planning Board. The Planning Board has maintained this position for the first time only after a 4-dwelling unit application has been submitted to Massachusetts Housing for affordable housing. It should also be noted that the Supreme Judicial Court in the Wells case discusses the issue of a municipality's creation of conditions and restrictions in "bad faith" in an effort to avoid a municipality's responsibility under M.G.L. Chapter 40B for the development of affordable housing, and that "bad faith" in the context of such conditions and restrictions may form part of a claim for Court review for relief.

The critical significance of making efforts to work diligently with, rather than against, affordable housing developers to find ways to construct affordable housing cannot be overstated. A positive approach involves working cooperatively with the FHT and others in an effort to meet the target goals and objectives of the Affordable Housing Production Plan to produce 74 units of affordable housing per year, instead of trying to find ways to stop such projects from proceeding. Such efforts can include review of projects with flexibility to assist affordable housing as noted above, identifying available Town properties for development of affordable housing, fostering public and private partnerships for development of affordable housing, developing new Local Initiative Program guidelines to assist the Town and developers with the LIP process (which new guidelines have been requested since 2018), and working with applicants in a cooperative and proactive manner to allow for development of projects that meet those goals and objectives.

Thank you for your consideration of this project. The FHT hopes it can count on your support for this project.

Sincerely,


Laura M. Moynihan

Cc Falmouth Housing Trust, Inc.

Attachments:

1. MHP Project Eligibility Letter dated 8/21/18 issued with respect to Gifford Workforce Housing
2. Town of Falmouth Affordable Housing Production Plan, 2018, Table 5-31, Summary of Priority Housing Needs and Targeted Development Goals
3. Town of Falmouth Zoning Board of Appeals, Chapter 40A and 40B Affordable Permits, Status Report
4. "Housing Choice Bill Can Help Cape Cod Year-Rounders", Statement of Alisa Magnotta Galazzi to MA State House, 5/15/2019
5. Town of Falmouth GIS Map
6. Falmouth School Enrollment Report and Falmouth Housing Production Plan, Table 4-13
7. Covenant between FHT and the Town of Falmouth, Lewis Neck Road
8. Meetings/Communications with Town of Falmouth officials and committees
9. Town of Falmouth Affordable Housing Production Plan, 2018, Affordable Housing Fund Priorities, Appendix 7

ATTACHMENT 1

**PROJECT ELIGIBILITY LETTER 8/21/18
GIFFORD WORKFORCE HOUSING**



Massachusetts
Housing
Partnership

August 21, 2018

Ms. Linda J. Clark
Gifford Workforce LLC
c/o Falmouth Housing Corporation
704 Main Street
Falmouth, MA 02324

Re: Gifford Workforce Housing (the "Project") - Determination of Project Eligibility -
MHP's Permanent Rental Financing Program

Dear Ms. Clark:

This letter is in response to your request for a determination of Project Eligibility under the provisions of the Commonwealth of Massachusetts comprehensive permit process (M.G.L. Chapter 40B, 760 C.M.R. 56, and the Massachusetts Department of Housing and Community Development's Comprehensive Permit Guidelines) (collectively, the "Comprehensive Permit Rules") for the above-referenced Project. The Project, as proposed in your application dated May 29, 2018, shall consist of twenty (20) one-bedroom rental housing units located in 4 newly-constructed 2-story buildings at 587 Gifford Street, Falmouth, Massachusetts on a 1.2 acre parcel. A total of twenty-two new parking spaces (1.1/unit) will be developed.

In connection with your request, and in accordance with the Comprehensive Permit Rules, MHP has performed an on-site inspection of the Project, and has reviewed initial pro forma and other pertinent information submitted by Gifford Workforce LLC ("Applicant"), and has taken into consideration the support for the Project shown by the Town.

Based upon our review, we find the following:

- 1) The Project, as proposed, appears generally eligible under the requirements of MHP's Permanent Rental Financing Program (the "Program"), certain terms of which are set forth on Exhibit A, attached hereto, subject to final approval.
- 2) The proposed site is an appropriate location for the Project. Specifically, (a) the Project will be an expansion of the existing 587 Gifford Street development, also developed by the Falmouth Housing Corporation (FHC), and will benefit from pre-existing utility connections (water, gas and electrical), roadway access and proximity to both the FHC management office and the Falmouth Service Center next door; and (b) the location is approximately one (1) mile from retail, civic and service uses in Falmouth Center, with continuous bike and pedestrian access along Gifford Street, and less than ¼ mile from Town athletic fields and walking trails.

160 Federal Street
Boston, Massachusetts 02110
Tel: 617-330-9955
Fax: 617-330-1919

462 Main Street
Amherst, Massachusetts 01002
Tel: 413-253-7379
Fax: 413-253-3002

www.mhp.net

The Town of Falmouth's Subsidized Housing Inventory (SHI) is 6.4%. In terms of prior municipal actions to create affordable housing, the majority of Falmouth is zoned for single-family development. While there are some zoning mechanisms in place for multifamily development, including in the Public Use and Business districts, nearly all of the residential construction in Falmouth since 2000 has been single-family residences.

Falmouth has, through its Community Preservation Act (CPA) program and Affordable Housing Fund, spent over \$6 million on community housing, including \$35,000 for an update to the Town's Housing Production Plan, and funding of \$700,000 to FHC for the development of Schoolhouse Green, \$540,000 towards the development of Notanico Woods, and, most recently, \$650,000 towards the development of the Gifford Workforce Housing project.

Evidence of an unmet demand for new affordable housing in Falmouth is set forth as follows: 1) U.S. Department of Housing and Urban Development (HUD) data reports a deficit of 1005 housing units that would be affordable for households at or below 50% of the area median income (AMI) and identifies 760 households that are considered "severely cost burdened," meaning they spend more than 50% of their household income on housing; and 2) U.S. Census income data compiled for the 2012-2017 American Community Survey (ACS) shows approximately 16% of residents earn less than 30% AMI; 33% earn less than 50% AMI, and 50% earn less than 80% AMI; 6.7% are below the poverty level.

While the Town's municipal actions to meet housing needs are positive they do not warrant a conclusion that the site is not generally appropriate for residential development.

- 3) The proposed conceptual design for the Project is generally appropriate for the site. Specifically, (a) the site layout is a compatible extension of the existing 587 Gifford Street development; (b) the proposed architecture, featuring 2-story structures with clapboard siding and peaked roofs mimics the massing and typology of surrounding residential structures; and (c) existing vegetation along Gifford Street will be retained, providing effective screening and noise abatement from passing traffic.

The following general design recommendations should be considered during the comprehensive permit process:

- Further refinement of proposed building facades to enhance compatibility with existing buildings, including careful consideration of the desirability of adding porches;
- Development of a landscape plan including details on new and proposed vegetation; location of site furniture, exterior mechanical equipment, unit storage and bike parking (if provided).

- Revise design for handicapped accessible unit in Unit 3A to fully meet regulations and provide accessible laundry for those residents.
 - Confirm sufficiency of proposed drainage and storm water management structures.
 - Consider the need for additional storage space for residents, including bike storage.
- 4) Based upon comparable rentals managed by FHC, the presence of a 200+ wait list for one-bedroom units; and the findings of a 2016 Falmouth Housing Demand Study commissioned by the Town and a market study commissioned by FHC in 2018, the proposed Project appears financially feasible within the Falmouth market.
- 5) The Project appears financially feasible on the basis of estimated development and operating costs set forth in the initial pro forma provided by the Applicant and a land value determination value consistent with the Comprehensive Permit Rules. In addition, the Project budgets are consistent with the Comprehensive Permit Rules relative to cost examination and limitations on profit and distributions.
- 6) The Applicant will be a single-purpose entity subject to MHP's limited dividend requirements. The Applicant meets the general eligibility standards of the Program; and
- 7) The Applicant controls the site through a Purchase and Sale Agreement.

This letter is intended to be a written preliminary determination of Project Eligibility under the Comprehensive Permit Rules, establishing fundability by a subsidizing agency under a low and moderate income housing subsidy program, which qualifies the Project for consideration for a Comprehensive Permit under M.G.L. Chapter 40B.

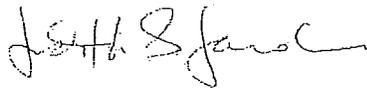
This preliminary determination of eligibility is subject to final review of eligibility and final approval by MHP, and is expressly limited to the specific Project proposed in the request for determination of Project Eligibility submitted to MHP and subject to the minimum affordability and additional requirements set forth in Exhibit A hereto. The requirements of the Comprehensive Permit must not result in a loan to value ratio exceeding MHP requirements. Changes to the proposed Project, including without limitation, alterations in unit mix, proposed rents, development team, unit design, development costs and/or income restrictions may affect eligibility and final approval. Accordingly, you are encouraged to keep MHP informed of the status and progress of your application for a Comprehensive Permit and any changes to the Project that may affect program eligibility and/or financial projections. In addition, MHP requires that it be notified (1) when the applicant applies to the local ZBA for a comprehensive permit; (2) when the ZBA issues a decision; and (3) when any appeals are filed.

Please note that this preliminary determination of Project Eligibility is not a commitment or guarantee of or by MHP for financing, either expressed or implied, and, in the event that you determine not to apply to MHP for permanent financing and/or in the event that your application for permanent financing with MHP is denied, this letter shall be of no further force and effect. Also, please note that this letter shall be of no force or effect if the applicant has not filed for a Comprehensive Permit within two years of the date of this letter.

Final review and approval under the Comprehensive Permit Rules will be undertaken by MHP only in conjunction with an application to MHP for permanent mortgage financing for the Project. After the ZBA's issuance of a Comprehensive Permit for the Project, MHP would be pleased to entertain a request for permanent mortgage financing pursuant to and in accordance with MHP's standard underwriting process. At that time, MHP shall require a complete loan application, a copy of the decision of the ZBA and any amendments thereto, a copy of the decision, if any, by the Housing Appeals Committee and revised preliminary plans and designs, if applicable, as well as such additional documents and information as is required as part of the loan underwriting process.

Should you have any comments or questions concerning this letter, please do not hesitate to call Katy Lacy at 857-317-8514.

Sincerely,



Judith S. Jacobson
Deputy Director & General Counsel

cc: Roberta Rubin, Chief Counsel, Department of Housing and Community Development
Susan L. Moran, Chair, Falmouth Board of Selectmen
Terrence C. Hurrie, Chair, Falmouth Zoning Board of Appeals
Julian M. Suso, Town Manager

EXHIBIT A

**Affordability
Requirements:**

At least four (4) of the units must be affordable to households earning up to fifty percent (50%) of the median area income. The affordability requirements will be documented through an affordable housing agreement that will be recorded prior to the mortgage and shall create covenants running with the property for a minimum period of thirty (30) years.

**Limited
Dividend Policy:**

The Project owner must comply with MHP's limited dividend policy.

ATTACHMENT 2

TOWN OF FALMOUTH AFFORDABLE HOUSING PRODUCTION
PLAN, 2018,
SUMMARY OF PRIORITY HOUSING NEEDS

What is compelling about this documentation is the very high level of unmet housing need for those earning at or below the 80% MFI level. Within these limited incomes, residents are struggling to live in the community, many likely having to decide whether they pay their rent or mortgage versus heating bill in the winter, medical prescriptions or food. It is no wonder that the Falmouth Service Center's Food Pantry is such a mainstay for so many individuals and families.

Table 5-31 presents targeted affordable housing development goals based on priority housing needs over the next five years. The total figure of 370 units is based on Falmouth's annual housing production goal of 74 units over five years. As noted in the opening parts of this section, given a list of considerations, rental housing should be the Town's top priority. This table suggests a breakdown of 85% to 15% of rental to homeownership units or 314 to 56 units, respectively. All of the ownership units that are included in the SHI are small-scale projects that were permitted through the Chapter 40B process, and it is likely that such future units will be produced on this basis as well through the Falmouth Housing Trust (FHT), Habitat for Humanity of Cape Cod, or other private developers.

On the other hand, projects that involve some significant scale and can reach households earning at or below even 50%-60% AMI through a mix of state and local financing, including the Low Income Housing Tax Credit Program, will produce higher numbers of units towards meeting Housing Production goals.

Table 5-31 also projects a distribution of production goals by type of household, with a further breakdown by ownership and rental. Of the 314 projected rental units, the distribution of housing goals suggests that there be a 40% to 60% split between units for seniors and single individuals versus families. It should be noted that the state's subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's, etc.).

Table 5-31: Summary of Priority Housing Needs and Targeted Development Goals

Rental Units	Seniors + Single Persons/ One Bedroom Units @ 40%	Small Families/2 Bedrooms @ 50%	Large Families/3+ Bedrooms @ 10%	Total/5-Year Goals
Rental @ 85%	126	157	31	314
Ownership Units	Seniors + Single Persons/ One Bedroom Units @ 25%	Small Families/2 Bedrooms @ 25%	Large Families/3+ Bedrooms @ 50%	Total/5-Year Goals
Ownership @ 15%	14	14	28	56
Total	140	171	59	370
Special Needs* (% of total units)	(28)	(17)	(6)	(51)

Source: 2014 HUD SOCDs CHAS and Karen Sunnarborg Consulting

* Represents at least 10% of all units created in family housing and 20% in senior and single-person housing. For example, of the total 140 projected total one-bedroom units produced, largely directed to seniors, individuals, or those with disabilities, 20% or 28 would involve handicapped accessibility and/or supportive services.

The Regional Housing Market Analysis also estimated the gap between housing demand and supply at different income levels for both homeownership and rentals. The analysis includes estimates for both 2015 and 2025 as summarized in Tables 5-18 and 5-19, respectively, applying the affordability threshold of 30% of household income based on HUD's definition that households spending more than this amount are overspending or cost burdened. The analysis defines supply within a particular income range as those units that are affordable if all units were available. Demand is defined as the number of households within the particular income range. The difference between the units available and affordable (supply) and the number of households that can afford them (demand) results in the gap for each income range. For example, the calculations estimate that there is a gap of 2,898 homeownership units and 745 rental units for those earning at or below 80% of median income.

Table 5-18: Estimated Gaps in Housing Demand and Supply Based on Falmouth Median Income Levels, 2015

Homeownership Units	50% MHI	80% MHI	100% MHI	120% MHI	> 120% MHI
Income/based on median homeowner household Income of \$70,050 ³⁵	\$35,025	\$56,040	\$70,050	\$84,060	
Affordable Price	\$121,130	\$206,149	\$263,595	\$321,144	
Estimated Unit Demand	2,363	1,540	1,040	1,035	5,152
Estimated Unit Supply	396	609	1,390	1,662	7,072
Affordability Gap in Units (Demand Minus Supply)	1,968	930	-350	-627	
Cumulative Demand	2,363	3,903	4,943	5,978	11,130
Cumulative Supply	396	1,005	2,395	4,058	11,130
Cumulative Gap	1,968	2,898	2,548	1,921	
Rental Units					
Monthly Median Renter Household Income	\$19,152	\$30,642	\$38,303	\$45,964	
Affordable Rent (@30% of MHI limits)	\$479	\$766	\$958	\$1,149	
Estimated Unit Demand	835	613	284	265	1,423
Estimated Unit Supply	418	284	377	433	1,906
Affordability Gap in Units (Demand Minus Supply)	416	329	-94	-168	
Cumulative Demand	835	1,448	1,732	1,997	3,420
Cumulative Supply	418	702	1,079	1,512	3,418
Cumulative Gap	416	745	651	483	

Source: Crane Associates, Inc. and Economic & Policy Resources, "Regional Housing Market Analysis, Barnstable County, Massachusetts," prepared for the Cape Cod Commission and Barnstable County, June 30, 2017. Cumulative supply and demand based on estimated figures at a particular income level plus estimations from each lower income level. Assumptions include calculations for households spending 30% of income, 95% financing with 5% down payment, 3.93% interest rate, and monthly utility costs of \$165 for rental units.

The Regional Market Analysis points out that some households are spending far less than 30% of their income level and not demanding housing units that are affordable based on their income level. This is occurring throughout the Cape due to the large numbers of older residents who have paid off their

³⁵ It should be noted that the 2011-2015 median household income for homeowners in Falmouth, based on the U.S. Census Bureau's American Community Survey 5-Year Estimates, was higher at \$79,050 instead of \$70,050 as included in this analysis. Nevertheless, this figure is not far off from the 2016 median household income of \$68,444 for Falmouth and \$68,950 for a four-person household based on 2018 HUD 80% of area median income limits.

These priorities also address another priority housing need related to providing barrier-free units and supportive services where feasible, representing 20% of the one-bedroom units and 10% of the two- and three-bedroom units.

In conclusion, there is a need to provide support to all these types of households along a wide range of incomes. Everyone should have a right to safe and affordable housing which is so fundamental to stabilizing both individuals and families who may be living in substandard conditions and/or spending far too much for their housing. The whole community benefits when all residents have a decent and affordable place to call home.

ATTACHMENT 3

TOWN OF FALMOUTH ZONING BOARD OF APPEALS CHAPTER 40A AND 40B AFFORDABLE PERMITS, STATUS REPORT

Unit/Acre

057-17*	Northstar Place	Brick Kiln Road	3.65Ac	AGA	20	5	Approved	5.4	12	
090-17	Helmis Cir - Little Pond Vlg	Worcester & Alma	4.58Ac	RC	28	7	Sup Ct App	6.12	18.34	Appealed
015-18	Habitat 4 Humanity of CC	Off Barrows Road	1.7Ac	RC	10	10	Approved	8.54		
080-18	Falmouth Housing Corp	587 Gifford					Mod'n 89-04			sub-divide 1 acre pc
079-18	Gifford Workforce LLC - FHC	587 Gifford (TB 591)	1.19Ac	AGB	20	20	Approved	5.9		All Owner/Affordable
115-18	Woods Hole LLC	533 Woods Hole Rd	5.4 ac	BRD	39	4	Approved	7.2		special permit - appealed
006-19	LocustField, LLC	0 Locustfield Road (Lot 2)	4.09 acres	AGA	12	3	Approved	4		40B - LIP
020-19	Meawad	0 & 213 N.Falmouth Hwy	3.69 / .98	RB	16	4	Approved	3.43		40B - ownership
058-19	DeSangro	6,40 Crooked Meadow Road	1.91	AGA	12	3	Approved	6.28		40B - ownership
078-19	Buzzards Bay Development	40 Shore Street	1.22 Ac +/-	GR	8	2	Hearing	6.58		40 B - ownership
036-20	Wings Pond LLC	63 North Falmouth, Hwy	2.47	RB	12	3	Hearing	4.86		
*Rentals										
**Not on HI		Revised 6/8/20								
**Affrdb Rental & owner occup										

CHAPTER 40B & 40A AFFORDABLE PERMITS				Status Report						
Appeal #	Applicant	Location	Acreage	Zoning	Total Units	Afford Units	Status	#Unit/Acre	Bed/Acre	Comment
15-89	GP Affordable Homes	Maravista Ave. Ext	5.71	AGAA	16	4	Complete	2.8	8	
44-90	Falm. Housing Trust	Sam Turner Rd & Esker	21.84	AGAA	18	18	Complete	1.21	3.63	
117-97*	John D. Burke(Fairwind)	520 Main St.	2.4	B2/RC	20	10	Complete	8.3	8.3	
60-98	John Druley	Nickey Lane	4.2	AGB	6	2	Complete	1.4		
83-99***	Robt. B. Roderick	Roberta Jean Cir	1.86	RC	8	2	Complete	4.3	8.6	doesn't count SHI
83-00	John L. Druley	756 E. Falm Highway	4.32	B3/RC	11	3	Complete	2.5	6.25	Rebecca Ann Ln
111-00*	Falm. Housing Corp.	587/611 Gifford St	12.42	AGB	28	28	Complete	2.25	3.22	
70-01	Ronald Capozzoli	Lot 0 Fresh Pond Farm	11.3	AGAA	27	8	Bldg Permit	2.39	4.7	3 Mkt being const'd
127-01**	John L. Druley	16 Trotting Park	3.1	Pu/B2/AG	16	5	Complete	5.16	10	
128-01*	Falm. Housing Corp.	643 Gifford St	3.53	AGB	14	7	Complete	3.97	6.5	
142-01*	Courtyard Apartments	240 Sandwich Rd	1.63	AGB	13	5	Complete	7.98	8	
23-02	Fairway Meadow, Inc.	350/354 Old Brnstble	3.2	AGA	12	3	Complete	3.75	11.25	
24-02	Mill Farm LLC	Lot 2 Old Brnstble Rd	4.9	AGA	20	5	Complete	4.08	12.2	
44-02*	Trotting Park - add'l Units	Lots 1&2 Trotting Park Rd	3.5	Pu/B2/AG	4	4	Complete			Add'l to #127-01
37-03	Wise Living, LLC	26 Tennis Club Lane	5.155	RC	55	14	Complete	10.67	21.34	
26-03*	August 2002, LLC	Lot 3 Teaticket Hwy	8.13	AGB/RC	54	14	Complete	6.64	11.07	
69-03***	Clippership Properties	550 Teaticket Highway	6.34	LIA	28	20	Phase I	Phases	Phases	40A Perm/Rentals
78-03	Carriage Shop Developmt	649 Carriage Shop Rd	1.8	AGA	12	3	Complete	6.67	13.33	
114-03	Cranberry Hgts Rlty Tr/Drul	724 E. Falm Highway	3.2	RC	8	2	Complete	2.5	7.5	TimBrneCrtwy
124-03*	Falm. Housing Corp.	704 E. Main St	2.97	B2	58	44	Complete	20	40.6	98 Bdrms
89-04*	Falm. Housing Corp.	587/611 Gifford St	12.42	AGB	8	8	Complete	2.9	3.86	111-00Mo
93-04*	Falm. Housing Corp.	20 Edgerton Dr.		RC	24	24	Complete	6		40APerm/Rentals
82-05	Fal. Hsng. Tr. - East Ridge	224 Sam Turner Road	6.7	AGAA	6 sfd's	6	Complete	6	3	East Ridge 40B
139-05	John Druley/Irene's Meadow	0 & 53 Carriage Shop	36.5	AGA/GR/B3	44	11	Complete	1.2	4.16	40B - 20 SFD Comp
cp12-07	Habitat For Humanity of CC	Off Sam Turner Rd	2.99	AGA	5	4	Complete	1.4	4	40B/LIP
28-07	Falmouth Housing Corp.	Ward & Chester, N.Flmth	.5 acre	RB	2	2	Complete		.6	40B - LIP
35-07	Forest Cove/Abby R.E. Dev.	Gifford and Trotting	11.32	AGB	See 117-13		See 117-13	3.7	7.9	PF Fal LLC #117-13
39-07	Kelly Green Condo/21 Pine St	17 & 21 Pine St, No Falm	1.2	RB	8	2	Complete	6.6	20	40B aka 21 Pine St
94-08*	Falm. Hsng Corp - Vet's Prk	90/104/112/138 Teatickt	15.3 acr	B2 & PU	39	39	Complete	2.5	0.3	40B - 55yrs+Renta
18-09	Cubby Construction Corp.	676-702 No. Falmouth Hwy	1.7acr	Res B	See 17-16		See 017-16	5.8	17.6	CP Expired 4/15/18
27-09 *	Woodbriar Sr. Living, LLC	339 Gifford St.	20.3 acr	AGB	125	25	Complete	6.1	7.68	Eldrly 55+ Asst Lvg
72-10 *	Colechester Developers, Inc	56 Hunt Street	.5 acre	RC	2	1	Complete		1.5	40B
61-11 *	Fal. Hsng. Corp - Notantico Wd	5 Oshmn/0 WH Rd	2.98 acre	RA	11	11	Complete	3.7	6.04	Rentals 60 to 80%
22-12	Habitat For Humanity of CC	55 Glenwood, Falmouth	.24 acre	RC	2	2	Complete	0.25	2.5	40B - LIP
53-13	TRI - The Resource Group	55 Stephens Lane	.25 acre	LIA	1	1	Denied			40B - LIP -
117-13	PF Falmouth LLC	637 Gifford	11.32Ac	AGB	36	9	Construc'g			Mod'n of 35-07
14-Aug	Falmouth Housing Trust	761 Teaticket Hwy	1 acre	RC	3	3	Complete	3	9	Div'd into 3 lots
38-14*	Falmouth Housing Trust	1 Chancery Ln	0.12	B1	4	4	Complete	4	4	40B / LIP
95-15	Village at Old Main, LLC	41 Old Main Rd No Falm	1.75Ac	RB	8	2	Construc'g	4.57	13.7	40B
017-16	Megansett Xing - Prev Cubby	676-702 No. Falmouth Hwy	1.7acr	Res B	10	10	Approved	6.86	17.65	40B/LIP - Rental
058-16*	155 KLB Nominee Tr (FHC)	155 Katharine Lee Bates	0.69	B2/B3	4	4	Complete	4	4	40A Rental DMH
117-16*	Hospitality LLC / Lyberty Grm	556 Main St, etc (5 lots)	2.2 acre	BR / RC	104	26	HAC Appl	47.27	75	40 B - rentals
120-16*	Little Pond Place	Spring Bars Rd	11.39 acre	Lt Ind A	40	40	Approved	3.51	6.15	40 B - rentals

ATTACHMENT 4

**“HOUSING CHOICE BILL CAN HELP CAPE COD YEAR-
ROUNDERS”, STATEMENT OF ALISA MAGNOTTA GALAZZI TO
MA STATE HOUSE**

Housing Choice Bill Can Help Cape Cod Year-Rounders



Our CEO Alisa Magnotta Galazzi spoke at the State House hearing yesterday in favor of Governor Baker's Housing Choice Bill. It's an important step toward real improvements in access to affordable housing.

Statement text:

I'm Alisa Magnotta Galazzi, CEO of Housing Assistance Corporation, the regional housing agency for the Cape & Islands.

For 45 years we have focused on serving the neediest amongst us. But we're broadening the scope of our work because today we see stably employed workers with higher incomes being evicted because their rental is sold and becomes seasonal. In just 5 short years, Barnstable County lost 3,000 year-round homes and gained 5,000 seasonal homes.

The heart of our housing crisis lies in our outdated zoning, which has inadvertently made it easier for summer people to obtain housing than year-rounders.

Right now, it's easier to build a McMansion than a multi-family.

It's easier to build an addition and rent seasonally than add an in-law apartment for a hard-working year-rounder.

This is a major threat to the leading employers in our region as well as the viability of our community. Unlike other areas of the state, we have geographic limitations. Once our workforce moves over the bridge, they won't commute to Chatham in summer traffic for the same type of job that's available closer to home.

As we highlighted in our report, *Housing on Cape Cod, The High Cost of Doing Nothing*, losing our workforce translates to higher prices for goods, decreased access to essential services, and increased traffic from a commuting workforce.

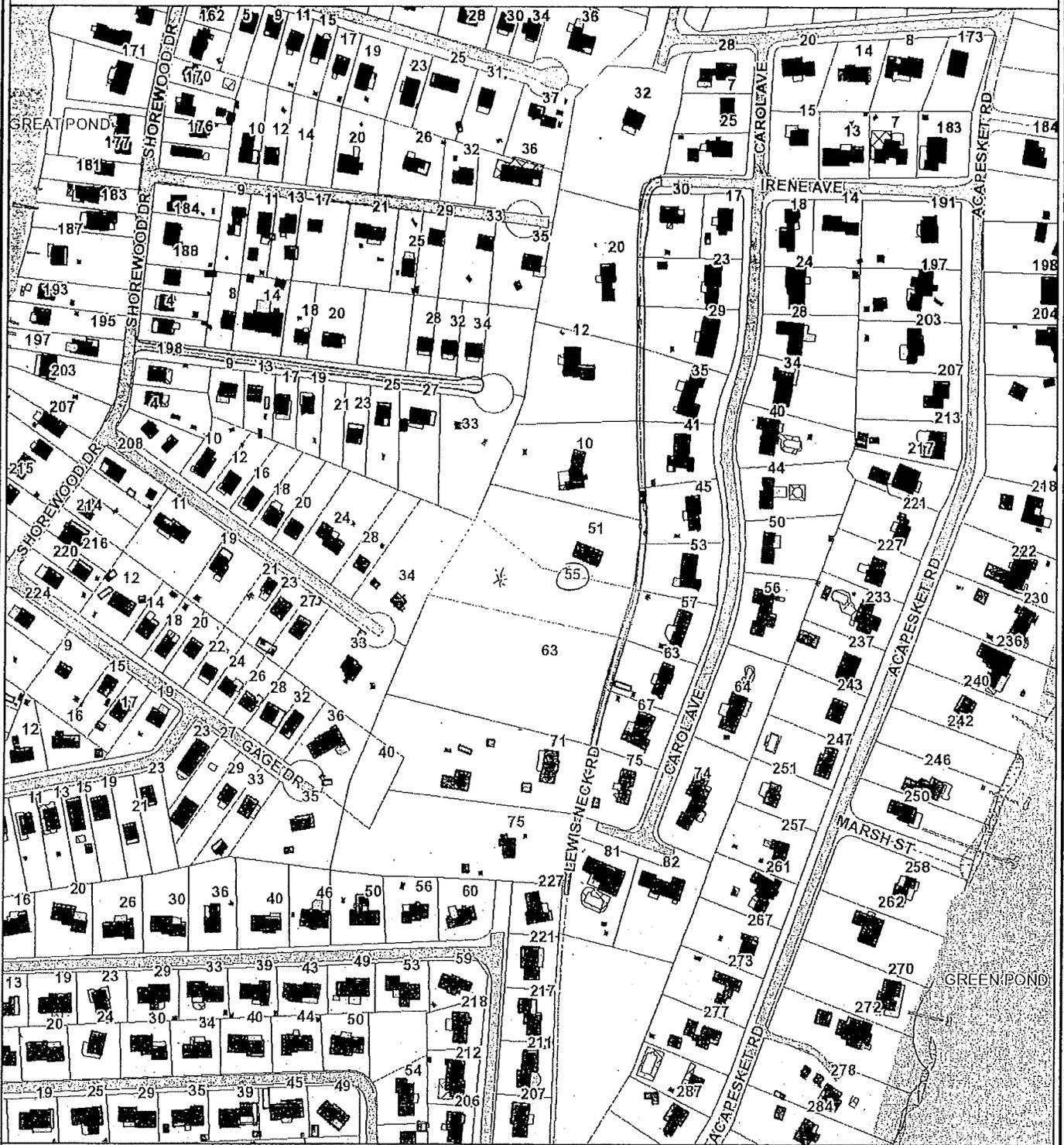
The Housing Choice bill levels the playing field for year-round Cape Codders. There is much more needed to make a dent in our housing crisis and I trust this will be the first of many bills passed. But we can't let perfection be the enemy of the good and we simply can't afford to wait.

The consequences of the housing crisis are becoming more pronounced. In March, the Cape Cod Times asked "Where are the children?", as fewer families are able to afford housing, causing school enrollment to decline. Then in April, we learned that a year-round business is now having to buy housing for its employees. These are troubling trends.

Meanwhile, we're running out of land. Less than 20% of the Cape is buildable and much of that is in flood zones. Right now, 82% of our housing stock are single family homes. We don't need more

ATTACHMENT 5

TOWN OF FALMOUTH GIS MAP OF NEIGHBORHOOD



<p>Placets of Interest</p> <ul style="list-style-type: none"> Police Fire Stations Golf Library Medical Municipal Buildings Other Schools Sports BEACHES BOAT RAMPS CORTA Bus Stops Ferry Routes <ul style="list-style-type: none"> FALMOUTH EDGARTOW FALMOUTH-OAK BLUFF WOODS HOLE-OAK BLU WOODS HOLE-VINEYAR 	<p>CORTA Bus Routes</p> <ul style="list-style-type: none"> Fall-Win-Spr WHOOOSH Summer Bike Path Bridges Road Surfaces <ul style="list-style-type: none"> OTHER PAVED Cobblestone; Concrete; Ot Dirt; Gravel Shell 	<p>Coastal Structures</p> <ul style="list-style-type: none"> Coastal Wall DOCK Groins Jetty PIER Revetment WHARF <p>Water Features</p> <ul style="list-style-type: none"> POND STREAM WETAREA <p>Road Ownership</p> <ul style="list-style-type: none"> COUNTY; TOWN PRIVATE STATE <ul style="list-style-type: none"> Decks Patios Parcels 	<ul style="list-style-type: none"> Bldg Roof Prints Buildings <p>Vegetation</p> <ul style="list-style-type: none"> BOG FIELD ORCHARD <p>Layers of Interest</p> <p>Public Lands</p> <ul style="list-style-type: none"> COMMONWEALTH OF M TOWN OF FALMOUTH CONSERVATION STEAMSHIP AUTHORITY UNITED STATES OF AM
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1" = 281 ft

ATTACHMENT 6

TOWN OF FALMOUTH SCHOOL ENROLLMENT;
FALMOUTH AFFORDABLE HOUSING PRODUCTION PLAN, 2018,
TABLE 4-13

Enrollment Comparisons

School	Grade	FY16 (1/11/16)	FY17 (1/6/2017)	FY18 (9/7/17)	FY19 (9/5/2018)	FY20 (9/6/2019)
Falmouth High	12	182	244	189	178	188
	11	236	200	194	214	191
	10	228	211	232	209	215
	9	219	243	234	249	267
		870	898	849	850	861
Lawrence	8	288	281	289	310	260
	7	284	286	311	267	267
		572	567	600	577	527
Morse Pond	6	302	320	279	276	281
	5	316	277	279	285	273
		618	597	558	561	554
East Falmouth	4	49	56	63	49	45
	3	49	64	55	50	45
	2	64	59	53	45	44
	1	55	49	47	46	50
	K	52	51	46	48	33
	PK	94	82	0	0	94
	363	361	264	238	311	
Mullen Hall	4	88	103	92	92	94
	3	101	97	91	90	84
	2	92	97	86	83	89
	1	98	84	79	88	91
	K	89	79	84	89	85
	PK	0	0	0	0	0
	468	460	432	442	443	
North Falmouth	4	65	63	66	65	68
	3	66	66	79	74	55
	2	66	74	61	56	79
	1	73	64	48	68	62
	K	56	50	66	84	54
	PK	0	0	0	0	0
	326	317	320	347	318	
Teaticket	4	72	59	50	53	52
	3	61	51	55	53	50
	2	49	56	54	52	50
	1	59	58	55	50	38
	K	64	55	54	37	35
	PK	14	23	100 +/-	109	25
	319	302	368	354	250	

Enrollment Comparisons

				OOD 45	OOD 36	OOD 38
<i>TOTAL Enrollment</i>		3536	3502	3436	3405	3302
rev.	12.9.19	includes OOD and grade 13				

School Enrollments

Those enrolled in school (nursery through graduate school) in 2010 totaled 6,032 residents or 19.1% of the population, and those enrolled in kindergarten through high school totaled 4,408 students, representing 14.0% of the total population. The 2016 census estimates indicate a decline in school children to 5,912 residents or 18.7% of the population, although those in preschool through high school increased to 4,634 students or 14.7% of Falmouth's population. This suggests that many students were enrolled in schools other than the Falmouth Public Schools given enrollment in 2015-2016 at 3,515 students.

Historic enrollment data is included in Table 4-13, demonstrating slow declines through the 2011-2012 school year and then relatively stable enrollment through 2014-2015 with decreases after that to 3,379 students in the 2017-18 school year. The declines in the 2010-2012 school years is likely related to the recession that occurred a few years before that involved reductions in birth rates and hence lower numbers in the pre-kindergarten and kindergarten enrollments. Between the 2005-2006 and 2017-2018 school years, the Falmouth Public School District experienced a net loss of 765 students or an 18.5% decline in total enrollment. This trend of decreasing school enrollments is happening in most communities on Cape Cod. Many people with children have moved away due to the high cost of living, lack of jobs, etc., and others are sending their children to charter or private schools in the area.

It should also be noted that 30% of students were considered economically disadvantaged and thus qualified for free or reduced meal programs.

**Table 4-13: Historic School Enrollments for the Falmouth Public School District
Pre-Kindergarten through 12th Grade, 2005-2018**

Year	Enrollment	Difference	% Difference
2005-06	4,144	--	--
2006-07	4,027	-117	-2.8%
2007-08	3,894	-133	-3.3%
2008-09	3,769	-125	-3.2%
2009-10	3,750	-19	-0.5%
2010-11	3,710	-40	-1.1%
2011-12	3,512	-198	-5.3%
2012-13	3,536	24	0.7%
2013-14	3,541	5	0.1%
2014-15	3,547	6	0.2%
2015-16	3,515	-32	-0.9%
2016-17	3,466	-349	-9.9%
2017-18	3,379	-87	-2.5%

Source: Massachusetts Department of Education website, June 10, 2018.

While the School District has regularly reviewed birth rates in connection to enrollment figures, it has typically seen a range of 450 to 500 live births but enrollments of only about 250 to 270 new pre-k or kindergarten students annually.

Also, when asked about issues regarding employee recruitment issues related to high housing costs, the representative from the School Department indicated that they were generally able to draw new employees from the South Shore or South Coastal areas and have not been as affected by this problem as areas further into the Cape.

ATTACHMENT 7

COVENANT BETWEEN FHT AND TOWN OF FALMOUTH

Address of Premises: 0 Lewis Neck Road (Parcel C2), East Falmouth, MA 02536

COVENANT

WHEREAS, on November 5, 2019 the undersigned FALMOUTH HOUSING TRUST, INC., a non-profit Massachusetts corporation, with an office address at 200 Main Street, Falmouth, Massachusetts ("FHT") received a vote from the FALMOUTH PLANNING BOARD ("FPB") as to a determination of access with respect to Parcel C2 on Lewis Neck Road, East Falmouth, Massachusetts as shown on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 641 Page 33 ("Parcel C2"); and

WHEREAS, the work required to comply with the terms and conditions of the determination of access has not been done because the FHT has not acquired title to Parcel C2; and

WHEREAS, the FHT has assured the FPB that it intends to complete the work required to comply with the determination of access upon acquiring title to Parcel C2; and

WHEREAS, the vote by the FPB as to the said determination of access is documented in a letter dated November 21, 2019 from the Falmouth Town Planner to the Falmouth Building Commissioner and filed with the Falmouth Town Clerk, a copy of which is attached hereto as Exhibit A and recorded herewith; and

WHEREAS, on November 26, 2019 the FPB voted to endorse as Approval Not Required a Plan dated September 13, 2019, Revised November 20, 2019, with respect to Parcel C2 that contains a note: "See Falmouth Planning Board Determination of Access to Parcel C2 voted November 5, 2019" (the "ANR Plan"); and

WHEREAS, this COVENANT sets forth the agreement by and between the FHT and the Town of Falmouth and the FPB with respect to the FPB's endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.

NOW THEREFORE, FHT covenants and agrees with the FPB and the Town of Falmouth as follows:

This Covenant shall be recorded with the Barnstable County Registry of Deeds simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the FHT and it shall be effective as of the date of such recording and shall bind the parties and their successors and assigns.

A building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of

Plan 683/91

4

access (Exhibit A) have been met as set forth in sec. 240-179.1C "Permits" of the Falmouth Zoning Bylaw.

EXECUTED as a sealed instrument on December 6, 2019.

FALMOUTH PLANNING BOARD

FALMOUTH HOUSING TRUST, INC.

Patricia Kerfoot
Patricia Kerfoot, Chairman

Joanne O'Sullivan
By: its President, Joanne O'Sullivan

Charlotte Harris
Charlotte Harris, Vice Chairman

Susan Roman
By: its Treasurer, Susan Roman

Paul Dreyer
Paul Dreyer

Robert Leary
Robert Leary

John Druley
John Druley

Pamela Harting-Barrat
Pamela Harting-Barrat

Jim Fox
Jim Fox

ACCEPTED by the Town of Falmouth

Julian Suso
By: Julian Suso, Town Manager 12/9/19

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 6th day of December, 2019, before me, the undersigned notary public, personally appeared Joanne O'Sullivan, proved to me through satisfactory evidence of identification, which was PERSONAL KNOWLEDGE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of Falmouth Housing Trust, Inc.

Donna M. Sybert
Notary Public
My Commission Expires: 11/4/2022
(SEAL)

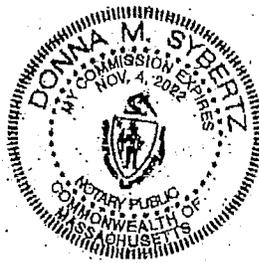


EXHIBIT A

Access Determination of the Falmouth Planning Board



Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

November 21, 2019

Rod Palmer, Building Commissioner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Determination of Access for One Dwelling – Parcel C2, Lewis Neck Road, East Falmouth, MA
Falmouth Assessors Map # 40 03 001C 002C

Dear Mr. Palmer:

At its meeting of November 5, 2019, the Planning Board voted access to the above referenced parcel is adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby with the following conditions:

1. Lewis Neck Road from Irene to the subject property, Parcel C-2 should be cleared of brush for its length from Irene across the frontage of Parcel C2 to a width of 18 feet and 13 feet of height.
2. Lewis Neck Road shall have potholes filled in front of the property across the frontage of Parcel C2.
3. This decision is not a determination that the applicant has any rights to enter onto private property for this purpose.
4. This determination applied to Parcel C2 only and it's not a finding that any other property along Lewis Neck Road is eligible for a similar determination of access.

MOTION by R.Leary/J.Druley
Voted 5-0-1

Sincerely,

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant

BUILDING PERMIT



Town of Falmouth
 59 Town Hall Square
 Falmouth, MA 02540
 508-548-7611

Permit #

2020-1834

Parcel ID: 40 03 001C 002C

Date: 4/10/2020

Applicant: Greg Clancy Construction

Work: 508-444-6801

Location: 55 LEWIS NECK RD

Work Description: B Residential New

RESIDENTIAL 3 bedroom 2 bath deck and open porch

Contacts:	Contact Type:	Work Phone:
Greg Clancy Construction	CONTRACTOR	508-265-4911

Owner Info:	Home Phone:	Work Phone:	Cell Phone:
PILDIS TRUSTEE ELLEN W			

Required Inspections:

Building Inspections	Plumbing Inspections	Electrical Inspections
Sono Tubes:	Underground:	Service:
Foundation:	Rough:	Rough:
Sheathing:	Final:	Final:
Framing:	Gas Inspections	HVAC INSPECTIONS
Insulation:	Underground:	Rough:
Final:	Rough:	Final:
Fire:	Final:	
Zoning Board of Appeals:	Bd of Health:	Con Comm:

Fees:

Residential New Single Family Dwelling	\$1,600.00
Total:	\$1,600.00

All work shall comply with all local and state building regulations and is subject to approval. This notice is to be displayed conspicuously at the job site.

Authorizing Signature: _____

ATTACHMENT 8

MEETINGS/COMMUNICATIONS WITH TOWN OF FALMOUTH
OFFICIALS AND COMMITTEES

**Falmouth Housing Trust, Inc.
Lewis Neck Road**

**Meetings/Communications with Town of Falmouth officials and committees
by Falmouth Housing Trust, Inc. representatives**

May 22, 2018-Met with Planning Board to discuss Lewis Neck Road project

Feb 25, 2019-Met with Carla Feroni, Housing Coordinator about FHT upcoming projects

March 14, 2019-Attended Community Preservation Committee hearing to discuss Town needs and talked about project with Town Manager, Julian Suso, present

March 26, 2019-Met with Assistant Town Manager, Peter Johnson Staub, to discuss FHT affordable housing plans which included Lewis Neck

April 16, 2019-Forwarded Town Planner, Tom Bott, preliminary site plan

April 18, 2019-met with Zoning Administrator, Noreen Stockman, about project

April 25, 2019-Met Fire Security Officer, Boyd DeMello, at site and received a positive email on 6/18 about there being adequate access

May 9, 2019-Met with Town Planner, Tom Bott, about project

June 25, 2019-Presented Site to Planning Board for development of affordable housing at public meeting

Oct 17, 2019 – Met with Mel Trott from Fire Department about project

Oct 18, 2019 – Met with Mel Trott from Fire Department at site about project

Feb 24, 2020 – Met with Water Superintendent Steve Rafferty about vacant land in Falmouth for housing development and discussed Lewis Neck Road

Feb 25, 2020 – Met with Assistant Town Manager Peter Johnson Staub about vacant land in Falmouth for housing development and discussed Lewis Neck Road.

Discussed the project at the following Affordable Housing Meetings:

January, 2019, February, 2019, April, 2019, May, 2019, June, 2019, July, 2019 and subsequent meetings into 2020 with Town Housing Coordinator, Carla Feroni, in attendance and Selectmen Sam Patterson in attendance at some meetings.

ATTACHMENT 9

TOWN OF FALMOUTH AFFORDABLE HOUSING FUND
PRIORITIES

Appendix 7 Falmouth Affordable Housing Fund Priorities

Established by Ch. 29 of the Acts of 2011
Board of Selectmen, Trustees

59 Town Hall Square
Falmouth, Massachusetts 02540
(508) 495-7344

BOARD OF TRUSTEES' 2018 FUNDING PRIORITIES

The following priorities are primarily based on the Falmouth Housing Production Plan 2009-2014 and will be considered by the Board of Trustees when making funding determinations.

Neighborhood Context, Design, and Sustainability

- Create and preserve affordable housing with an increased density that is compatible with surrounding homes and neighborhoods.
- Create and preserve affordable housing that is consistent with the Commonwealth's Sustainable Development Principles.
- Affordable housing that is dispersed throughout town and in mixed-income developments.

Multi-Family & Mixed-Use

- Create multi-family houses in the villages and mixed-use developments for adaptive reuse of commercial/retail buildings in locations consistent with the Local Comprehensive Plan.

Land Conservation

- Create affordable housing that is consistent with community land conservation goals and objectives, including rehabilitation of existing structures, infill development in existing neighborhoods, and Open Space Residential Design projects.

Target Populations

- Low- income households with incomes up to 80% of the Area Median Income (AMI)
- Larger families needing 3+ bedrooms
- Seniors and elderly units with support services for programs/projects to support "aging in place"
- Persons with disabilities
- First time home buyers

Increase # of Affordable Units in Proposed Developments

- Create more affordable units than proposed in affordable housing developments, including those proposed and required through Comprehensive Permit Applications
- Workforce housing for households with income up to 100% of the AMI for units in excess of the 25% required by a comprehensive permit
- Workforce housing for households with income up to 100% of the AMI for units that are created without a comprehensive permit.

Preservation of Deed Restricted Affordable Units

- Preserve deed restricted units that are subject to re-sale or foreclosure

Program: Owner Occupied Rehabilitation

- Create a rehabilitation assistance program for low- and moderate income owners unable to afford necessary improvements. Such a program would need to be crafted for compliance with the Community Preservation Act or funded from a source other than CPA.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

RESOLUTION

WE, the undersigned members of the Select Board (formerly known as the Board of Selectmen) of the Town of Falmouth, a municipal corporation, in Barnstable County, Massachusetts hereby adopt the following resolution:

Acting under the authority of Article 52 of the October 24, 1989 Special Town Meeting held in Falmouth, Massachusetts (a copy of which is attached hereto), the Select Board affirms the sale of real property of the town in the name of the Lieutenant James M. Pafford, Jr. Essay Fund, Lot 39 of Block 2 of Palm Coast, Map of Belle Terre Section 17 according to the plat thereof as recorded in Map Book 7, Page 13 of the public records of Flagler County, Florida to JM Properties X for the consideration of \$18,000.00 and we further authorize Julian M. Suso, the duly appointed and presently serving Town Manager of the Town of Falmouth, to sign, seal, execute, acknowledge and deliver a deed of the same to the buyer to complete the sale and to receive the consideration on behalf of the Town of Falmouth.

Dated at Falmouth, Massachusetts this 13th day of July, 2020

SELECT BOARD OF THE TOWN OF FALMOUTH

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

July 13, 2020

DRAFT ONLY

Mr. Michael Fenlon
1415 Commonwealth Avenue
Newton, MA 02465

Subject: Seawall Repair off Gardiner Avenue in Falmouth, MA

Dear Mr. Fenlon,

The maintenance of the seawall located at 50, 54 and 58 Gardiner Road in Falmouth, Woods Hole, has been of benefit to the Town of Falmouth in providing protection to portions of Gardiner Road and related areas from damage related to flooding from storms and other events. I understand that following storm damage to the seawall in 2018, you obtained permission from the Falmouth Conservation Commission to make repairs. I further understand that you undertook and paid for such repairs.

The Town of Falmouth provided no goods or services to any of the donors in consideration for the reconstruction of this seawall.

Sincerely,

Julian M. Suso
Falmouth Town Manager

**Falmouth Affordable Housing Fund Application:
Falmouth Housing Corporation - Gifford Workforce Housing Phase II, 591 Gifford Street**

MOTION: That the Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, award \$585,000 to the Falmouth Housing Corporation for the Gifford Workforce II project located at 591 Gifford Street subject to Town Meeting appropriation of additional funds to the Falmouth Affordable Housing Fund and subject to conditions to be outlined in a commitment letter prepared by the Town Manager.

Summary

The Falmouth Affordable Housing Fund (FAHF) Working Group recommends an award of \$65,000 for each of the 10 units of affordable rental housing consistent with the Funding Allocation Guideline adopted by the Select Board on 4/22/2019 – see attached. The Select Board previously awarded \$65,000 for one unit for this project on 12/16/2019. At that time, there was an insufficient balance of funds in the FAHF to award funds for all 10 units and the project timeline would not have been slowed by waiting for additional funds to be made available to the FAHF by a vote at the planned Town Meeting on 4/13/2020. With Town Meeting being delayed due to COVID-19, the applicant is seeking a formal award conditioned on Town Meeting approval to transfer additional funds to the FAHF. The request of \$585,000 represents \$65,000 for 9 units which would bring the total award for this 10-unit project to \$650,000. This request has been presented to the CPC at their July 9, 2020 meeting.

Project Overview

The Falmouth Housing Corporation (FHC) submitted an application for \$585,000 to the FAHF for Phase II of the Gifford Workforce Housing development. Gifford Workforce II is a 10 unit new construction affordable rental development located at 591 Gifford Street on a parcel that is owned by the FHC. This is the second application for this project. The Total Development Cost is \$2,960,000. Phase I of the Gifford Workforce Housing development received \$650,000 from the Falmouth Affordable Housing Fund (FAHF) on 5/2/2018 and also consists 10 units of affordable rental housing. Phase 1 is now nearing completion.

This second phase of the project is for 10 rental units all being affordable. Eight 1-bedroom unit is affordable at 80% of the Area Median Income (AMI) and will rent for \$1,175 per month and two 1 bedroom units are affordable at 50% of the AMI and will rent for \$858 per month. The design involves two buildings, one with 4 units and another with 6 units. The project was awarded a Comprehensive Permit from the Zoning Board of Appeals on November 15, 2018, and a modification was granted on September 24, 2019, as an insubstantial change to divide the project site into two lots for the purpose of financing. The project is receiving a state subsidy.

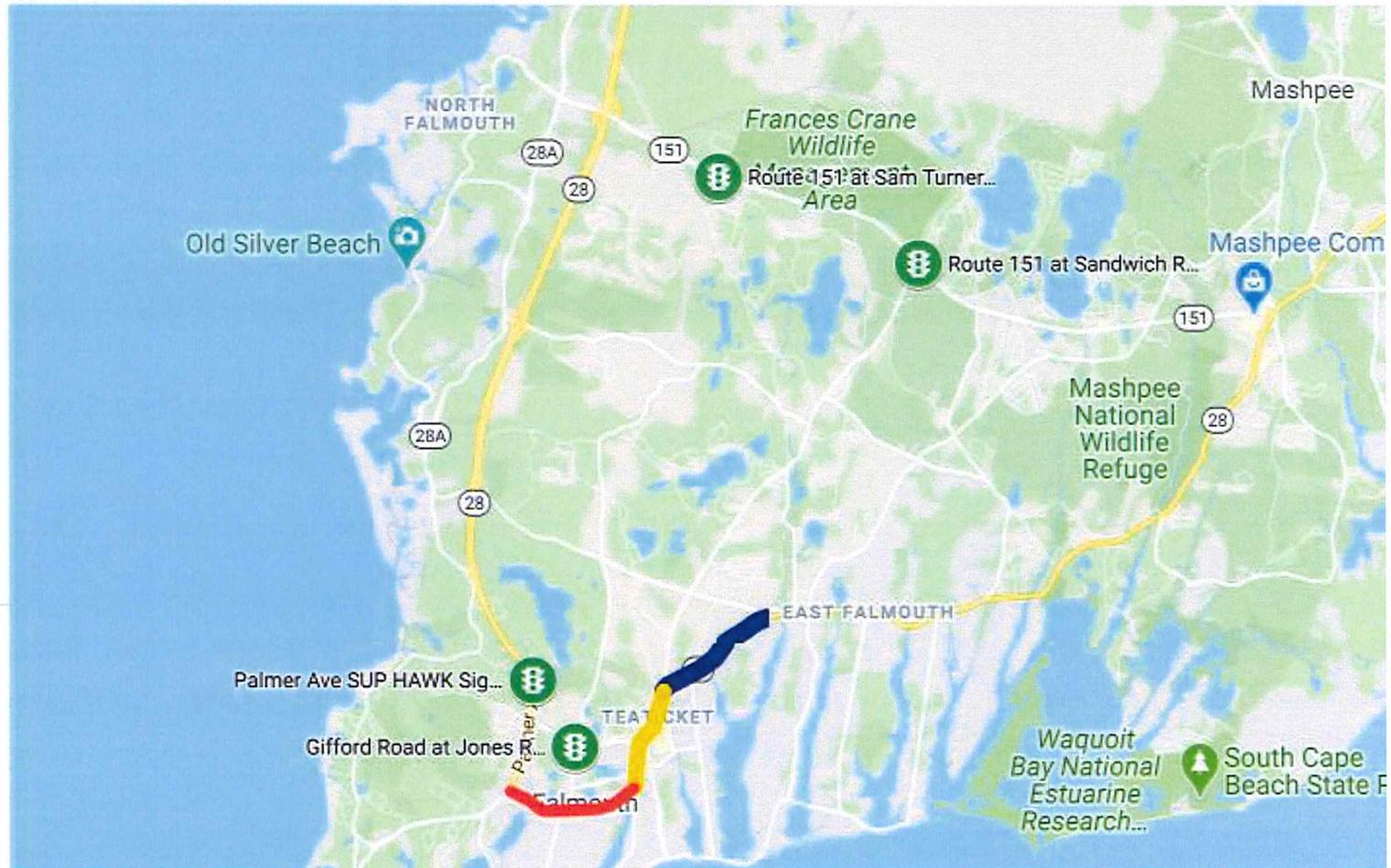
This development has been through a very thorough vetting process in its conception and design and has had significant town support through the permitting process and in the award of FAHF funds. The development team is very experienced and has built and managed several affordable housing developments in Falmouth totaling 198 units. The biggest challenge for the project (and many others in the pipeline) is the overall economic climate due to the COVID 19 crisis. The total development cost per unit is \$282,500 and is in the lower range of recent new construction, multi-family developments.

As noted earlier, this project consists of 10 total units; eight (8) of units which will be affordable to households at/below 80% AMI with two (2) units available to households at /below 60% AMI and all will

be rentals. The development team consists of a very experienced project manager and property management team, and should be able to deliver a successful project once financing is in place.

Current GPI Projects

-  Gifford Road at Jones Road
-  Palmer Ave SUP HAWK Signal
-  Route 151 at Sam Turner Rd and Boxberry Hill Rd
-  Route 151 at Sandwich Road
-  Route 28 Segment 1
-  Route 28 Segment 2
-  Route 28 Segment 3



Falmouth Projects - Summary Overview

Presented to: Falmouth Board of Selectmen

Date: July 13, 2020

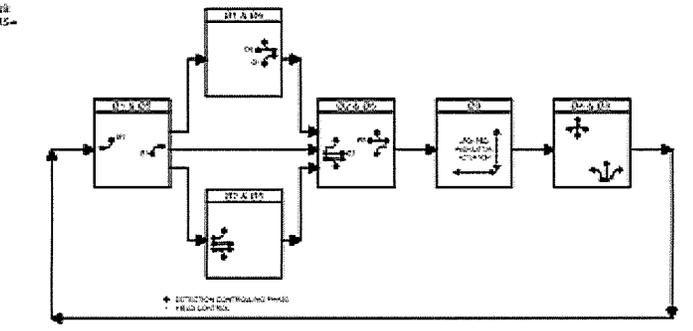
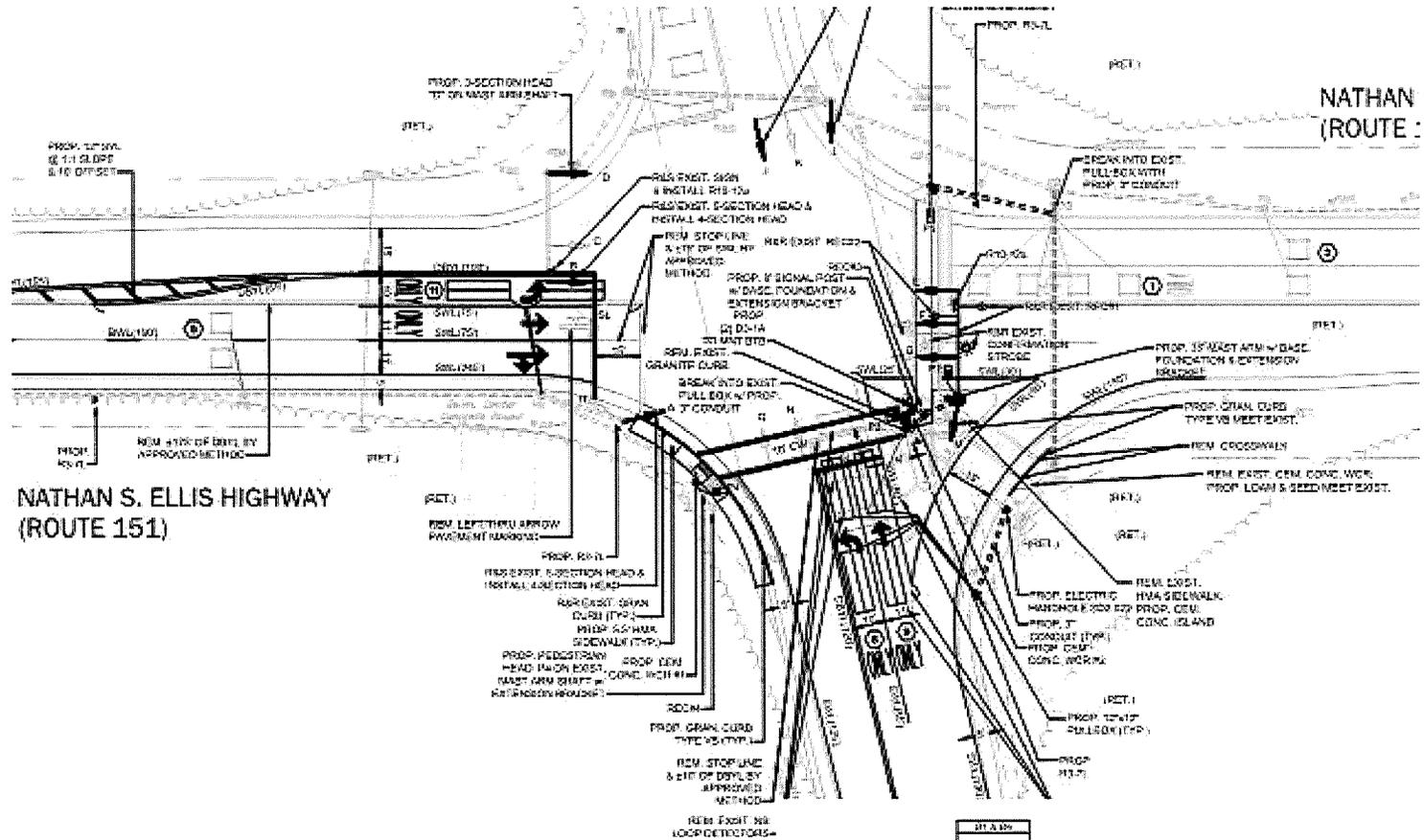


Engineering | Design | Planning | Construction Management

Route 151 at Sandwich Road

STATUS

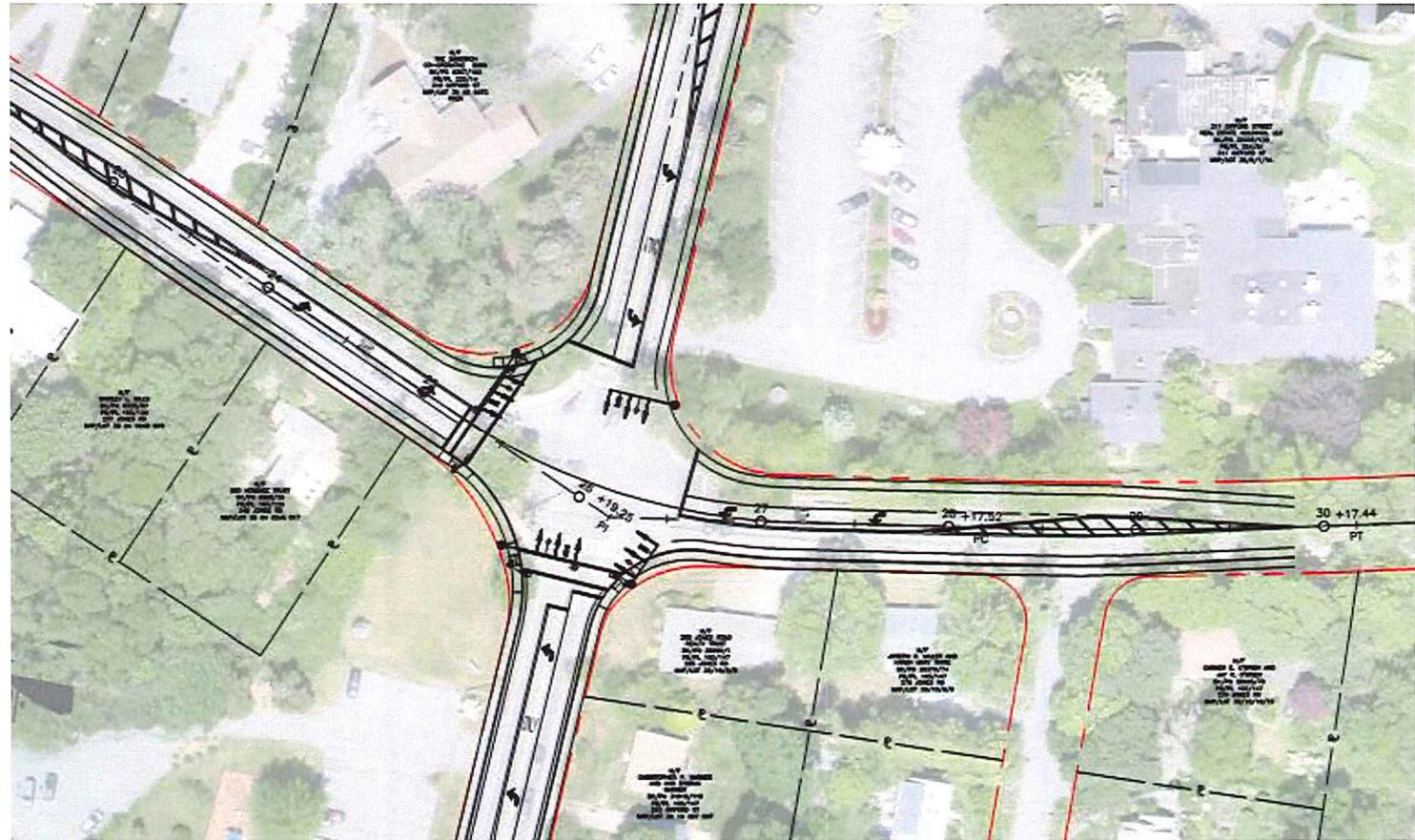
- Design Complete
- MassDOT Approval
- Test Borings to be Completed
- Advertise for Construction



Jones Road at Gifford Road

STATUS

- Preliminary Design Complete
- Test Borings to be Completed
- Complete Final Design
- Advertise for Construction



Route 151 at Sam Turner Road

~\$2.5 mil

ROW Impacts: ~32,400 sf

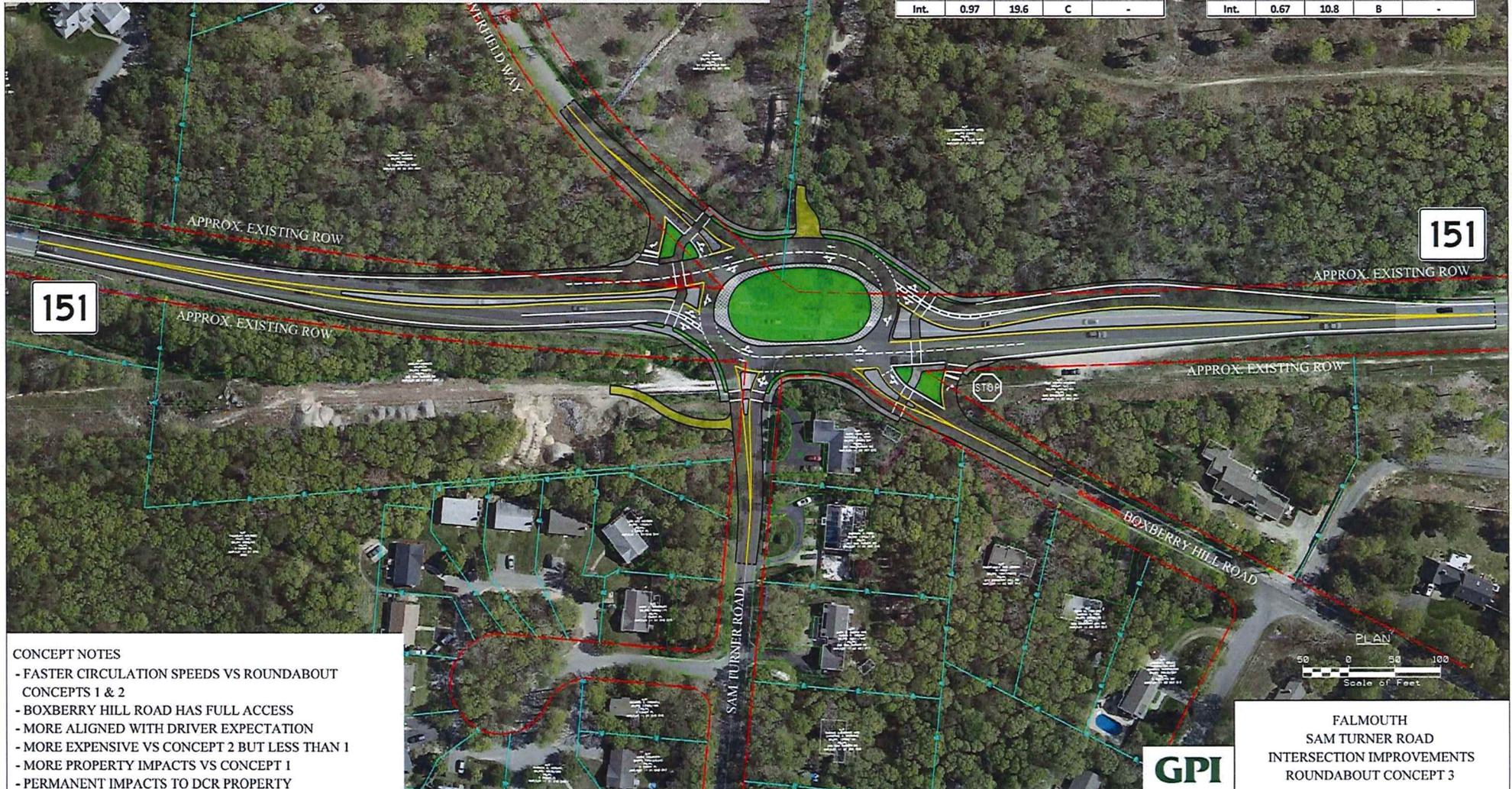
CONCEPTUAL PLAN - NOT FOR CONSTRUCTION

WEEKDAY AM - PEAK HOUR

	V/C	Delay (s)	LOS	95th % Queues
EB	0.49	7.0	A	81.9 ft
WB	0.97	28.4	D	1371 ft
NB	0.20	8.3	A	<25 ft
NWB	0.27	10.2	B	25.1 ft
SB	0.09	18.0	C	<25 ft
Int.	0.97	19.6	C	-

WEEKDAY PM PEAK HOUR

	V/C	Delay (s)	LOS	95th % Queues
EB	0.67	11.5	B	160.1 ft
WB	0.61	8.9	A	120.3 ft
NB	0.32	18.5	C	27.8 ft
NWB	0.21	14.1	B	<25 ft
SB	0.04	7.9	A	<25 ft
Int.	0.67	10.8	B	-



CONCEPT NOTES

- FASTER CIRCULATION SPEEDS VS ROUNDABOUT CONCEPTS 1 & 2
- BOXBERRY HILL ROAD HAS FULL ACCESS
- MORE ALIGNED WITH DRIVER EXPECTATION
- MORE EXPENSIVE VS CONCEPT 2 BUT LESS THAN 1
- MORE PROPERTY IMPACTS VS CONCEPT 1
- PERMANENT IMPACTS TO DCR PROPERTY

FALMOUTH
SAM TURNER ROAD
INTERSECTION IMPROVEMENTS
ROUNDABOUT CONCEPT 3

Roundabout Alternative



CONCEPT NOTES

- SINGLE SIGNALIZED INTERSECTION WITH FIVE LEGS
- LEAST DESIREABLE LAYOUT OF THE SIGNALIZED INTERSECTION ALTERNATIVES
- LEAST EXPENSIVE SIGNAL ALTERNATIVE
- MINOR ROW IMPACTS

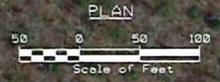


WEEKDAY AM PEAK HOUR

	V/C	Delay (s)	LOS	50th % Queues	95th % Queues
EBL	0.37	51.3	D	6ft	25 ft
EBT	0.56	14.5	B	109 ft	176 ft
WBL	0.62	63.7	E	9 ft	35 ft
WBT	0.90	24.8	C	156 ft	231 ft
NBT	0.71	48.3	D	63 ft	117 ft
SBT	0.06	32.4	C	14 ft	47 ft
NWL	0.09	36.6	D	240 ft	457 ft
NWL	0.81	23.6	C	-	-

WEEKDAY PM PEAK HOUR

	V/C	Delay (s)	LOS	50th % Queues	95th % Queues
EBL	0.57	73.4	E	34 ft	58 ft
EBT	0.90	22.9	C	183 ft	290 ft
WBL	0.84	90.1	F	26 ft	65 ft
WBT	0.52	10.7	B	59 ft	131 ft
NBT	1.01	132.8	F	69 ft	132 ft
SBT	0.01	35.9	D	12 ft	38 ft
NWL	0.04	38.1	D	36 ft	74 ft
NWL	0.85	24.4	C	-	-



~\$2.4 mil
ROW Impacts: ~3,300 sf

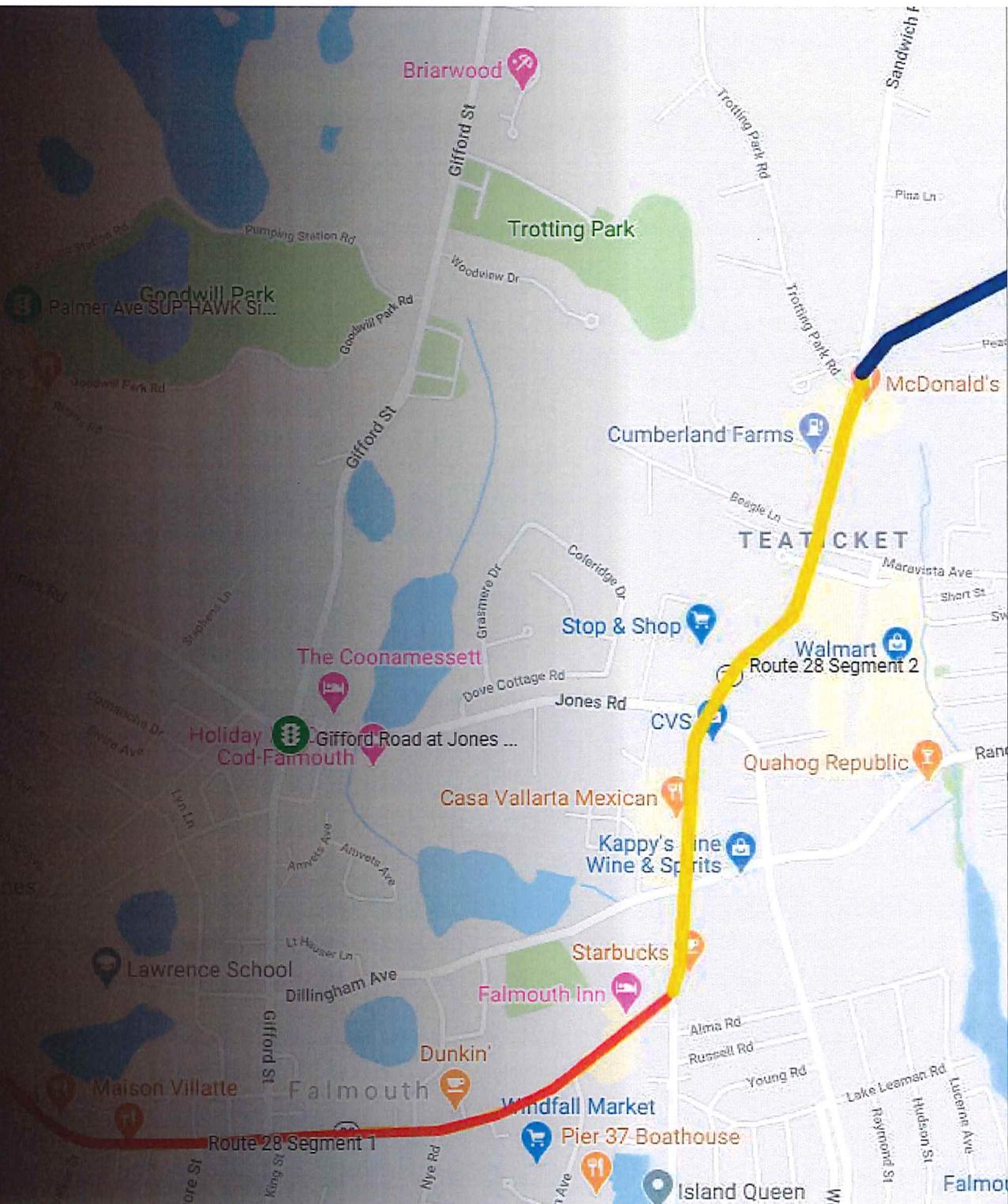
ACTUAL PLAN - NOT FOR CONSTRUCTION

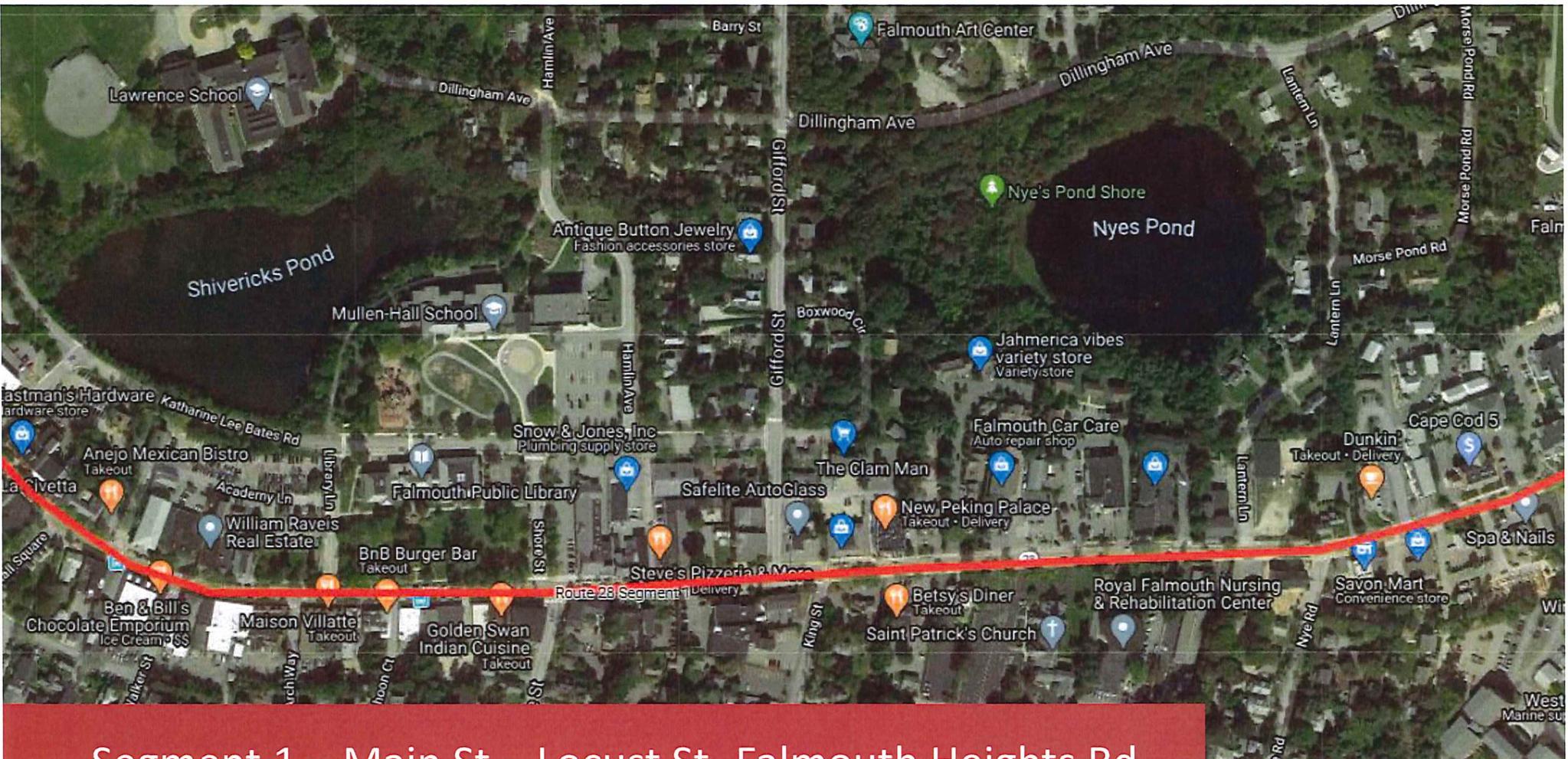


FALMOUTH
 SAM TURNER ROAD
 INTERSECTION IMPROVEMENTS
 SIGNAL CONCEPT 1

Traffic Signal Alternative ~\$2.4 mil

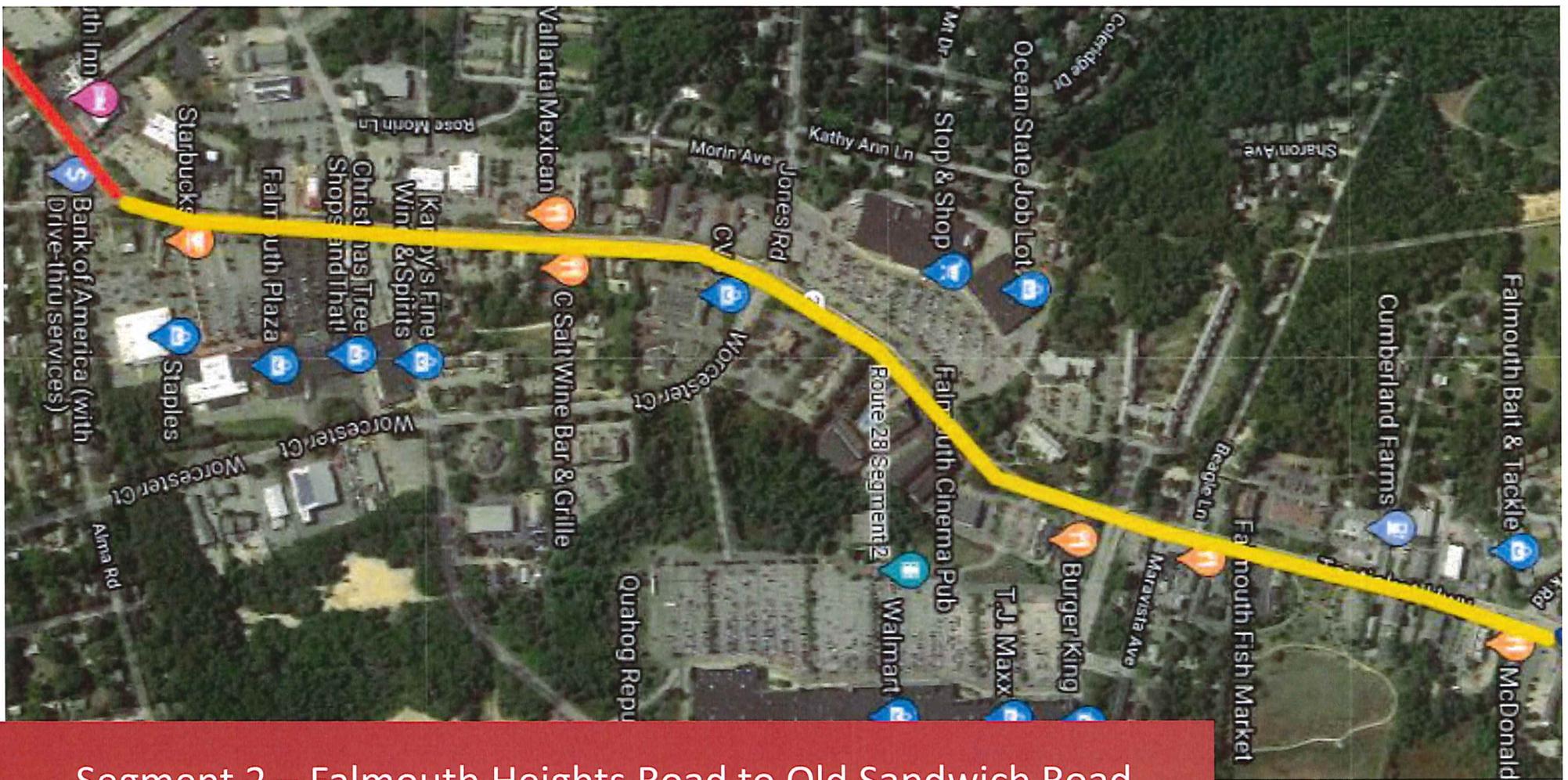
Route 28 Reconstruction





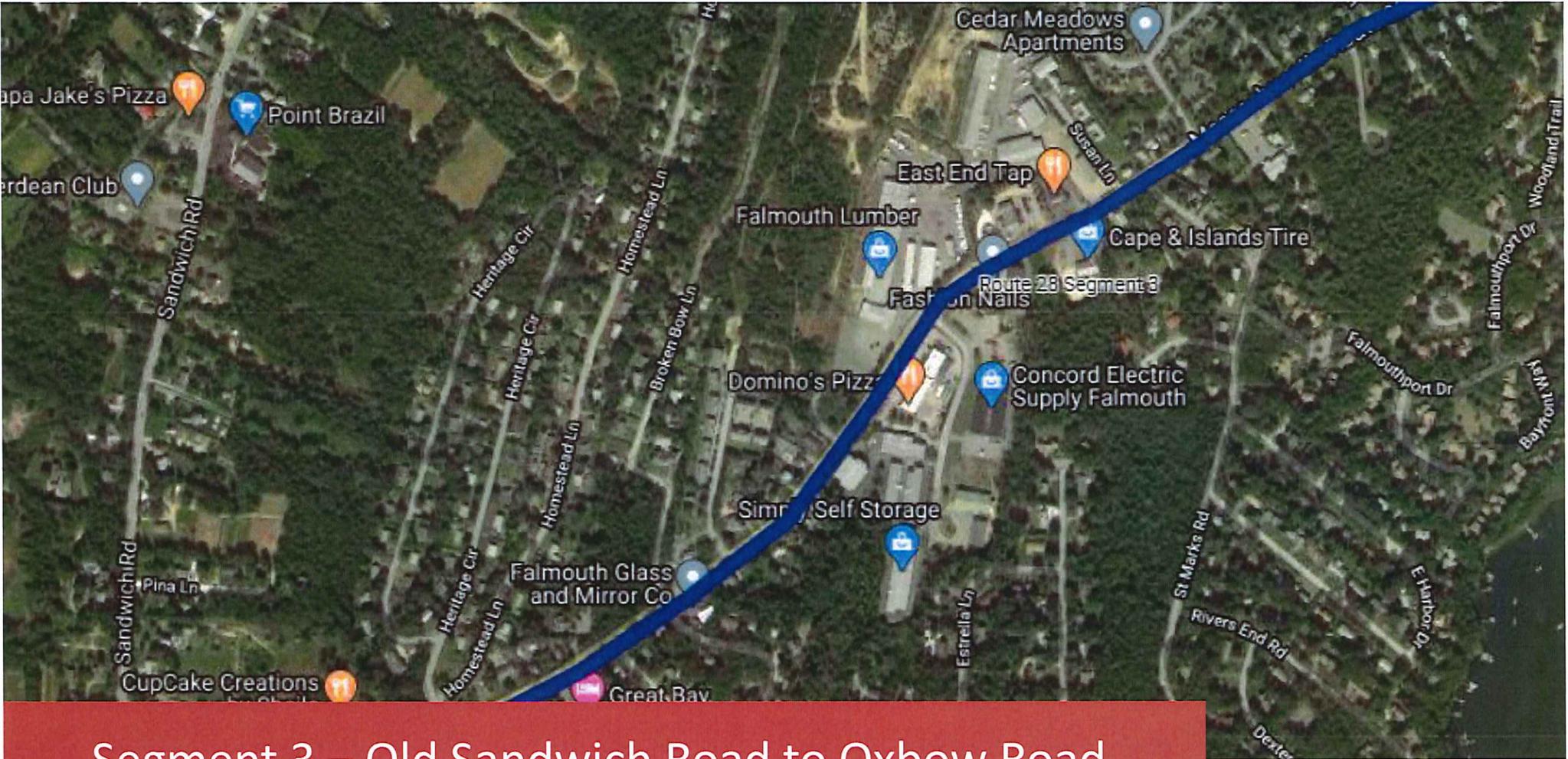
Segment 1 – Main St – Locust St- Falmouth Heights Rd

- Municipally owned
- Primarily restriping and ADA upgrades
- WCR, Crosswalk & Sidewalk
- No significant change to curblines



Segment 2 – Falmouth Heights Road to Old Sandwich Road

- MassDOT Jurisdiction
- Includes Roundabout at Falmouth Heights Road
- General concept of previous plan to be tweaked to conform with current MassDOT Standards
- Need to Coordinate Design Concepts with MassDOT District 5
- Need to Provide Pedestrian and Bicycle Access throughout corridor
- Commercial Area with High Driveway Density
- Further Public Outreach will be Required



Segment 3 – Old Sandwich Road to Oxbow Road

- MassDOT Jurisdiction
- Current Design Does Fully Not Comply with Design Standards
- General concept of previous plan to be tweaked to conform with current MassDOT Standards
- Need to Coordinate Design Concepts with MassDOT District 5
- Need to Provide Pedestrian and Bicycle Access throughout corridor
- More Residential/Less Commercial Section
- May be Opportunities for more Aesthetic Enhancements
- Further Public Outreach will be Required

Diane Davidson

From: Peter McConarty
Sent: Monday, June 15, 2020 1:30 PM
To: Diane Davidson
Subject: Future BOS meeting agenda request - Great Bay Street Closing.
Attachments: Road Closure Plan.pdf; Roadway Closure Letter.pdf

Hi Diane,

I have received a request from Great Bay Street abutters to close additional portions of Great Bay Street. I have received notification back from both Chief Dunne and Chief Small that their departments do not have any concerns.

Can this item be placed on a future BOS agenda.

Please Let me know.

Thank you,
Peter

Peter M. McConarty, P.E., P.L.S. | Director
Falmouth Department of Public Works
416 Gifford Street, Falmouth, MA 02540
P: 508.457.2543

March 30, 2020

Peter M. McConarty, P.E., P.L.S.
Interim Director of Public Works
416 Gifford Street
Falmouth MA 02540

Ref: Great Bay Street Road Closure Request

Dear Mr. McConarty,

All of the undersigned are writing you with the hope it will be possible to close sections of Great Bay Street as has been done with other sections of Great Bay Street due to significant erosion.

We are requesting that consideration be made to block at four locations. Boulder at Brockton Street/Great Bay Street, another at Ardmore Street/Great Bay Street another at Sycamore Street/Great Bay Street and one at Menauhant Road and Great Bay Street.

We are also requesting that "dead end" road signs be placed on Ardmore, Fenton Sycamore, and Cataumet Streets so vehicles will be on notice that thru traffic will not be possible. We all thank you for your consideration and look forward to knowing what further information you might require.

Respectfully presented,

Richard Gaeta Marilyn Gaeta
Richard & Marilyn Gaeta
35 Ardmore Street
East Falmouth MA 02536

Robert Duffy Sharon Duffy
Robert & Sharon Duffy
283 Great Bay Street
East Falmouth MA 02536

George Condos Laurie Condos
George & Laurie Condos
299 Great Bay Street
East Falmouth MA 02536

David Graves Kim Graves
David & Kim Graves
287 Great Bay Street
East Falmouth MA 02536

Matthew Cox Finola Cox
Matthew & Finola Cox
32 Sycamore Street
East Falmouth MA 02536

Steve Ellis Maureen Ellis
Steve & Maureen Ellis
303 Great Bay Street
East Falmouth MA 02536



GREAT BAY STREET

Roadway Section Closure Plan Recommendation

Peter McConarty, PE, PLS
Director of Public Works
July 13, 2020

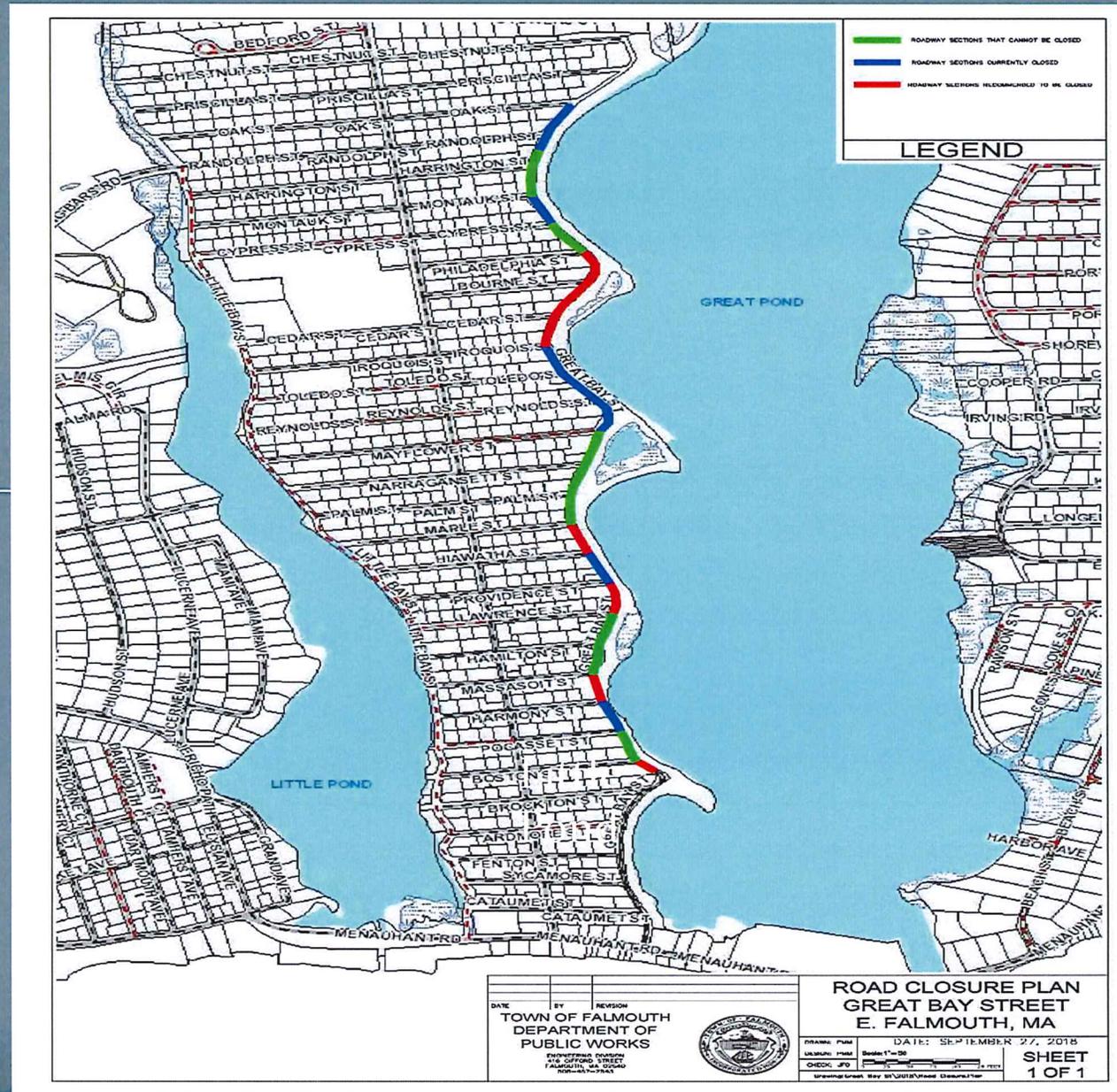
Great Bay Street – Chestnut Street to Menauhant Road

Total Roadway Length = 6,830'



Great Bay Street – Chestnut Street to Menauhant Road

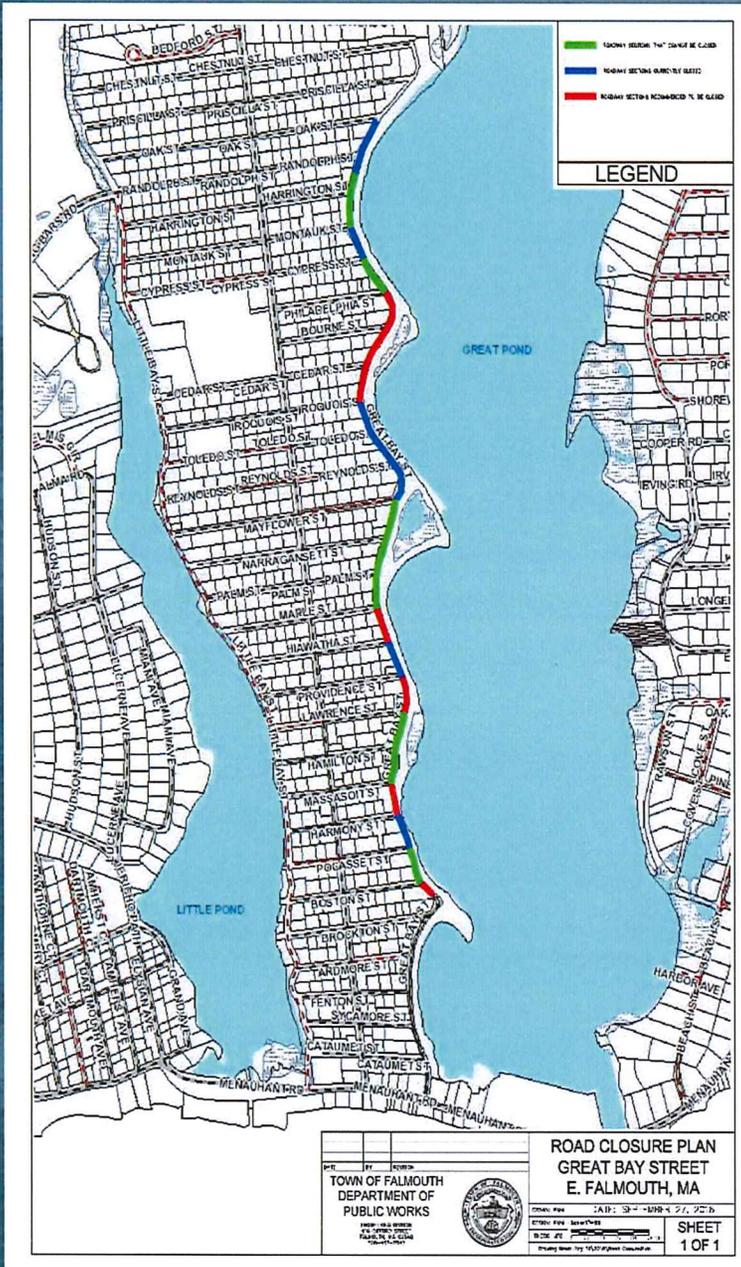
Total Roadway Length = 6,830' (1.3 Miles)



Great Bay Street – Chestnut Street to Menauhant Road

2013-2014 Roadway Section Closings

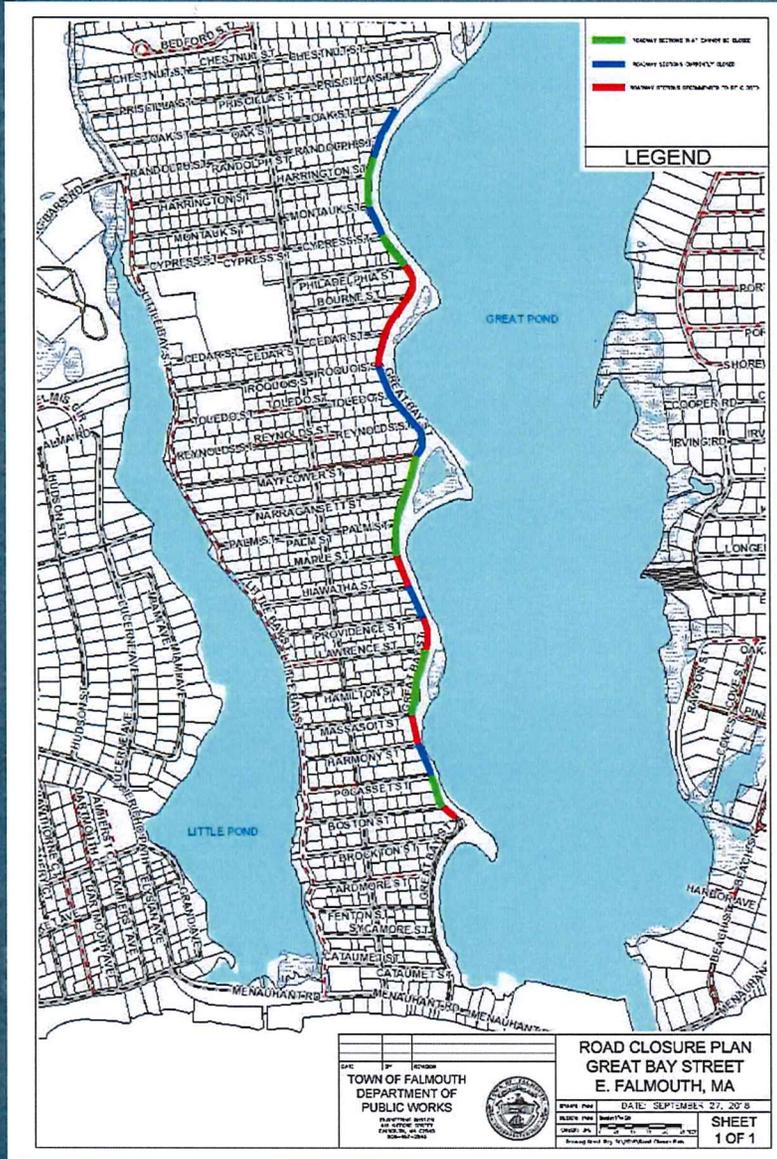
1. Oak St to Harrington Street.
2. Randolph Street to Harrington Street
3. Montauk Street to Cypress Street.
4. Iroquois Street to Toledo Street.
5. Toledo Street to Reynolds Street.
6. Reynolds Street to Mayflower Street.
7. Hiawatha Street to Providence Street.
8. Harmony Street to Pocassett Street.



Great Bay Street – Chestnut Street to Menauhant Road

2018 Roadway Section Closings

1. Philadelphia Street to Bourne Street
2. Bourne Street to Cedar Street
3. Cedar Street to Iroquois Street
4. Maple Street to Hiawatha Street
5. Providence Street to Lawrence Street
6. Massasoit Street to Harmony Street
7. Boston Street to Brockton Street
(Before Public Landing)



Great Bay Street 2020 Roadway Section Closing

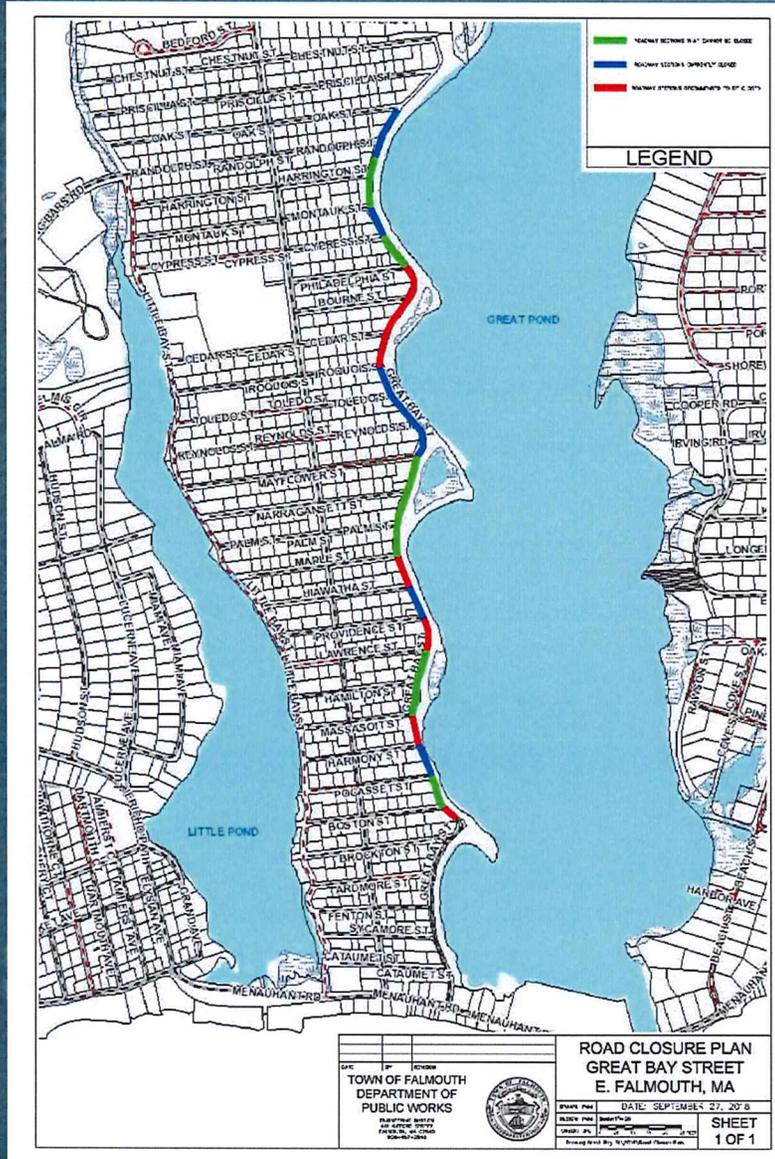


Menauhant Road to Brockton Street

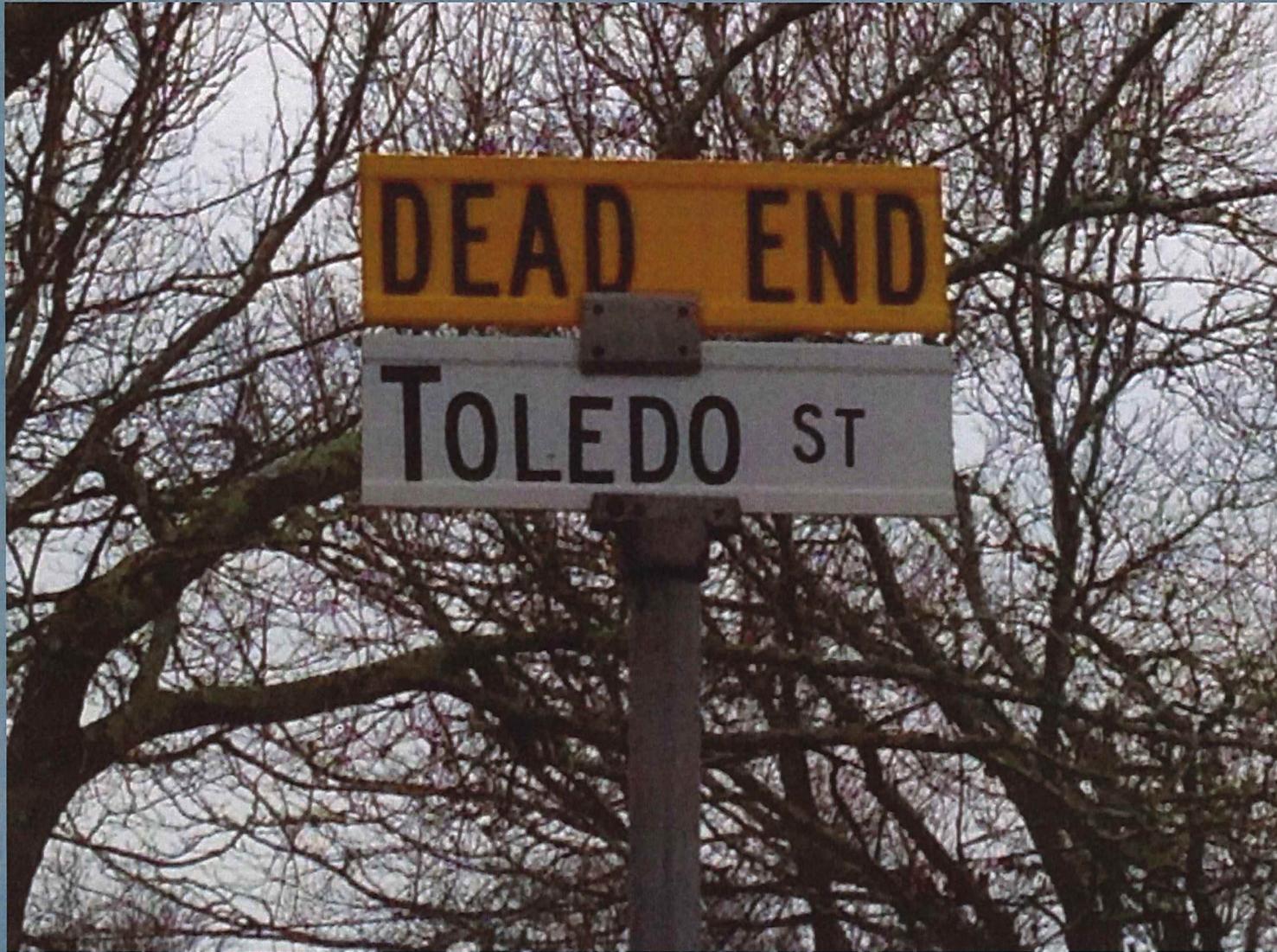
Great Bay Street – Brockton Street to Menauhant Road

2020 Roadway Section Closings

1. Brockton Street to Ardmore Street
2. Ardmore Street to Fenton Street
3. Fenton Street to Sycamore Street
4. Sycamore Street to Cataumet Street
5. Cataumet Street to Menauhant Road



Posting Great Bay Street Road Closures



Dead End Signs Will Be Installed At All Closed Roads

Great Bay Street – Chestnut Street to Menauhant Road

Total Roadway Length = 6,830'



Coastal Resiliency Action Committee

Composition:

- One Conservation Commission member appointed by the Commission.
- One Planning Board member appointed by the Planning Board.
- Three members at large appointed by the Board of Selectmen based upon qualifications to advance coastal resiliency planning and implementation. Relevant knowledge or expertise includes:
 - Environment sciences related to wetlands, coastal systems, climate change, etc.
 - Engineering fields related to erosion control, coastal infrastructure, etc.
 - Knowledge of State and Federal Grant opportunities, grant writing.
- One alternate member at large appointed by the Board of Selectmen with qualifications as listed above.
- Staff Liaison

Purpose:

The purpose of this committee is to prepare action plans for submission to the Board of Selectmen to address the risks and hazards to coastal infrastructure and coastal properties that may be caused by coastal erosion, storms and sea level rise. Board of Selectmen has requested a completion date of May 15, 2020.

BOS APPROVED MISSION STATEMENT
Citizens Advisory Committee – Future Fire Station
Adopted by the Board of Selectmen February 10, 2020

Introduction and Background

This is a proposed temporary Committee, convened for a specific purpose to be further defined below. The Committee is to consist of nine members, preferably with at least one from each of the Town eight villages to facilitate a strategically-important Town-wide representation of interests. Upon completion of the Committee's final recommendation to the Board, its function will have been performed and it will be disbanded.

Mission/Purpose

This Committee is to convene meeting at the earliest reasonable time following Selectmen appointment. They are to select a Chair, Vice-Chair and Recording Secretary, will select an agreeable meeting date, time and place and will post all Committee meetings, prepare and approve minutes consistent with the Commonwealth Open Meeting Law.

The Committee is charged with reviewing written background information provided in the Final Report of the Consultant engaged by the Town for analyzing Fire Department multi-year run information and providing findings on potential alternative locations for a new Town Fire Station. This will be supplemented by input, options and information provided by Fire Chief Small and Town Manager Suso as well as other involved Town staff members and Falmouth citizens. The Committee is asked to proceed in a workmanlike and efficient manner in facilitating a final recommendation to the Board of Selectmen on one/more feasible sites for this potential new Fire Station, including relative positives and negatives for each such potential site. It is the intention of the Board to encourage consistent and steady progress to timely reach this final recommendation, as it is in the public safety interest to facilitate moving to closure on this important matter. The Committee is asked to complete its work and transmit a final Report with recommendations to the Board of Selectmen by July 1, 2020.

REPORT

TO: Select Board

FROM: Julian M. Suso

DATE: July 10, 2020



- The Board will convene in virtual executive session at 6:30PM on Monday, July 13 for a report on a draft negotiation settlement with Public Works as well as a report from Town Counsel and the ZBA on the Lyberty Green appeal voted by the ZBA. As a reminder, earlier today Diane Davidson emailed all Board members with “Zoom access information (and password)” exclusively for this executive session.
- During your open meeting session, I will be requesting your consideration of affirming the appointment of Edwin Rivera as Fleet Services Manager for the Town. Information on Mr. Rivera’s background is included in your Board packet.
- Under “Administrative Orders,” the Board is asked for multiple considerations, including the following: (a) action to authorize a “draft” Project Eligibility Letter for the proposed 40B Project on Lewis Neck Road. As a reminder, this is a project location which has been significantly controversial, including involving actions by the Planning Board. Town Counsel will be in attendance to assist with legal questions, as this project history goes back a bit. (b) action to adopt a resolution affirming a long-awaited property sale in Florida – originally gifted to the Town to source a scholarship fund in the School Department. (c) acknowledgement of a private contribution to repair/maintenance of a seawall protecting a portion of Gardiner Road and other private areas.
- In the “Business” portion of your meeting, we will be providing a routine update on COVID-19 issues, including specifically a report on social distancing matters relating to Town beaches and a report on municipal beach parking limits.
- With the assistance of Fire Chief Small and Communications Administrator Campbell, we will be providing a Fire Department staffing update since the transition in staffing (10 person minimum – 14 person minimum) which occurred on July 1. This will include an update on a reasonably successful response so far to the temporary, transitional overtime opportunities

consistent with our February, 2020 Memorandum of Understanding with the Fire Union (expanding shift staffing from 14-16).

- Public Works Director Peter McConarty will join us for an update from traffic consultant Greenman Pederson, Inc. on multiple ongoing traffic improvement projects in Falmouth. Peter will also be presenting the “latest phase” recommendation on a closure of an additional portion of Great Bay Street – which continues to be highly impacted by coastal erosion.
- The Board will be considering an “extension of term ending date” for two temporary Committees – Coastal Resiliency Action Committee (CRAC) and the Fire Station Location Committee (FSLC). My understanding is that CRAC is requesting an extension into October and FSLC into October as well.
- Our transition work in Town Hall and Town administrative offices continues in furtherance of modest adjustments to encourage/facilitate social distancing in all offices in protection of both Town employees and the general public as well. These actions are consistent with the evolving emergency orders of Governor Baker and CDC guidelines.
- Your next regular business meeting is set for Monday, July 27.
- With regard to your rescheduled Annual Strategic Plan Retreat, we are still awaiting final confirmation of consensus preferred date. At this point, I understand that among the original date suggestions, only August 17 remains a “go” for those who have responded to Diane.