

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, DECEMBER 7, 2020 – 6:45 P.M.
SELECT BOARD 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 December 7, 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

6:45 p.m. OPEN SESSION

6:45 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Vote to affirm Memorandum of Agreement with New England Police Benevolent Association (NEPBA), Local 165 (Lieutenants)

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 Fire Chief

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Acting as Trustees of the Falmouth Affordable Housing Fund, vote to extend the deadline for execution of a grant agreement with Megansett Crossing, LLC for affordable rental units located at 676, 688 and 702 North Falmouth Highway

- b. Vote to accept donation from Dan Ward of 200,000 mature oysters
- c. Vote to reduce aquaculture rental fees to \$18/1,000 combined total for rental of upwellers, field gear, floating bags, work floats and gear storage for first year oysters for one season only
- d. Update Select Board policies on Liaisons and Committee Appointments
- e. Extension of working deadline for Coastal Resiliency Action Committee activities and final report to June 30, 2021

7:30 p.m. PUBLIC HEARINGS

- 1. Fee Hearing – Proposed fee changes for 2021 – Inspectional Services, proposed change of solar and alternative energy fees, continued from 11/9/20 and 11/23/20
- 2. Tax Classification Hearing
- 3. Flow Neutral Bylaw – Evaluation of Request for Variance – The Blended Berry, LLC – 56 Davis Straits, Falmouth (Parcel 39 21 006 000)
- 4. Wetlands/Dock Hearing – Warren Family Irrevocable Trust – Construction and maintenance of fixed timber pier, ramp, float, pipe piles, dug-in stone steps with lighting for existing path in and over the waters of Siders Pond, located at 132 Siders Pond Road, Falmouth
- 5. Wetlands/Dock Hearing – James P. & Jean F. Bourdon – Installation of composite dock, timber pier, ramp, tee float and installation of dug-in stone steps with lighting in and over the waters of Siders Pond, located at 124 Siders Pond Road, Falmouth

7:45 p.m. BUSINESS

- 1. Application for new Common Victualler License – The Blended Berry, LLC located at 56 Davis Straits, Falmouth
- 2. Discussion/update on COVID-19 issues
- 3. Report – Edward Marks Building Advisory Committee
- 4. Update on a) fire stations – Hatchville and West Falmouth and b) the new replacement fire truck in capital spending plan
- 5. Committee re-appointments
- 6. Announce April 2021 Annual Town Meeting Schedule
- 7. Approve 2021 Annual License Renewals:

ALL ALCOHOL RESTAURANT

99 Restaurant, 30 Davis Straits
 C Salt, 75 Davis Straits
 Estia, 117 Main Street
 Glass Onion, 37 North Main Street
 La Cucina sul Mare, 237 Main Street

ALL ALCOHOL CLUB

Cape Verdean Club, 126 Sandwich Road
 Falmouth Rod & Gun Club, 203 Carriage Shop Road
 Midway Trap & Skeet Club, 284 Old Meeting House Road
 Portuguese American Club, 55 Ashumet Road

ALL ALCOHOL INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

ALL ALCOHOL PACKAGE STORE

Old Barn Package Store, 20 Luscombe Avenue
 RJ's Variety & Liquor, 174 Sandwich Road
 West Falmouth Market, 623 West Falmouth Highway

WINE AND MALT RESTAURANT

Falmouth Cinema Pub, 137 Teaticket Highway
 Silver Beach Pizza & Seafood, 557 North Falmouth Highway
 Steve's Pizza, 374 Main Street

WINE AND MALT PACKAGE STORE

Ocean State Job Lot, 50 Teaticket Highway
 Windfall Market, 77 Scranton Avenue

COMMON VICTUALLER

99 Restaurant, 30 Davis Straits
 Betsy's Diner, 457 Main Street
 C Salt, 75 Davis Straits
 Coffee Obsession, 38 Water Street
 Coffee Obsession, 110 Palmer Avenue
 Dunkin Donuts, 363 East Falmouth Highway
 Dunkin Donuts, 4 Sandwich Road
 Dunkin Donuts, 634 Holly Park Road
 Dunkin Donuts, 614 Main Street

Dunkin Donuts, 1184 Sandwich Road
Estia, 117 Main Street
Falmouth Cinema Pub, 137 Teaticket Highway
Glass Onion, 37 North Main Street
La Cucina sul Mare, 237 Main Street
Lobos House of Pizza, 338 East Falmouth Highway
Peel Pizza, 31 Teaticket Highway
Prime Time House of Pizza, 286 Old Main Road
Portuguese American Club, 55 Ashumet Road
Silver Beach Pizza & Seafood, 557 North Falmouth Highway
Subway, 137 Teaticket Highway
Subway, 236 Teaticket Highway
Talk of the Town Diner, 362 North Falmouth Highway
The Stand, 75 County Road

INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

ENTERTAINMENT

Cape Verdean Club, 126 Sandwich Road
La Cucina sul Mare, 237 Main Street

8. Minutes of Meetings:
 - a. Public Session – November 23, 2020
 - b. Executive Session – November 23, 2020
9. Individual Select Board Member's Reports
10. Town Manager's Report

Megan English Braga, Chair
Select Board

Portuguese American Club, 55 Ashumet Road

SUNDAY ENTERTAINMENT

La Cucina sul Mare, 237 Main Street

AUTOMATIC AMUSEMENTS

Falmouth Cinema Pub, 137 Teaticket Highway

THEATER LICENSE

Falmouth Cinema Pub, 137 Teaticket Highway

CLASS II USED CARS

Excel Auto Repair, 94 East Falmouth Highway
Executive Auto, 118 East Falmouth Highway
Costa's Auto Body, 222 Carriage Shop Road
Falmouth Motorcar, 716 Teaticket Highway
Route 28 Auto Center, 550 East Falmouth Highway

VEHICLES FOR HIRE

All Seasons Taxi, 45 Simpsons Lane
Falmouth Taxi, 424 East Falmouth Highway

SUMMARY OF ACTIONS

#1. Administrative Orders

- a. Acting as Trustees of the Falmouth Affordable Housing Fund, vote to extend the deadline for execution of a grant agreement with Megansett Crossing, LLC for affordable rental units located at 676, 688 and 702 North Falmouth Highway

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: December 2, 2020

Recommended Motion

Board of Select Board Business Agenda Item :

I move that:

- The Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, hereby extend the award of \$650,000 from the Falmouth Affordable Housing Fund to Megansett Crossing LLC., for 270 days until August 28, 2021, to develop ten 80% – 100% affordable rental apartments located at 676, 688, and 702 North Falmouth Highway as described in an application submitted November 2, 2018, and subject to the terms and commitment letter issued on July 21, 2020, by the Town Manager; and
- That the Town Manager be authorized to sign a letter to effect said extension.

BACKGROUND

The Falmouth Affordable Housing Fund awarded \$650,000 to Megansett Crossing LLC., by vote of the Select Board on November 19, 2018. The executed commitment letter was in place for a two year period with an expiration date of November 19, 2020. Michael Galasso, Managing Member of Megansett Crossing LLC, requested a 180 day extension of the award on November 8, 2020, to allow additional time to address increased construction costs, obtain new term sheets for construction and long term financing, updating of the project market study, and securing a \$250,000 equity investment along with a new appraisal. The Megansett Crossing Apartments project is receiving state funding and received an extension of the state commitment to September 30, 2021. All loans, including the FAHF \$650,000 will be processed through the state MassDocs system usually taking 90 days to close on the loans. The FAHF Working Group met on December 1, 2020, and has recommended a 270 day commitment extension expiring on August 28, 2021.



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 467-2525

To: Falmouth Board of Selectmen

From: Chuck Martinsen
Deputy Director MES

Date: December 2, 2020

Re: Recommendation to accept donation of surplus mature oysters from Ward
Aquafarms

In the wake of the COVID-19 pandemic and the resulting collapse of the oyster market, local oyster growers have surplus mature oysters with no market to sell to. One local grower, Ward Aquafarms, LLC is proposing to donate a surplus of approximately 200,00 mature oysters for seeding in a Falmouth recreational family area for this winter's harvest and consumption. Ward Aquafarms is preferring to donate the oysters as well as the company's time and resources to have the oysters distributed for Falmouth recreational permit holders to enjoy, as opposed to composting the surplus oysters.

In closing, I support accepting the donation.



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TEL: (508) 457-2550 • FAX: (508) 467-2525

To: Falmouth Board of Selectmen

From: Chuck Martinsen
Deputy Director MES

Date: December 2, 2020

Re: Recommendation to approve proposal for one-time reasonable accommodation the Eel River Aquaculture Contractor Pilot contractors

The previously approved fee structure for the Eel River Aquaculture Contractor Pilot program applies to landing of adult oysters suitable for human consumption.

In the wake of the hardships endured to the oyster aquaculture industry by the COVID-19 pandemic, a proposal to approve a one-time reasonable accommodation the Eel River Aquaculture Contractor Pilot contractors of \$18 per 1,000 first year oysters landed and sold without overwintering is being sought.

The current fee using Town resources including upwellers, field gear, floating bags, and work floats, gear storage, and the overwintering facility is \$70 per 1,000 oysters landed.

This proposal is intended to support the sale of smaller size oysters raised by commercial growers to the Supporting Oyster Aquaculture and Restoration (SOAR) program spearheaded by The Nature Conservancy. This proposal for a one-time reasonable accommodation would not replace the previously established fee, it would only apply to first year animals that have been grown at the sites using Town resources including upwellers, field gear, floating bags, and work floats and have not been overwintered. The fee is approximately 70% of the estimated value (\$26.00 per 1,000 first-year oysters) of the Town resources that would normally be used for growing first year animals that are sold before overwintering.

In closing, I support this proposal.

2020 Proposed Revision

APPENDIX C

Town of Falmouth

Select Board

COMMITTEE APPOINTMENT POLICY

Adopted September 29, 1993

Revised March 15, 1999; April 30, 2007; May 18, 2011, and 2020

The Falmouth Select Board understands that the appointed boards, committees and commissions (hereafter referred to collectively as "committees") play a vital role in town government. The Board views its role in appointing members to these committees as one of its most important responsibilities. The Board will make every effort to encourage citizen participation on these committees and to foster effective communication among the various committees. These policies and procedures are intended to provide guidelines for these appointments.

Definitions

There are several categories of committees (also referred to as 'governmental bodies').

Regulatory – Municipalities are required to exercise some of their governmental powers through mandated committees. These committees derive their power and authority from the Constitution or laws of the Commonwealth of Massachusetts.

Committees Authorized by State Law – Municipalities have the option to create certain committees which, if adopted by the Town, perform functions spelled out in state law.

Committees Created by the Town – Municipalities may create committees by Town Meeting vote, by vote of the Select Board or by the Town Manager. The function of these committees is determined by the entity which created them.

Applicability

All policies and procedures set forth under the General Law of the Commonwealth of Massachusetts and all provisions of ARTICLE VII, "Appointed Town Boards", of the Falmouth Home Rule Charter shall be applicable. This policy applies to all committees appointed by the Select Board.

General Policy and Responsibility

1. As stipulated in Article VII of the Charter, all vacancies for committee appointment shall be publicized in advance of consideration of candidates.
2. Applications for committee appointment are available in the Select Board's office or on the Town website at: <http://www.falmouthmass.us/647/Committees-Commissions-and-Boards>. Committee vacancies are posted on this page of the Town website and, to the extent possible, listed in the Falmouth Enterprise.
3. Appointments to fill completed terms of office shall be considered at a regularly scheduled public meeting of the Select Board in June. Filling vacancies during an uncompleted term due to resignation are filled individually as the need arises.

4. Incumbents are asked to indicate in writing their interest in continuing to serve on their respective committees.
5. To qualify for membership on a committee, a person must be a part-time or full-time resident of the Town of Falmouth.
6. Length of terms shall be for three years, unless otherwise specified. No member of a committee shall serve more than three consecutive three-year terms (for the Zoning Board of Appeals, two five-year terms). After leaving a committee due to term limits, candidates may not return to the same committee until a minimum of one year has lapsed.
7. All applicants shall be interviewed by the Board at a regularly scheduled public meeting.
8. If the only applicant to an advisory committee is an incumbent in good standing seeking reappointment, the Board may waive the requirement for a public interview by a majority vote.
9. The requirement of a public interview for applicants to regulatory committees will not be waived because of the authority granted to these committees by State Law and/or the Town Charter.
10. The Board shall take no public comment during the public interviews, but will solicit public feedback about the fitness of the applicants for appointment.
11. Appointments are made by a vote of no less than three Select Board members, and confirmed in writing. If only three members of the Board are present, the vote must therefore be unanimous.
12. Committees appointed for a specific purpose shall be given a charge and provided with guidelines and dates of completion.
13. Attendance, among other factors, shall be considered by the Board when reappointing incumbents; therefore, each committee shall forward annually to the Select Board the attendance records of all members.

APPENDIX D

Town of Falmouth

Select Board

LIAISON POLICY

Adopted: September 24, 2012

Revised: _____

Definitions

Governmental Body-A multi-member board, committee, commission or subcommittee within the Town, however created, elected, appointed or otherwise constituted to serve a public purpose.

Assignment-Those governmental bodies, individuals and/or organizations to which **Select Board members serve as liaisons**.

Applicability

This policy applies to the appointment of liaisons by the **Select Board** to other governmental bodies, individuals and organizations.

General Policy and Responsibility

1. The Board will annually review assignments no later than the third Board meeting after Town elections.
2. Liaison duties include:
 - a) to keep informed of the activities of assignments, for example by reviewing minutes or attending meetings;
 - b) provide a contact e-mail address and phone number to the governmental body chair to establish the flow of information;
3. The role of liaisons is not to do the work of, or influence, their assignments. Under no circumstances are liaisons to engage in any deliberation or participate in any vote with their assignments.
4. The Chair or **his/her** designee will serve as liaison with the Town Manager and Constables, and the other elected governmental bodies, including Town Meeting Moderator, Planning Board, School Committee, Finance Committee, Falmouth Housing Authority, and the Board of Library Trustees.
5. Liaison assignments will be made with all other town governmental bodies including, but not limited to:

Affirmative Action/Diversity and Inclusion
 Affordable Housing
 Agricultural Commission
 Beach Committee
 Bicycle and Pedestrian Committee
 Board of Health
 Cable Advisory Committee
 Coastal Ponds Management Committee
 Community Preservation Committee
 Conservation Commission
 Council on Aging
 Design Review Committee

Energy Committee
~~Historic District Commission~~
 Historical Commission
 Human Services Committee
 Recreation Committee
 Sign Review Committee
 Solid Waste Advisory Committee
 Substance Abuse Commission
~~Town Building Committee~~
 Veterans Council
 Waterways Committee
 Zoning Board of Appeals

6. Liaison assignments will be made according to the preferences of the individual **members of the Select Board**. Where two or more **members of the Select Board** request an assignment, seniority shall decide.
7. **Members of the Select Board** shall, on a regular basis, provide to the full Board a report of their liaison activities and the activities of the governmental bodies to which they are assigned.
8. It shall be the responsibility of the **Chairman** of the Board to carry out this policy.
9. It shall be the responsibility of the Town Manager to support the Chair so that **he/she** is able to carry out this policy.

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

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on MONDAY, NOVEMBER 9, 2020 at 7:30 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 1, 2021 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

*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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. *See Select Board NOTICE of MEETING for November 9, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on November 5, 2020 at 4:00 PM for detailed participation information.**

The proposed changes in fees are listed below:

Megan English Braga, Chair
SELECT BOARD

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>BOARD OF ASSESSORS</u>		
Full copy of data base	None	\$50.00 ✓
<u>FIRE DEPARTMENT</u>		
<u>Copies</u>		
Incident report	\$5.00/copy	delete
Ambulance statements	\$5.00/copy	delete
21E copies	\$.20/copy	delete
<u>Brush Burning Permit</u>		
Resident senior citizen	\$5.00	delete
Resident/non-resident	\$10.00	delete
Agricultural/commercial brush burning permit (annual)	None	\$50.00
Dumpster permit & inspection	(combines separate fees)	\$25.00
Oil burner permit & inspection	(combines separate fees)	\$50.00
Liquid propane tank permit, inspection & storage	(combines separate fees)	\$75.00
<u>STORAGE TANKS:</u>		
Above ground/underground tank installation permit & inspection (combines separate fees)		\$50.00
Above ground/underground tank removal permit & inspection (combines separate fees)		\$50.00
Un-vented gas heater permit & inspection (combines separate fees)		\$50.00
Carbon monoxide alarm installation permit & inspection (combines separate fees)		\$50.00
<u>FIRE ALARM TESTING AND MAINTENANCE FEES</u>		
Certification and training	\$50.00	delete
Annual permit renewal	\$25.00	delete
Fire alarm monitoring fee	\$200.00/per	delete
<u>Violations of the policy:</u>		
1 st offense	\$100.00	delete
2 nd offense	\$200.00	delete
3 rd offense	\$1,000.00 and revocation of permit	delete
<u>FAILURE TO PLACE FIRE ALARM SYSTEM IN TEST MODE FEES</u>		
1 st incident, per calendar year	none	Free

2 nd incident, per calendar year	none	\$100.00
3 rd incident, per calendar year	none	\$100.00
4 th incident, per calendar year	none	\$100.00
5 th incident, per calendar year	none	\$500.00
Automatic fire suppression installation permit & inspection	(combines separate fees)	\$50.00
Fire alarm system installation permit & inspection	(combines separate fees)	\$50.00
Fire sprinkler system installation permit & inspection	(combines separate fees)	\$50.00
Fire alarm municipal master box connection or disconnection box	\$150.00	delete
Commercial inspections per inspection up to 4 times a year	(cleans up wording)	\$50.00
After hours and weekend inspections	none	\$225.00/event
Re-inspections	(cleans up wording)	\$50.00

INSPECTIONAL SERVICES

Alterations of less than \$1,000 estimated construction value being performed by homeowner on homeowner occupied building only		
	none	delete
Sheet Metal/Mechanical- Residential	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sheet Metal/Mechanical- Commercial	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sign Permit	\$25.00/sign	\$8.00/thousand*, \$100.00 min.
Photocopies	\$.05/page	delete
Plumbing Residential First Fixture	\$40.00	\$45.00
Plumbing Residential Each Additional Fixture	\$10.00	\$12.00
Plumbing Commercial First Fixture	\$65.00	\$70.00
Plumbing Commercial Additional Fixture	\$15.00	\$18.00
Gas Residential First Appliance	\$40.00	\$45.00
Gas Residential Additional Appliance	\$10.00	\$12.00
Gas Commercial First Appliance	\$65.00	\$70.00
Gas Commercial Additional Appliance	\$15.00	\$18.00
Electrical Swimming Pool Above Ground	\$50.00	\$150.00
Electrical Solar Residential and Commercial	\$50.00	\$10.00 per kw, \$100.00 min.
Electrical Alterations, Remodels, Additions	\$50.00	\$75.00
Electrical Temp and change of service	\$50.00	\$100.00
Electrical Generators Residential and Commercial	\$50.00	\$100.00

MARINE AND ENVIRONMENTAL SERVICES

MOORINGS

Dinghy Rack	None	\$25.00
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SLIPS/WHARFAGE

Charter Boat Section:

R23 & R24 10% discount		remove
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POLICE DEPARTMENT

Parking

Overtime (meter) parking	\$10.00	\$20 1st, \$50.00 subsequent
Within 20' of intersection	\$25.00	\$100.00
Upon crosswalk or sidewalk	\$25.00	\$50.00
Over 1 foot from curb	\$25.00	\$50.00
Wrong direction	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Improper angle	\$25.00	\$50.00
Prohibited area	\$25.00	\$50.00
Across private way or drive	\$25.00	\$50.00
>10' unobstructed lane	\$25.00	\$50.00
All night parking	\$50.00	\$75.00

Snow removal	\$25.00	\$50.00
Parking within space required	\$25.00	\$50.00
Permit parking only (resident)	\$25.00	\$50.00
Loading zone	\$25.00	\$50.00
Fire lane	\$25.00	\$50.00
Expired inspection sticker	None	\$50.00
Expired/invalid registration	None	\$50.00

ZONING BOARD OF APPEALS

Single family dwellings & uses	\$150.00	\$200.00
Home-based service business	\$150.00	\$200.00
Appeal of Bldg. Comm. / Zoning Comm.	\$150.00	\$200.00
Multi-family dwellings & uses	\$175.00	\$200.00
All Residential Special Permits/Variations/Appeals (to take the place of the above four)		\$200.00
Commercial Properties	\$225.00	\$500.00
Comprehensive Permit Application Fees:		
Non-profit	Filing Fee \$100.00 + \$25.00/unit	\$1,000.00 + \$25.00/unit
For Profit	Filing Fee \$250.00 + \$125.00/unit	\$2,000.00 + \$125.00/unit
Amendment Fee	\$50.00	\$100.00
Double filing fee charged for work done <i>prior</i> to a permit.		

Falmouth Enterprise: Friday, October 23, 2020
Account #: 2056

Desk of your Electrical Inspector



Rod Palmer

Falmouth Building Commissioner

Rod,

Thanks for your inquiry on how my proposed fee change on the solar and alternative energy, would be more reasonable to the amount of inspections that are needed.

Proposed Change of Solar & Alternative Energy Calculation

(\$10.00 per Kw, with a minimum fee of \$100.00)

On the average homeowner installation, we have 2-3 inspections for them. If they are changing out the electrical service, then we would have 3 –inspections. As you can see, our current solar inspection fee for residential is \$100.00. My proposed change in fee calculation, would not change for residential, as most of the residential solar projects are below 10 kw.

- 7 kw solar roof top installation
7kw (7x \$10.00 per 1 kw) = \$70.00 , but permit fee would be \$100.00
-
- 15 kw solar roof top installation
15 kw (15 x \$10.00 per 1kw) = \$150.00, so the permit fee would be \$150.00

Desk of your Electrical Inspector

In my recommendation, this would give us a good standard of fee's to cover the administration and inspectors time on large solar installation. If the town would like to put a max fee on large ground mount or roof top commercial inspections (similar what Dennis did) that would be a good Idea.

Thank you for your time and consideration on this matter. I am always available to discuss any of this with you .

William Sinclair

Electrical Inspector

Town of Falmouth

Fiscal Year 2021
Tax Classification Hearing Notice

The Falmouth Select Board will hold a public hearing on December 7, 2020 at 7:30 p.m. via Zoom.

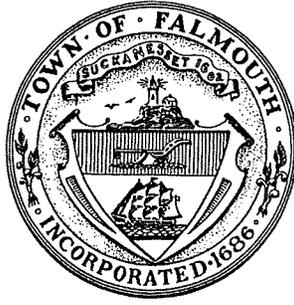
Under Chapter 40, section 59 as amended by Chapter 369 of the Acts of 1982 and Chapter 79 of the acts of 1983, the Falmouth Select Board will conduct a public hearing on whether the Town of Falmouth should implement the Classification Act. At said hearing, the Select Board will hear a presentation regarding the allocation of the Fiscal 2021 tax levy which will determine the share of taxes which each property classification shall pay. The Board of Assessors shall provide all information and data relevant to making a decision of allocating the tax burden, including the fiscal effects of the available options.

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 December 7, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

****See Select Board NOTICE of MEETING for December 7, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on December 3, 2020 at 4:00 PM for detailed participation information.****

Per order of the Select Board

Publication date: Friday, November 20, 2020



Town of Falmouth Assessing Department
59 Town Hall Square, Falmouth MA 02540
Telephone: 508-495-7380
Fax: 508-457-2511

Board of Selectmen

Cities and Towns that are certified by the Commissioner as assessing Property at full and fair cash value may elect to shift the tax burden among the major property classes within certain limits established by MGL Chapter 40, Section 56.

The Board of Selectmen must vote whether to establish different rates among classes of property or to continue to tax all classes at the same rate by adopting a factor of "1".

The adoption of different rates does not change the total property tax levy; rather it determines the share of the total levy to be carried by each class.

The options are as follows:

Split Tax Rate

Residential exemption (MGL 59:5C)

Small Business Exemption (MGL 59:51)

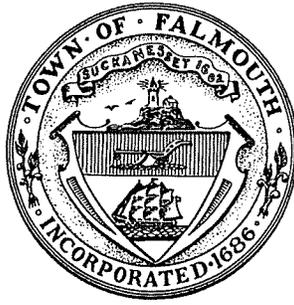
Open Space Exemption (MGL 59:2A)

Board of Assessors Action

Considering the analysis and fiscal impact, the Board of Assessors recommends to the Board of Selectmen a "Factor of 1" and reject the residential, open space and small business exemption.

The Board of Selectmen would vote the following motion if they decide to support the Board of Assessor's recommendation of a Factor of 1:

"Move that the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of "1" and to reject the residential, commercial and open space exemption"



Town of Falmouth Assessing Department

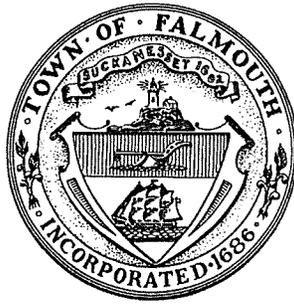
59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-457-2511

EFFECT OF SHIFT AT 150%							
Class	% of Total	Value	Factor of 1	X	Shift	Tax Rate	
Commercial	5.08%	666,341,556	8.50	X	150%	12.75	\$8,495,854.84
Industrial	0.74%	96,533,500	8.50	X	150%	12.75	\$1,230,802.13
Personal Property	1.85%	242,757,370	8.50	X	150%	12.75	\$3,095,156.47
Residential	92.30%	12,101,498,842	8.50	X	150%	8.15	\$98,621,919.20
Open Space	0.03%	3,896,100					
TOTAL	100.00%	13,111,027,368					\$111,443,732.63
Total at factor of 1		13,111,027,368	8.50				\$111,443,732.63

EFFECT OF SHIFT AT 150% ON TAXPAYER PROPERTY VALUE						
CIP Classes	Tax at Single Rate	Rate	Classified	Change		
581,242	8.50	4,941	12.75	7,411	\$2,470	
Residential	Tax at Single Rate	Rate	Classified	Change		
435,200	8.50	3,699	8.15	3,547	-\$152	



FALMOUTH BOARD OF ASSESSORS

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7377

Fax: 508-495-7384

Historical Values and Rates

VALUES	2021	2020	2019	2018
TAX RATE	8.50	8.59	8.56	8.60
RESIDENTIAL	12,101,498,842	11,408,879,547	11,070,546,608.00	10,660,098,706.00
OPEN SPACE	3,896,100	3,776,900	3,416,600.00	3,331,200.00
COMMERCIAL	666,341,556	662,261,694	646,700,900.00	631,222,433.00
INDUSTRIAL	96,533,500	94,223,900	92,135,700.00	87,507,900.00
PERSONAL	242,757,370	243,506,810	237,702,590.00	236,231,350.00
TOTAL	13,111,027,368	12,422,648,851	12,050,502,398.00	11,618,391,589.00
GROWTH	1,029,012	1,093,012	783,727.00	953,225.00

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Selectmen of the Town of Falmouth will hold a public hearing on Monday, December 7, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, Falmouth, MA on the application of The Blended Berry, LLC for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a restaurant at 56 Davis Straits in said Falmouth (parcel 39 21 006 000).

*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 December 7, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. ***See Select Board NOTICE of MEETING for December 7, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on December 3, 2020 at 4:00 PM for detailed participation information.****

Per Order of Board of Selectmen

Publication date: Friday, November 20, 2020, Falmouth Enterprise

FLOW NEUTRAL BYLAW
GUIDELINES TO BOARD OF SELECTMEN FOR WAIVER/VARIANCE CONSIDERATION

Presented to Board of Selectmen for Discussion Purposes 6-4-18

Suggested Process:

1. Board of Selectmen receives confirmation from Board of Health that proposed development *can* be accommodated with an on-site Title 5 system as well as confirmation from wastewater superintendent that sufficient capacity exists in the treatment facility.
2. Board of Selectmen holds Public Hearing on proposed development.
3. Priority areas for waiver/variance consideration:
 - Economic Development. Wastewater connections that will provide significant year-round economic benefit to the Falmouth community. This should be documented with supporting data on employment, revenue generated, taxes paid, etc.
 - Affordable Housing. Wastewater connections that address affordable housing goals as described in the Local Comprehensive Plan and Housing Production Plan. In the case of a project subject to the MGL Ch. 40B comprehensive permit process, the Zoning Board of Appeals assumes the power of the Board of Selectmen and grants or denies the waiver/variance request.
 - Mixed Use Development in Business Redevelopment Zone. Wastewater connections which include mixed commercial use on the lower level with residential units above. This is consistent with the zoning bylaw and the Local Comprehensive Plan envisioned by the Planning Board for the eastern portion of the Main Street corridor.
 - Municipal Use.

Note: Process above adopted by Falmouth Board of Selectmen on 6-4-18.



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION
416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: November 25, 2020

To: Board of Selectmen, Town Manager

cc: Falmouth Health Department

Re: Flow Neutral Bylaw Variance Request – 56 Davis Straits

I have received a request for flow neutral bylaw review for proposed redevelopment at 56 Davis Straits (Parcel ID 39 21 006 000). This parcel is in an existing sewer service area and is currently connected to Town sewer. The proposed redevelopment plan is to convert a space previously in use as a mattress store to a Juice and Smoothie Bar.

Under Title 5, the mattress store would be considered retail space, with a Title 5 flow of 50 gallons per day (gpd) per 1000 square feet of retail space. The space is approximately 2,000 square feet, so the Title 5 flow for the previous use would have been approximately 100 gpd.

The juice bar would fit in the category of fast food restaurant, because according to the owner, all food would be served in disposable containers; there would be a 3 bay sink and an area for food preparation but no dishwasher. Title 5 flow for a fast food restaurant is 20 gpd per seat. With 30 seats as proposed, the juice bar would have a Title 5 flow of 600 gpd.

Because 600 gpd is more than 10% greater than the previous Title 5 flow of 100 gpd, this redevelopment requires a flow neutral bylaw hearing.

One of the two preconditions for the Board of Selectmen to grant a variance to the flow constraints of the Flow Neutral Bylaw is that “Sufficient capacity exists...as determined by the Wastewater Superintendent.”

Taking into account wastewater flow from existing sewer areas, flow from the new Little Pond Sewer Service Area, and flow from the other currently proposed projects in existing sewer service areas, sufficient sewer system capacity exists to accommodate an additional 500 gpd from this property.

Diane Davidson

From: Scott McGann
Sent: Wednesday, November 25, 2020 4:47 PM
To: Diane Davidson; Julian Suso
Cc: Peter Johnson-Staub; Amy Lowell
Subject: flow neutral bylaw 56 Davis Straits

On November 23, 2020 the Falmouth Board of Health heard a flow neutral bylaw referral at 56 Davis Straits for the Blended Berry. The Board determined that a Title 5 system could be sited on the property for the increase in wastewater flow associated with the proposed food service operation.

Thanks, Scott

Scott McGann, R.S.
Health Agent
Falmouth Health Department
59 Town Hall Square
Falmouth, MA 02540
508-495-7485
<http://www.falmouthmass.us/273/Health-Department>

Diane Davidson

From: Jordan Thompson <theblendedberrycapecod@gmail.com>
Sent: Tuesday, November 17, 2020 9:04 PM
To: Diane Davidson
Subject: Flow Neutral Bylaw Variance Request

Board of Selectmen,

Please take this as a written request for a variance under the Town of Falmouth's flow neutral bylaw for The Blended Berry located at 56 Davis Straits (Parcel ID: 39 21 006 000). The proposed use of the site will be a Juice and Smoothie Bar. We will prepare fresh juices, smoothies, acai bowls along with healthy grab and go items. Our submitted plans/architectural drawings show /request 30 seats for our business. Based on the formula laid out by the Town of Falmouth, we are considered a takeout/fast food restaurant. We use all throw away cups, bowls, spoons/utensils, napkins, plates, etc. Our business does not use an electric dishwasher and only utilizes a 3-bay sink that we fill a few times a day to wash smoothie pitchers, cutting boards, and other various utensils used throughout the day as part of our preparation. The previous use of the space was a mattress store which was divided into two units, 1 being our vacant space at approximately 2024 sq ft and the other being the now T-Mobile space (previously Sprint).

Please let us know if you need any additional information is needed to go forward with the variance process.

Thank you,

Sara and Jordan Thompson



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, December 7, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of Warren Family Irrevocable Trust for a proposed waterfront improvement project which includes the construction and maintenance of a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path, located at 132 Siders Pond Road, Falmouth, MA. Body of water affected is Siders Pond. Interested parties may review the file on this hearing at the Select Board Office.

*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 December 7, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. ***See Select Board NOTICE of MEETING for December 7, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on December 3, 2020 at 4:00 PM for detailed participation information.****

Per order of the Select Board

Publication Dates: Friday, November 20 and Friday, November 27, 2020; Falmouth Enterprise

RECEIVED

OCT 16 2020

FALMOUTH TOWN CLERK

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

To the Board of Selectmen
Falmouth, Mass.

Date: September 24, 2020

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

Owner: Philip H. Warren & Susan Warren 132 Siders Pond Road, Falmouth MA 02540
(full name) (address)

Agent: Holmes and McGrath, Inc., 205 Worcester Ct, Suite A4, Falmouth, MA 02540
(full name) (address)

Applicant: Warren Family Irrevocable Trust 132 Siders Pond Road, Falmouth MA 02540
(full name) (address)

1. Location of Property: Map 47A Section 05 Parcel 004 Lot 008B

Street Name and House Number Siders Pond Road, #132

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

3. Description of property and project site: The property located at #132 Siders Pond Road is a private, residentially developed parcel of land containing a total of approximately 21,300 square feet in area. Located on the western shore of Sider's Pond, the property is currently developed with a single family house, screened in porch, stone patio, driveway and associated landscaping, and 4 foot wide path down the slope to a 3'x4 landing at the edge of the pond. The seaward portion of the property is located within Flood Hazard Zone AE (Elev. 13) as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). All existing structures are located within Flood Zone X.

a. Dimension, Acreage of total parcel: 192'+/- X 111'+/- 0.491 acres

b. Length of water marsh frontage: 108 feet +/-

c. Dimension of area to be dredged: none Depth: n/a

d. Dimensions of area to be filled: none

e. Volume of dredging spoil to be removed: none

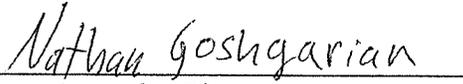
Disposition of Spoil: N/A

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

- f. Describe proposed riprap or bulk heading, if any: none
- g. Other (docks, piers, and etc): The proposed project includes the construction and maintenance of a 4 foot x 8 foot fixed timber pier with 4 foot x 16 foot ramp, 8 foot x 12 foot float and pipe piles in Siders pond. Also proposed is the installation of dug-in stone steps and lighting for the existing path. Work will take place on a coastal bank, an inland bank, in land under water bodies and in land subject to coastal storm flowage.
- h. Method (equipment to be used) for proposed work: The work will be performed using typical construction equipment. All standard and special conditions laid out in the Order of Conditions by the Falmouth Conservation Commission will be followed.
4. Purpose of proposed work: New installation of timber pier, ramp, Tee float and installation of dug-in stone steps with lighting.
5. Zoning which governs area: General Residential (GR)
6. Date of application for permit to dredge or fill from the Commonwealth of Mass: not yet filed Army Engineers: NA
7. Has a permit ever been approved or refused for this location? By State, Federal or Local Authority: Yes. DEP #25-4529 - Falmouth Conservation Commission
8. Remarks _____
9. Project Summary for legal notice: The proposed waterfront improvement project includes the construction and maintenance of a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path.

Owner: <u>Philip H Warren and Susan Warren</u>	Agent: <u>Holmes and McGrath, Inc.</u>
<u>132 Siders Pond Rd</u>	<u>205 Worcester Ct, Suite A4</u>
<u>Falmouth, MA 02540</u>	<u>Falmouth, MA 02540</u>
(name and address)	(name and address)
Tel. # _____	Tel. # <u>508-548-3564</u>


Owner's Signature


Agent's Signature

Applicant: Warren Family Irrevocable Trust
132 Siders Pond Road, Falmouth MA 02540
(name and address)
Tel. # _____

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

Unofficial Property Record Card - Falmouth, MA

General Property Data

Parcel ID 47A 05 004 008B Prior Parcel ID -- Property Owner WARREN TRUSTEE PHILIP H WARREN TRUSTEE SUSAN Mailing Address 132 SIDERS POND RD City FALMOUTH Mailing State MA Zip 02540 ParcelZoning GR	Account Number Falmouth Property Location 132 SIDERS POND RD Property Use ONE FAMILY Most Recent Sale Date 7/20/2015 Legal Reference 29024-145 Grantor WARREN,PHILIP H Sale Price 10 Land Area 0.491 acres
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Current Property Assessment

Card 1 Value	Building Value 716,600	Xtra Features Value 0	Land Value 353,300	Total Value 1,069,900
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Building Description

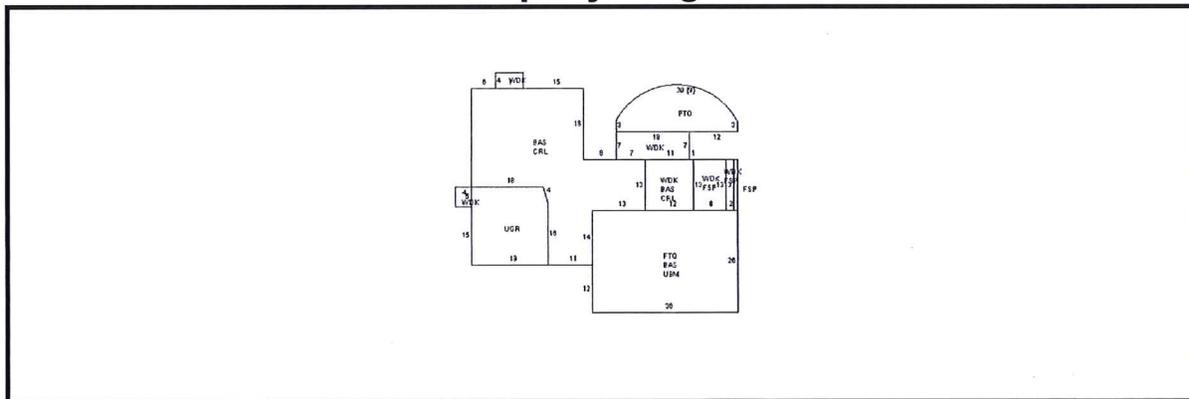
Building Style Gambrel # of Living Units 1 Year Built 1936 Building Grade 8 1.85 Building Condition Average Finished Area (SF) 3039.39996 Number Rooms 10 # of 3/4 Baths 0	Foundation Type Concrete Frame Type Wood Roof Structure Gambrel Roof Cover Asphalt Siding Wood Shingle Interior Walls Plaster # of Bedrooms 4 # of 1/2 Baths 1	Flooring Type Softwood Basement Floor Conc Slab Heating Type Frcd Hot Air Heating Fuel Gas Air Conditioning 100% # of Bsmt Garages 0 # of Full Baths 2 # of Other Fixtures 0
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Legal Description

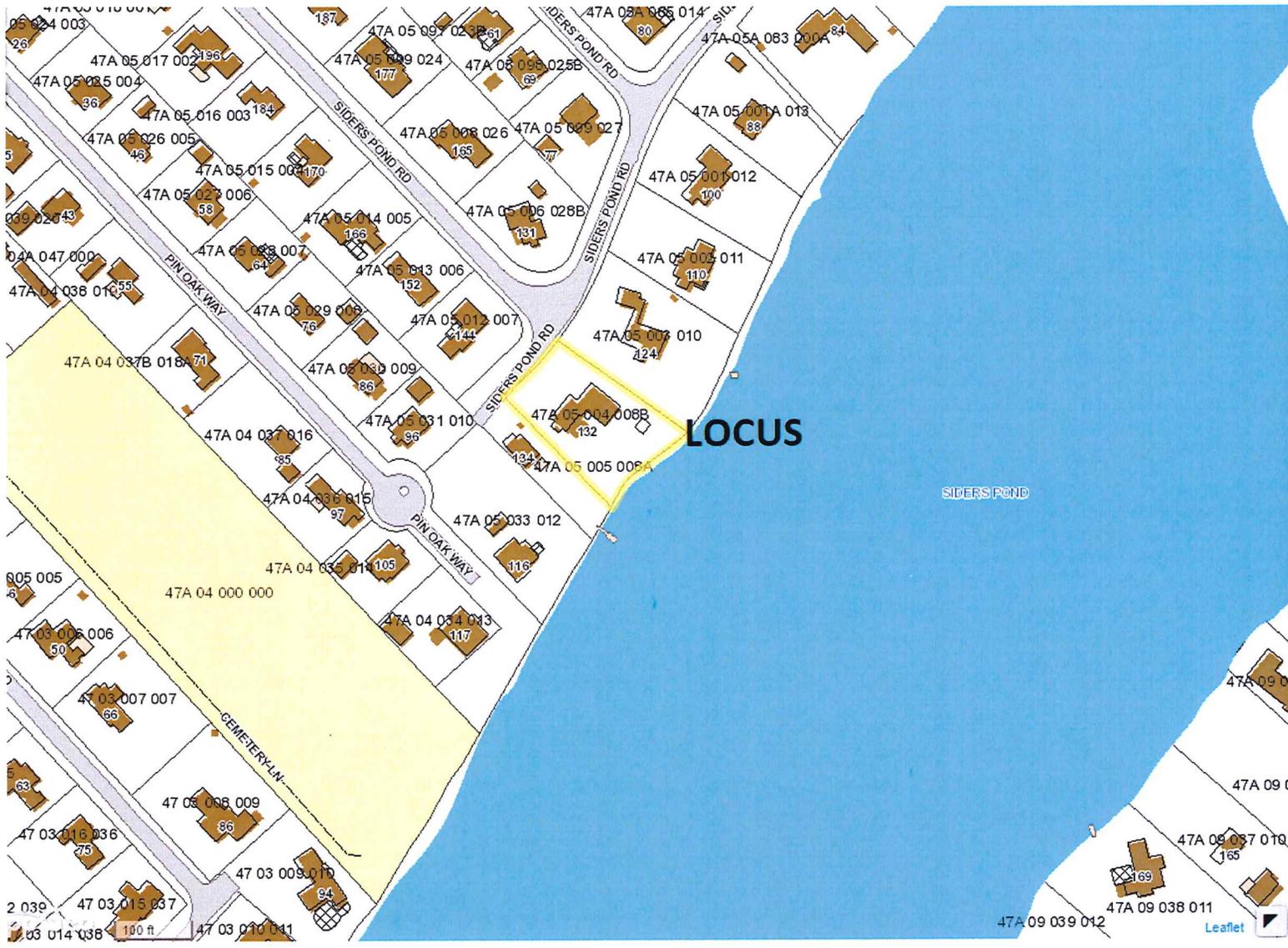
Narrative Description of Property

This property contains 0.491 acres of land mainly classified as ONE FAMILY with a(n) Gambrel style building, built about 1936 , having Wood Shingle exterior and Asphalt roof cover, with 1 unit(s), 10 room(s), 4 bedroom(s), 2 bath(s), 1 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



Assessor Data	
Parcel #	47A 05 004 008B
Parcel Account #	22990
Owner	WARREN TRUSTEE PHILIP H
CoOwner	WARREN TRUSTEE SUSAN
Address	132 SIDERS POND RD
Area	0.49 Acres / 21400 SqFt
Zoning	GR
To Zoning	Zoning Lot Size & Requirements
Land Use Code	101
To Land Use Codes	LU Codes
Land Use Descript	ONE FAMILY
Year Built	1936
Effective Year	2016
Home Type	Gambrel
Finished Area	3039.40
Bedrooms	4
Full Baths	2
Half Baths	1
Fireplaces	3
Type of Heat	Frcd Hot Air
Heated by	Gas
Attached Garage	378.00
Basement	0
Garage	Detached
Book & Page	29024-145
To Registry	Registry of Deeds
Legal Ref. Date	7/20/2015 12:00:00 AM
Last Sale Price	\$10.00

300-FOOT ABUTTERS LIST

To be submitted with application for hearings:

List of property owners notified in connection with a public hearing for
WETLANDS SECTION 4300 on petition of Warren Family Irrevocable Trust
 (type of hearing) (applicant)

132 Siders Pond Road, Falmouth MA 02540

(mailing address)

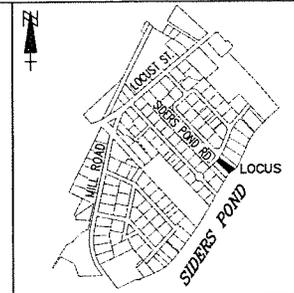
as established by the Bylaws of the Town and/or M.G.L.

Owners: House Number 132 Street Siders Pond Rd

Owners: Map 47A Section 005 Parcel 004 Lot 008B

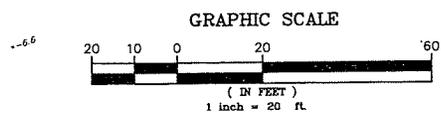
LISTED BELOW ARE ABUTTERS BY MAP- SECTION- PARCEL- LOT NUMBERS AND NAME

MAPNO	OWNER	COOWNER	PROPLOC
47A 05 030 009	JACOBANIS SUSAN F		86 PIN OAK WAY
47A 05 031 010	KAMS CRAIG I		41 CANTERBURY DR
47A 05 002 011	OGILVY JR STEPHEN H		318 ELM RD
47A 05 099 027	POLLEN LINDA K		77 SIDERS POND RD
47A 05 033 012	DEWITT EDWARD J		116 PIN OAK WAY
47A 05 005 008A	KUNEN DAVID ALAN		42 YORK RD
47A 05 098 025B	FOSTER TRUSTEE MARGARET Y		69 SIDERS POND RD
47A 05 013 006	RILEY TRUSTEE WILLIAM		24 MAPLE ST
47A 04 035 014	MAGUIRE LIAM A		105 PIN OAK WAY
47A 04 036 015	NICKERSON MARIE C		97 PIN OAK WAY
47A 05 003 010	NICHOLSON TRUSTEE CHRISTOPHER J		124 SIDERS POND RD
47A 05 014 005	BLOXSOM TRUSTEE KATHERINE P		166 SIDERS POND RD
47A 05 001 012	MCGONAGLE EDWARD J		165 MONROE ST
47A 04 037 016	CRAVEN DONALD E		20 CLIFFORD ST
47A 05 006 028B	GLYNN SUZANNE FAY		49 LOCUST ST
47A 05 029 008	HURWITCH TR GEOFFREY WILLIAM		4302 HIDDEN COVE RD
47A 04 000 000	FALMOUTH TOWN OF		59 TOWN HALL SQ
47A 05 012 007	FITZPATRICK FRANCIS J		1623 GEDDES LN
47A 04 034 013	HOCKER TRUSTEE NINA M WHITNEY		117 PIN OAK WAY
47A 05 028 007	KING JONATHAN D		64 PIN OAK WAY
47A 05 008 026	GALLO DAVID G		165 SIDERS POND RD



LEGEND	
UTILITY POLE	⊕
BOUND	□
SEWER MANHOLE	⊗
TOP OF COASTAL BANK	—•—
EXISTING DECIDUOUS TREE	⊗
EXISTING CONIFEROUS TREE	⊗
EXISTING SPOT GRADE	44.0x
EXISTING GRADE	—•—

LOCUS MAP
NOT TO SCALE



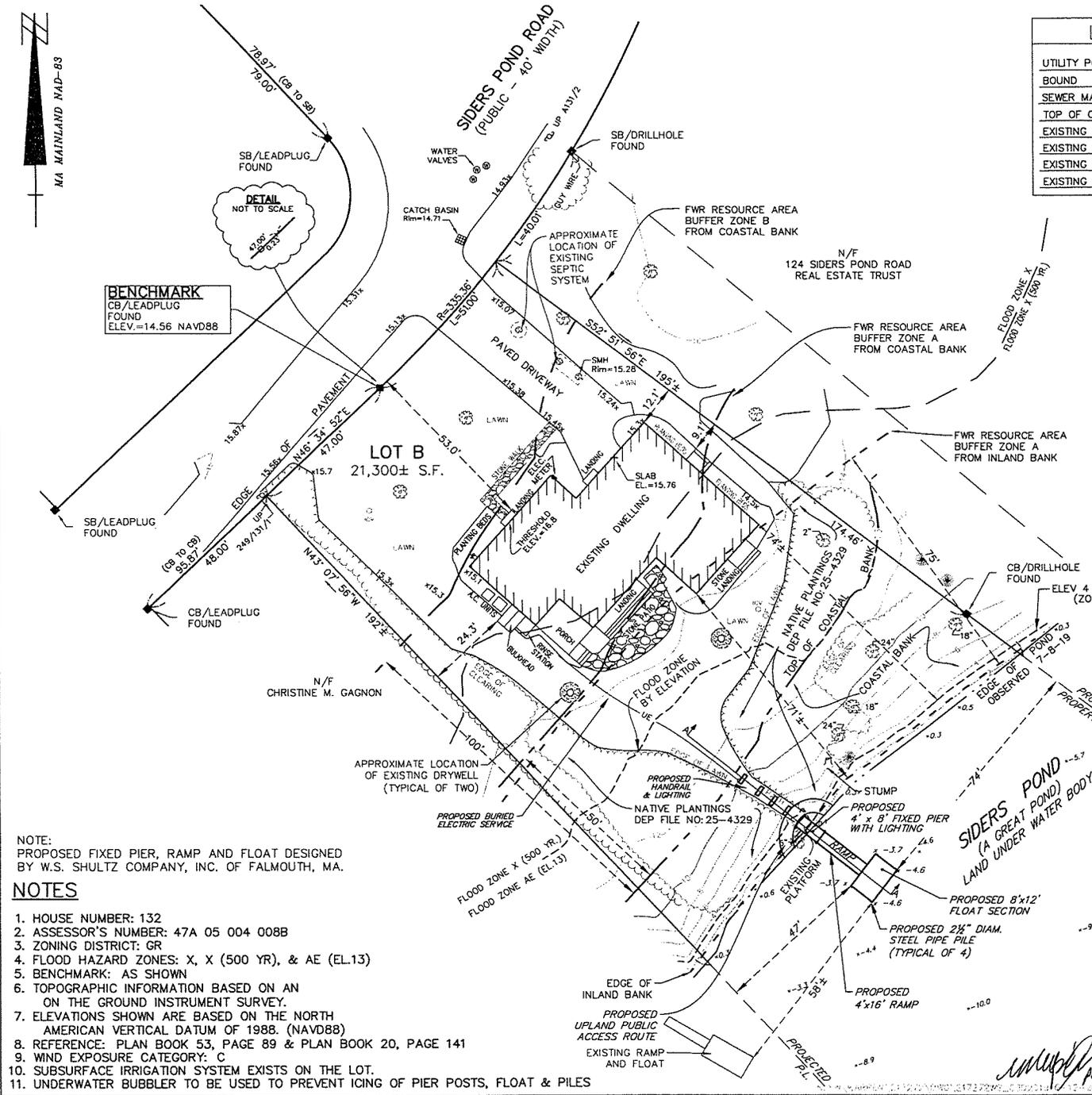
NOTICE
Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan:
(A) no person or persons, including any municipal or other public officials, may rely upon the information contained herein; and
(B) this plan remains the property of Holmes & McGrath, Inc.

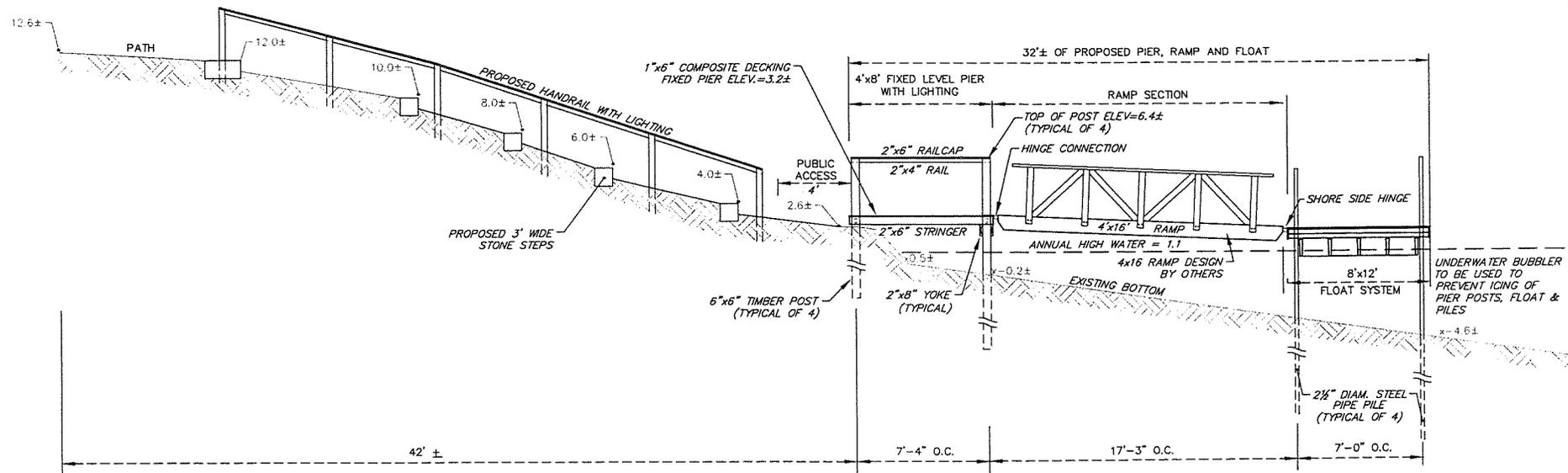
DATE	DESCRIPTION	Drawn	Checked
REVISIONS			
PLAN			
OF PROPOSED FIXED PIER, RAMP & FLOAT PREPARED FOR WARREN FAMILY IRREVOCABLE TRUST FOR LOT B, #132 SIDERS POND ROAD IN FALMOUTH, MA			
SCALE: 1"=20'		DATE: AUGUST 7, 2020	
holmes and mcgrath, inc. civil engineers and land surveyors 205 worcester court - suite a4 - falmouth, ma - 02540 508-548-3564 www.holmesandmcgrath.com			
DRAWN: LAC, JUF		CHECKED: <i>[Signature]</i>	
JOB NO: 217272		DWG. NO.: 88-5-SF	
		SHEET 1 OF 2	

NOTE:
PROPOSED FIXED PIER, RAMP AND FLOAT DESIGNED BY W.S. SHULTZ COMPANY, INC. OF FALMOUTH, MA.

NOTES

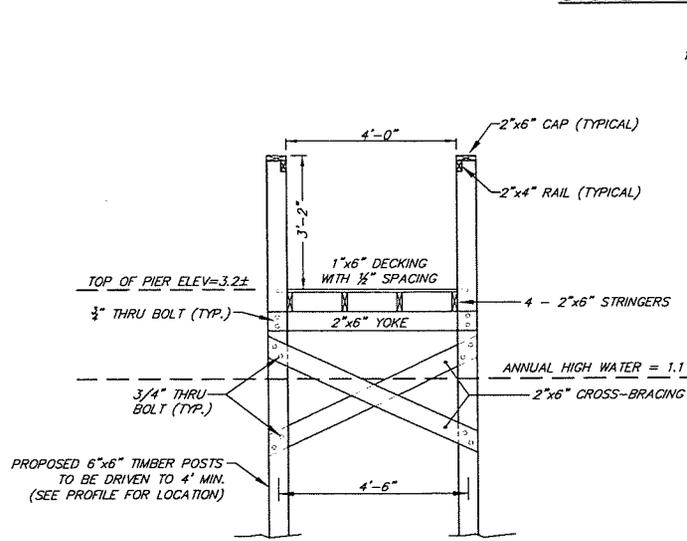
- HOUSE NUMBER: 132
- ASSESSOR'S NUMBER: 47A 05 004 008B
- ZONING DISTRICT: GR
- FLOOD HAZARD ZONES: X, X (500 YR), & AE (EL.13)
- BENCHMARK: AS SHOWN
- TOPOGRAPHIC INFORMATION BASED ON AN ON THE GROUND INSTRUMENT SURVEY.
- ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVD88)
- REFERENCE: PLAN BOOK 53, PAGE 89 & PLAN BOOK 20, PAGE 141
- WIND EXPOSURE CATEGORY: C
- SUBSURFACE IRRIGATION SYSTEM EXISTS ON THE LOT.
- UNDERWATER BUBBLER TO BE USED TO PREVENT ICING OF PIER POSTS, FLOAT & PILES





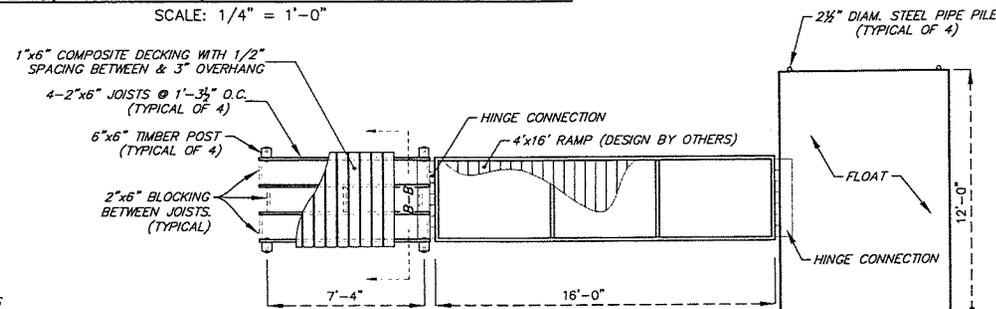
STONE STEPS, FIXED PIER, RAMP & FLOAT PROFILE A-A

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



TYPICAL PIER SECTION B-B

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



PROPOSED FIXED PIER, RAMP & FLOAT

SCALE: 1/4" = 1'

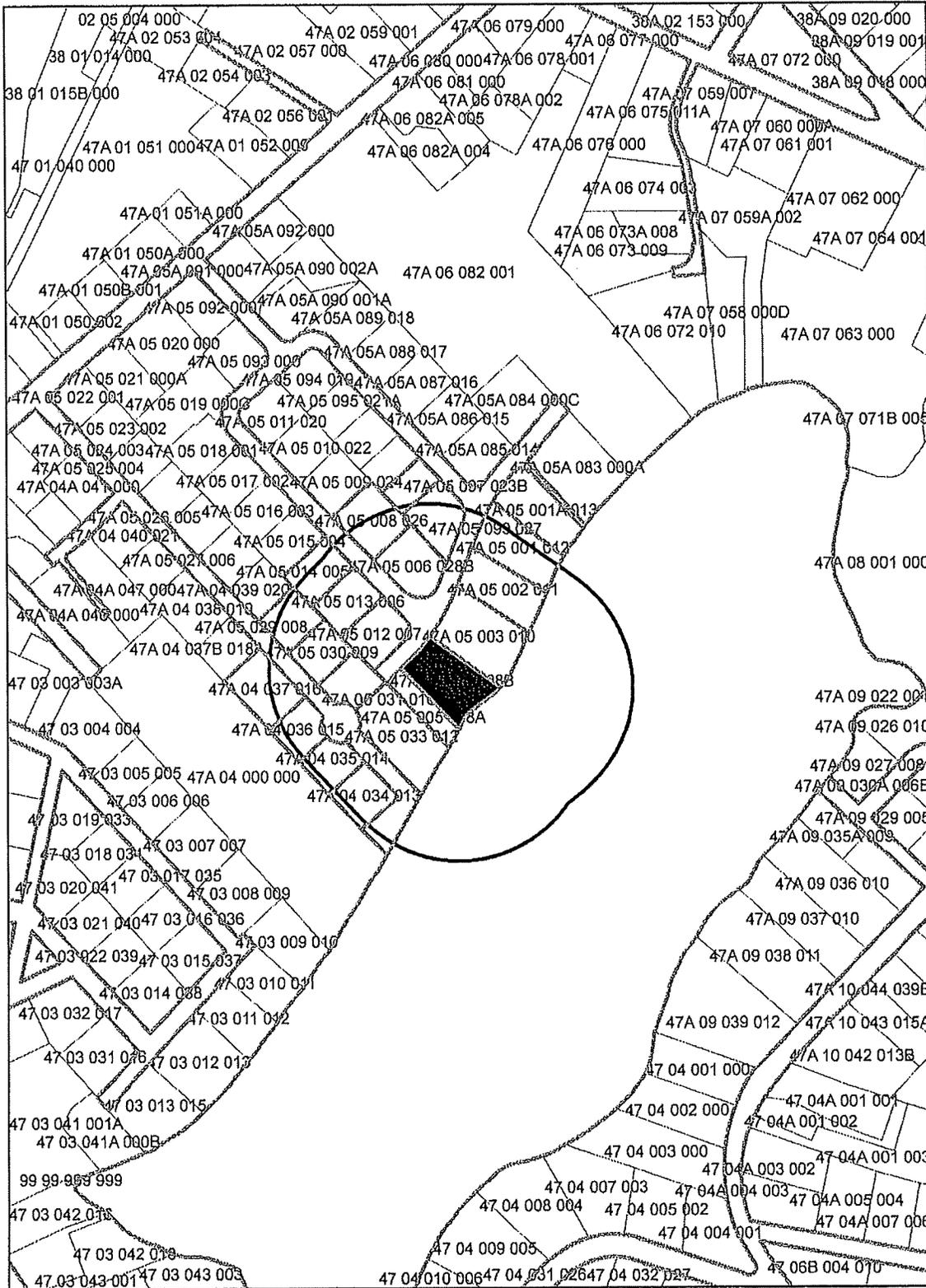
NOTE:
PROPOSED FIXED PIER, RAMP AND FLOAT DESIGNED
BY W.S. SHULTZ COMPANY, INC. OF FALMOUTH, MA.

NOTICE
Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan:
(A) no person or persons, including any municipal or other public officials, may rely upon the information contained herein; and
(B) this plan remains the property of Holmes & McGrath, Inc.

DATE	DESCRIPTION	Drawn	Checked
REVISIONS			
PLAN OF PROPOSED FIXED PIER, RAMP & FLOAT PREPARED FOR WARREN FAMILY IRREVOCABLE TRUST FOR LOT B, #132 SIDERS POND ROAD IN FALMOUTH, MA			
SCALE: AS SHOWN	DATE: AUGUST 7, 2020		
holmes and mcgrath, inc. civil engineers and land surveyors 205 worcester court - suite a4 - falmouth, ma - 02540 508-548-3564 www.holmesandmcgrath.com		 LAC	
DRAWN: LAC, JUF JOB NO: 217272	CHECKED: DWG. NO.: 88-5-SF		

166 SIDERS POND RD BLOXSOM TRUSTEE KATHERINE P BLOXSOM TRUSTEE MICHAEL E 166 SIDERS POND RD FALMOUTH. MA 02540	47A 05 014 005 LUC: 101	86 PIN OAK WAY JACOBANIS SUSAN F 86 PIN OAK WAY FALMOUTH. MA 02540-2661	47A 05 030 009 LUC: 109
124 SIDERS POND RD BOURDON JAMES P BOURDON JEAN F 177 SHORE ST FALMOUTH. MA 02540	47A 05 003 010 LUC: 101	96 PIN OAK WAY KAMS CRAIG I KAMS RENA L 41 CANTERBURY DR SUDBURY. MA 01776	47A 05 031 010 LUC: 109
85 PIN OAK WAY CRAVEN DONALD E LASHWAY TRUSTEE JENNIFER L 20 CLIFFORD ST WELLESLEY. MA 02482-6041	47A 04 037 016 LUC: 101	134 SIDERS POND RD KUNEN DAVID ALAN KUNEN MANDI Z 42 YORK RD WAYLAND. MA 01778-1013	47A 05 005 008A LUC: 101
116 PIN OAK WAY DEWITT EDWARD J MORTENSON KATHLEEN E 116 PIN OAK WAY FALMOUTH. MA 02540-2853	47A 05 033 012 LUC: 101	105 PIN OAK WAY MAGUIRE LIAM A MAGUIRE DEBORAH D 105 PIN OAK WAY FALMOUTH. MA 02540	47A 04 035 014 LUC: 101
144 SIDERS POND RD FITZPATRICK FRANCIS J FITZPATRICK MARY A 1823 GEDDES LN FERNANDIAA BEACH. FL 32034-1962	47A 05 012 007 LUC: 101	100 SIDERS POND RD MCGONAGLE EDWARD J MCGONAGLE ELIZABETH S 165 MONROE ST DEDHAM. MA 02026	47A 05 001 012 LUC: 101
69 SIDERS POND RD FOSTER TRUSTEE MARGARET Y FOSTER TRUSTEE RICHARD C 69 SIDERS POND RD FALMOUTH. MA 02540	47A 05 098 025B LUC: 101	97 PIN OAK WAY NICKERSON MARIE C NICKERSON FREDERICK L 97 PIN OAK WAY FALMOUTH. MA 02540	47A 04 036 015 LUC: 101
165 SIDERS POND RD GALLO DAVID G GALLO CYNTHIA T 165 SIDERS POND RD FALMOUTH. MA 02540-2666	47A 05 008 026 LUC: 101	110 SIDERS POND RD OGILVY JR STEPHEN H 318 ELM RD FALMOUTH. MA 02540	47A 05 002 011 LUC: 101
131 SIDERS POND RD GLYNN TRUSTEE SUZANNE FAY GLYNN TRUSTEE CAITLIN 49 LOCUST ST FALMOUTH. MA 02540-2666	47A 05 006 028B LUC: 101	77 SIDERS POND RD POLLEN LINDA K 77 SIDERS POND RD FALMOUTH. MA 02540	47A 05 099 027 LUC: 101
117 PIN OAK WAY HOCKER TRUSTEE NINA M WHITNEY WHITNEY TRUSTEE ELIZABETH LOWELL 117 PIN OAK WAY FALMOUTH. MA 02540	47A 04 034 013 LUC: 101	152 SIDERS POND RD RILEY TRUSTEE WILLIAM RILEY TRUSTEE LINDA T 24 MAPLE ST NEEDHAM. MA 02492	47A 05 013 006 LUC: 101
76 PIN OAK WAY HURWITCH TR GEOFFREY WILLIAM PIN OAK WAY RE TRUST 4302 HIDDEN COVE RD PARK CITY. UT 84098	47A 05 029 008 LUC: 101	132 SIDERS POND RD WARREN TRUSTEE PHILIP H WARREN TRUSTEE SUSAN 132 SIDERS POND RD FALMOUTH. MA 02540	47A 05 004 008B LUC: 101

132 SIDERS POND RD





Falmouth Conservation Commission

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

October 8, 2020

Philip & Susan Warren
132 Siders Pond Rd
Falmouth, MA 02540

RE: 132 Siders Pond Rd, Falmouth, MA
DEP# 25-4568

Dear Philip & Susan Warren:

Enclosed please find a copy of the Order of Conditions. Please obtain the plan of reference for your approved project from your representative. This Order is valid for three years from its date of issuance. The original permit will need to be registered at the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Please read the Order of Conditions and Plan carefully and refer to them often. Your contractor must have a copy of the Order of Conditions and the Conservation Permit posted on-site throughout the duration of the project. As the property owner it is ultimately your responsibility to ensure that work be done according to all Standard and Special Conditions and according to the Plan of Reference. If you decide to sell your property, please transfer the Order and the Plan of Reference to the new owner.

When all work under the approved permit, including landscaping, has been completed on the project, the proper procedure is for your representative (the engineer) to apply to the Conservation Commission for a Certificate of Compliance. The engineer must submit a signed statement that all work has been completed according to the Plan of Reference and noting any deviation from the plan. The representative (engineer) is the point of contact with the Conservation Commission and should coordinate with you throughout the duration of the project until a Certificate of Compliance is issued. Your representative will register the Certificate of Compliance in the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Thank you for taking the time to read this letter. By complying with the Wetland Protection Act and the Falmouth Wetland Bylaw and Regulations you are helping to maintain a high quality of life for yourself and others in the Town of Falmouth.

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

CC: Holmes & McGrath, Inc.



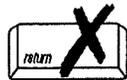
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 25-4568
 MassDEP File #
 eDEP Transaction #
 Falmouth
 City/Town

A. General Information

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

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



1. From: Falmouth
 Conservation Commission

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

3. To: Applicant:
 Philip & Susan Warren
 a. First Name b. Last Name

c. Organization

132 Siders Pond Rd

d. Mailing Address

Falmouth MA 02540
 e. City/Town f. State g. Zip Code

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

c. Organization

d. Mailing Address

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

5. Project Location:
 132 Siders Pond Rd Falmouth
 a. Street Address b. City/Town
 47A 05 004 008B
 c. Assessors Map/Plat Number d. Parcel/Lot Number

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



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4568
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

A. General Information (cont.)

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

Barnstable
a. County
29777
c. Book
b. Certificate Number (if registered land)
195
d. Page

7. Dates: 8/12/2020 8/26/2020 10/08/2020
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

Plan of Proposed Pier Prepared for Philip H. & Susan Warren for Lot B, 132 Siders Pond Rd, Falmouth

Holmes & McGrath, Inc. Michael B. McGrath P.L.S.
b. Prepared By c. Signed and Stamped by
08/07/2020 1"=20'
d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



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

Provided by MassDEP:
25-4568
 MassDEP File #

 eDEP Transaction #
Falmouth
 City/Town

B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>4</u> a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>144</u> a. square feet e. c/y dredged	_____ b. square feet f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:
 25-4568
 MassDEP File #
 eDEP Transaction #
 Falmouth
 City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input checked="" type="checkbox"/> Coastal Banks	<u> </u> a. linear feet 4	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet 125	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4568
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

_____ a. square feet of BVW

_____ b. square feet of salt marsh

24. Stream Crossing(s):

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4568

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4568 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4568

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4568

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4568
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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



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

Provided by MassDEP:
25-4568
 MassDEP File #

 eDEP Transaction #
Falmouth
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

_____ 1. Municipal Ordinance or Bylaw _____ 2. Citation

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

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

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

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
- The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
 see attached

**VOTE AUTHORIZING SIGNATURES OF
COMMISSIONERS**

On March 18, 2020, the Falmouth Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Falmouth Conservation Commission.

Motion: To authorize Jennifer Lincoln, Falmouth Conservation Administrator, to physically sign Falmouth Conservation Commission documents on behalf of individual Falmouth Conservation Commission members.

Vote: Unanimous

Vice Chairman Russell Robbins—Aye
Commissioner Elizabeth Gladfelter—Aye
Commissioner Maureen Harlow-Hawkes—Aye
Commissioner Courtney Bird—Aye
Alternate Commissioner Kevin O'Brien—Aye
Alternate Commissioner Peter Walsh—Aye
Commissioner Mark Gurnee—Aye
Chairman James Mathews—Aye

The above is a true and accurate account of the proceedings of the Falmouth Conservation Commission.

James C Mathews
3-27-20

James Mathews, Chairman

Date

The Commonwealth of Massachusetts
County of Barnstable

On this 27 of March 2020, before me, Kimberly Fish
(name of notary public), James Mathews personally appeared and proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated

purpose.



Notary Public Signature

KIMBERLY FISH
NOTARY PUBLIC, COMM OF MASSACHUSETTS
MY COMMISSION EXPIRES MARCH 5, 2021



Falmouth Conservation Commission

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

Name: Philip & Susan Warren
Address: 132 Siders Pond
DEP#: 25-4568

FINDINGS:

1. The applicant proposes to construct a 4' x 8' fixed timber pier with attached 4' x 16' ramp and 8' x 12' float supported by 4'x4' posts and pipe piles. A public access path will be placed upland of the proposed pier, ramp and float. A path with stone steps, handrail and lighting will lead from the lawn area to the floating dock.
2. Resource areas onsite and within 100 feet of the proposed structure include Land Under Waterbodies, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), Inland bank, and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to the Warren Family Irrevocable Trust, 132 Siders Pond Road, Falmouth, MA to construct and maintain a pier, ramp and float according to the plans by Holmes and McGrath, Inc., dated August 7, 2020 and entitled "Plan of Proposed fixed Pier, Ramp and Float" (sheets 1 and 2) and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public

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

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments

to this Order of Conditions.

11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Piles shall be driven, not jetted.
19. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
20. All construction debris shall be removed off-site to an approved upland disposal site.
21. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
22. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
23. Water lines and attached hoses shall have nozzles attached.
24. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall

oil or fuel be stored on the dock or pier.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4568

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

E. Signatures

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

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

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

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

10-8-2020

1. Date of Issuance

4

2. Number of Signers

Signatures:

Jamie, Mathews, chair

Courtney Bird

Elizabeth Gladfelter

Kevin O'Brien

by Jennifer L. Lincoln
Conservation Administrator

by Jennifer L. Lincoln

by Jennifer L. Lincoln

by Jennifer L. Lincoln

by hand delivery on

by certified mail, return receipt requested, on

10-8-2020

Date

Date #

7012 0470 0001 3417 7330

F. Appeals

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

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

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



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4568

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

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



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

PHONE (508) 495-7445

E-mail: concom@Falmouthma.gov

FORM #1

DEP # SE 25-4568

The undersigned confirm that they have read and understand the Notice of Intent, Order of Conditions, and approved plans for the project. The undersigned also understand that the subsequent plan revisions shall require advance approval by the Conservation Commission.

Please sign name on this line.

Please print name on this line.

Property Owner

DATE

Applicant (if different)

DATE

Project Supervisor

DATE

Alternate Project Supervisor

DATE

Other (Please Specify)

DATE

Other (Please Specify)

DATE

Return Form To: Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540



TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

PHONE (508) 495-7445

E-mail: concom@falmouthma.gov

FORM #2

DEP # SE 25-4568

Below please find the names, addresses, and business telephone numbers of the project supervisor and alternate project supervisor who are responsible for ensuring on-site compliance with the Order of Conditions for DEP # SE 25-4568.

Project Supervisor:

Name:

Address:

Business Telephone #:

Property Owner's Signature:

Date:

Applicants Signature (if different): **Date:**

Alternate Supervisor:

Name:

Address:

Business Telephone #:

Print Name:

Print Name:

Return Form To: Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540

Diane Davidson

From: Diane Davidson
Sent: Monday, November 2, 2020 12:15 PM
To: Jennifer Lincoln
Cc: Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen; Amy Coughlin
Subject: Wetlands/Dock Hearing - 132 Siders Pond Road - Warren
Attachments: Special Permit Application - Signed.pdf; 88-5-5F 08-07-2020 Sht Set of 2 Proposed Pier, Ramp & Float.pdf

To all,

Attached please find an application from Warren Family Irrevocable Trust for permission to construct and maintain a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path located at 132 Siders Pond Road, Falmouth. This wetland/dock hearing is scheduled with the Select Board on Monday, December 7, 2020 at 7:30 p.m.

If you have any additional materials (for example Shellfish or Harbormaster reports) or comments you would like to include in the meeting packet for the Select Board, please email to me by Wednesday, November 25.

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*



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Board of Selectmen will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, December 7, 2020 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, on the application of James P. and Jean F. Bourdon for a proposed waterfront improvement project which includes the construction and maintenance of a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path, located at 124 Siders Pond Road, Falmouth, MA. Body of water affected is Siders Pond. Interested parties may review the file on this hearing at the Select Board Office.

*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 December 7, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. ***See Select Board NOTICE of MEETING for December 7, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on December 3, 2020 at 4:00 PM for detailed participation information.****

Per order of the Select Board

Publication Dates: Friday, November 20 and Friday, November 27, 2020; Falmouth Enterprise

RECEIVED

NOV 18 2020



TOWN OF FALMOUTH TOWN CLERK
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, Mass.



PAID
\$75.00

Date: November 11, 2020

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

Owner: James P. & Jean F Bourdon 124 Siders Pond Road, Falmouth MA 02540
(full name) (address)

Agent: Holmes and McGrath, Inc., 205 Worcester Ct, Suite A4, Falmouth, MA 02540
(full name) (address)

Applicant: James P. & Jean F. Bourdon 124 Siders Pond Road, Falmouth MA 02540
(full name) (address)

1. Location of Property: Map 47A Section 05 Parcel 003 Lot 0010

Street Name and House Number Sider's Pond Road, #124

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

3. Description of property and project site: The property located at #124 Siders Pond Road is a private, residentially developed parcel of land containing a total of approximately 26,000 square feet in area. The property is developed with an existing single family house, garage, drive-way and landscaping. Town records indicate that the existing house was constructed in 1929. The property is located within Flood Hazard Zones AE (Elev. 13) and X as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Wetland resources found on or within 100 feet of the property include a coastal bank, inland bank, a freshwater pond and land subject to coastal storm flowage.

a. Dimension, Acreage of total parcel: 198'+/- X 132'+/- 0.596 acres

b. Length of water marsh frontage: 140 feet +/-

c. Dimension of area to be dredged: none Depth: n/a

d. Dimensions of area to be filled: none

e. Volume of dredging spoil to be removed: none

Disposition of Spoil: N/A

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

f. Describe proposed riprap or bulkheading, if any: none
g. Other (docks, piers, and etc):

The proposed project includes the construction and maintenance of a 4' x 8' fixed timber pier with a 4' x 12' ramp, 8' x 12' Tee float and pipe piles in Siders Pond. Also proposed is the installation of dug-in stone steps and lighting for the existing path. Work will take place on a coastal bank, inland bank, in land under waterbodies and in land subject to coastal storm flowage.

h. Method (equipment to be used) for proposed work: The work will be performed using typical construction equipment. All standard and special conditions laid out in the Order of Conditions by the Falmouth Conservation Commission will be followed.

4. Purpose of proposed work: New installation of composite dock, timber pier, ramp, Tee float and installation of dug-in stone steps with lighting.

5. Zoning which governs area: GR (General Residential)

6. Date of application for permit to dredge or fill from the Commonwealth of Mass: not yet filed Army Engineers: NA

7. Has a permit ever been approved or refused for this location? By State, Federal or Local Authority: No

8. Remarks _____

9. Project Summary for legal notice: The proposed waterfront improvement project includes the construction and maintenance of a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path.

Owner: James P. & Jean F. Bourdon
124 Siders Pond Road
Falmouth, MA 02540
(name and address)
Tel. # _____

Agent: Holmes and McGrath, Inc.
205 Worcester Ct, Suite A4
Falmouth, MA 02540
(name and address)
Tel. # 508-548-3564

James Bourdon
Owner's Signature

Nathan Goshgarian
Agent's Signature

Applicant: Same as owner

(name and address)
Tel. # _____

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

Unofficial Property Record Card - Falmouth, MA

General Property Data

Parcel ID **47A 05 003 010** Account Number **Falmouth**
 Prior Parcel ID **--**
 Property Owner **NICHOLSON TRUSTEE CHRISTOPHER J** Property Location **124 SIDERS POND RD**
124 SIDERS POND RD R E TR Property Use **ONE FAMILY**
 Mailing Address **124 SIDERS POND RD** Most Recent Sale Date **7/17/2006**
 Legal Reference **21189-49**
 City **FALMOUTH** Grantor **NICHOLSON,CHRISTOPHER J**
 Mailing State **MA** Zip **02540-2665** Sale Price **1**
 Parcel Zoning **GR** Land Area **0.597 acres**

Current Property Assessment

Card 1 Value Building Value **432,100** Xtra Features Value **1,000** Land Value **370,300** Total Value **803,400**

Building Description

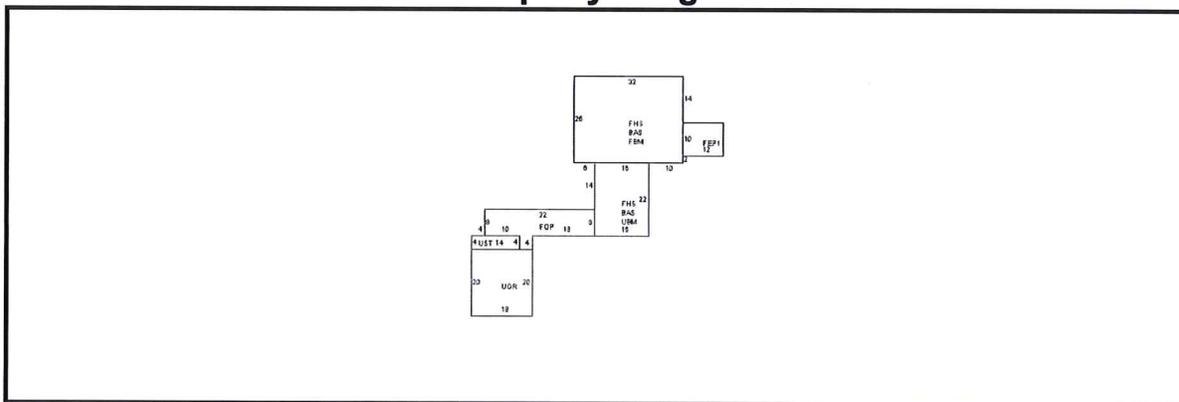
Building Style Cape Cod	Foundation Type	Flooring Type Hardwood
# of Living Units 1	Frame Type Wood	Basement Floor N/A
Year Built 1929	Roof Structure Gable/Hip	Heating Type Steam
Building Grade 10 1.65	Roof Cover Asphalt	Heating Fuel Oil
Building Condition Average	Siding Wood Shingle	Air Conditioning 0%
Finished Area (SF) 2192	Interior Walls SolidPanel	# of Bsmt Garages 0
Number Rooms 7	# of Bedrooms 4	# of Full Baths 2
# of 3/4 Baths 1	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

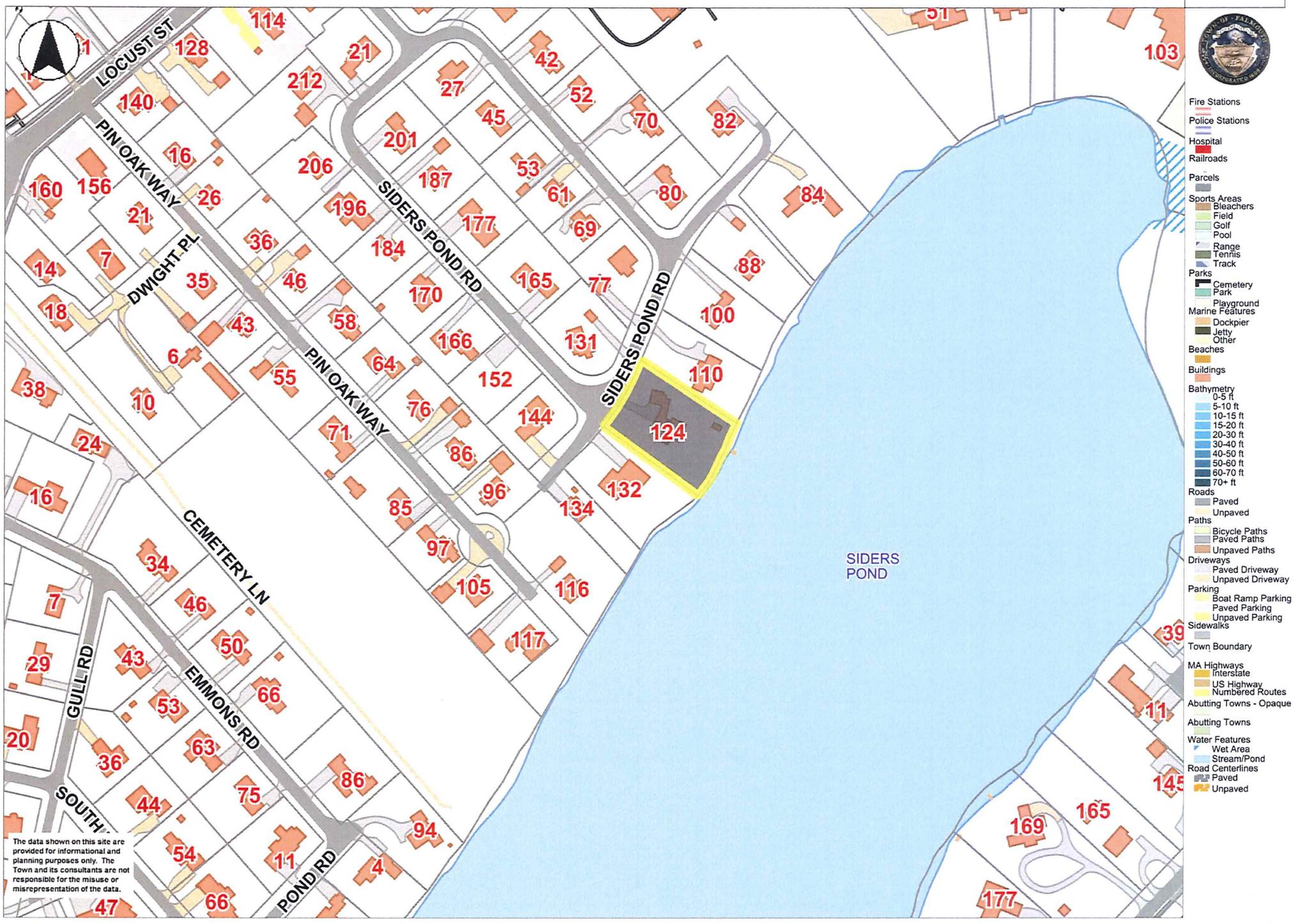
Narrative Description of Property

This property contains 0.597 acres of land mainly classified as ONE FAMILY with a(n) Cape Cod style building, built about 1929 , having Wood Shingle exterior and Asphalt roof cover, with 1 unit(s), 7 room(s), 4 bedroom(s), 2 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 280 560 ft

Printed on 04/13/2020 at 09:57 AM



Assessor Data	
Parcel #	47A 05 003 010
Parcel Account #	22989
Owner	BOURDON JAMES P
CoOwner	BOURDON JEAN F
Address	124 SIDERS POND RD
Area	0.60 Acres / 26000 Sqft
Zoning	GR
To Zoning Requirements	Zoning Lot Size & Frontage Specs
Land Use Code	101
To Land Use Codes	LU Codes
Land Use Descript	ONE FAMILY
Year Built	1929
Effective Year	2000
Home Type	Cape Cod
Finished Area	2192.00
Bedrooms	4
Full Baths	2
Half Baths	0
Fireplaces	3
Type of Heat	Steam
Heated by	Gas
AttachedGarage	360.00
Basement	0
Garage	
Detached Garage	
Book & Page	32709-88
To Registry	Registry of Deeds

300-FOOT ABUTTERS LIST

To be submitted with application for hearings:
 List of property owners notified in connection with a public hearing for
WETLANDS SECTION 4300 on petition of James P. & Jean F. Bourdon
 (type of hearing) (applicant)

124 Siders Pond Road, Falmouth MA 02540
 (mailing address)

as established by the Bylaws of the Town and/or M.G.L.
 Owners: House Number 124 Siders Pond Rd

Owners: Map 47A Section 05 Parcel 003 Lot 010

LISTED BELOW ARE ABUTTERS BY MAP- SECTION- PARCEL- LOT NUMBERS AND NAME

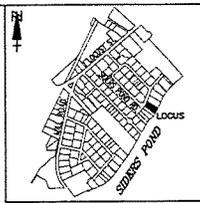
MAPNO	OWNER	COOWNER	PROPLOC
47A 05 030 009	JACOBANIS SUSAN F		86 PIN OAK WAY
47A 05 004 008B	WARREN TRUSTEE PHILIP H		132 SIDERS POND RD
47A 05 031 010	KAMS CRAIG I		41 CANTERBURY DR
47A 05 002 011	OGILVY JR STEPHEN H		318 ELM RD
47A 05 099 027	POLLEN LINDA K		77 SIDERS POND RD
47A 05 033 012	DEWITT EDWARD J		116 PIN OAK WAY
47A 05 005 008A	KUNEN DAVID ALAN		42 YORK RD
47A 05 098 025B	FOSTER TRUSTEE MARGARET Y		69 SIDERS POND RD
47A 05 013 006	RILEY TRUSTEE WILLIAM		24 MAPLE ST
47A 04 035 014	MAGUIRE LIAM A		105 PIN OAK WAY
47A 04 036 015	NICKERSON MARIE C		97 PIN OAK WAY
47A 05 014 005	BLOXSOM TRUSTEE KATHERINE P		166 SIDERS POND RD
47A 05 015 004	PAUL TRUSTEE RUTH		170 SIDERS POND RD
47A 05 001 012	MCGONAGLE EDWARD J		165 MONROE ST
47A 04 037 016	CRAVEN DONALD E		20 CLIFFORD ST
47A 05 006 028B	GLYNN SUZANNE FAY		49 LOCUST ST
47A 05 029 008	HURWITCH TR GEOFFREY WILLIAM		4302 HIDDEN COVE RD
47A 05A 083 000A	JONES III ESTATE OF DEWITT CLINTON		84 SIDERS POND RD
47A 05A 085 014	DYER MARCIA A		80 SIDERS POND RD
47A 05A 086 015	MOFFETT JAMES WYLIE		1701 WAYNE AVE
47A 05 009 024	REED KENNETH M		177 SIDERS POND RD
47A 05 012 007	FITZPATRICK FRANCIS J		1623 GEDDES LN
47A 04 034 013	HOCKER TRUSTEE NINA M WHITNEY		117 PIN OAK WAY
47A 05 097 023B	SHANNON JAMES E		2 GRIST MILL RD
47A 05 001A 013	OWENS W BRECHNER		88 SIDERS POND RD
47A 05 008 026	GALLO DAVID G		165 SIDERS POND RD

LOT COVERAGE NOTES (FOR ZONING PURPOSES)

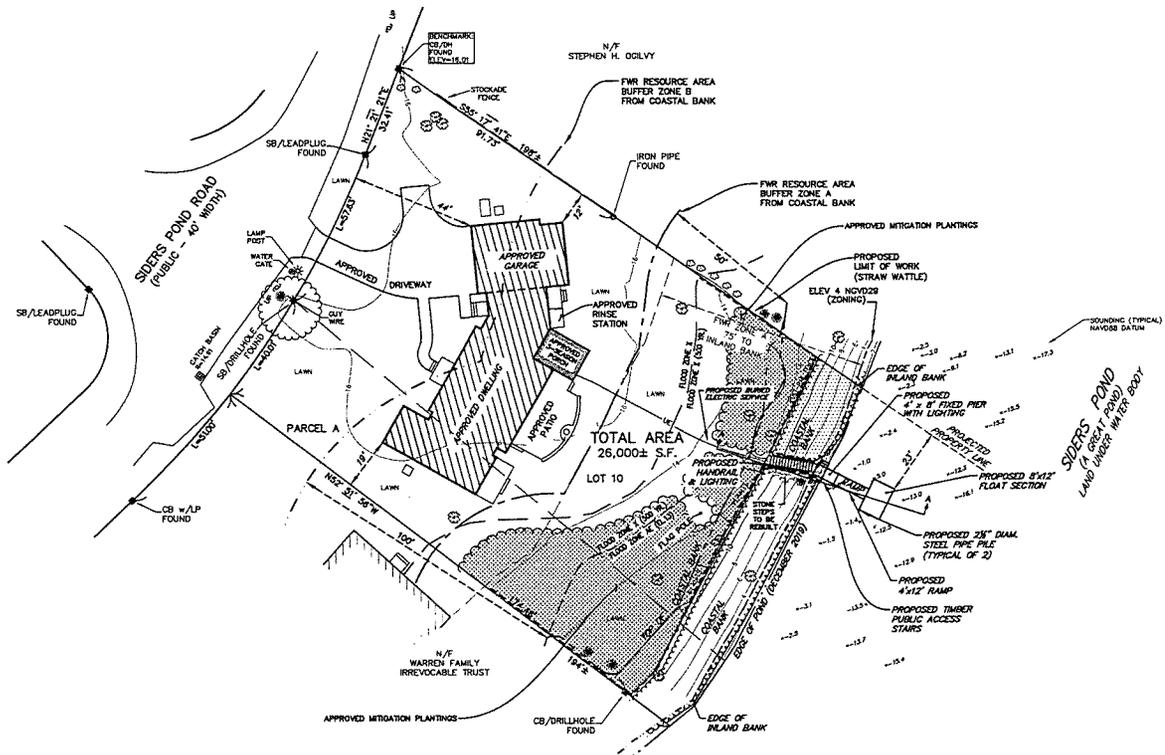
	PROPOSED	MAXIMUM ALLOWABLE
BY STRUCTURES	14.6%	20%
BY STRUCTURES/ PAVING/PARKING	19.8%	40%

LEGEND

UTILITY POLE	○
BOUND	□
TOP OF COASTAL BANK	—
EXISTING SHRUB	○
EXISTING DECIDUOUS TREE	○
EXISTING CONIFEROUS TREE	○
EXISTING SPOT GRADE	44.0'
EXISTING GRADE	3'

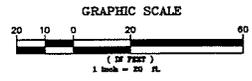


LOCUS MAP
NOT TO SCALE



NOTES

1. HOUSE NUMBER: 124
2. ASSESSOR'S NUMBER: 47A 05 003 010
3. ZONING DISTRICT: GR
4. FLOOD HAZARD ZONES: X, X (500 YR), & AE (EL-13)
5. BENCHMARK: AS SHOWN
6. TOPOGRAPHIC INFORMATION BASED ON AN ON THE GROUND INSTRUMENT SURVEY.
7. ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVDBS)
8. REFERENCE: PLAN BOOK 53, PAGE 89 & PLAN BOOK 20, PAGE 141
9. WIND EXPOSURE CATEGORY: C
10. LOT IS LOCATED IN A WIND BORNE DEBRIS REGION.
11. APPROVED WORK SHOWN IS AUTHORIZED UNDER ORDER OF CONDITIONS DEP FILE # 25-4547

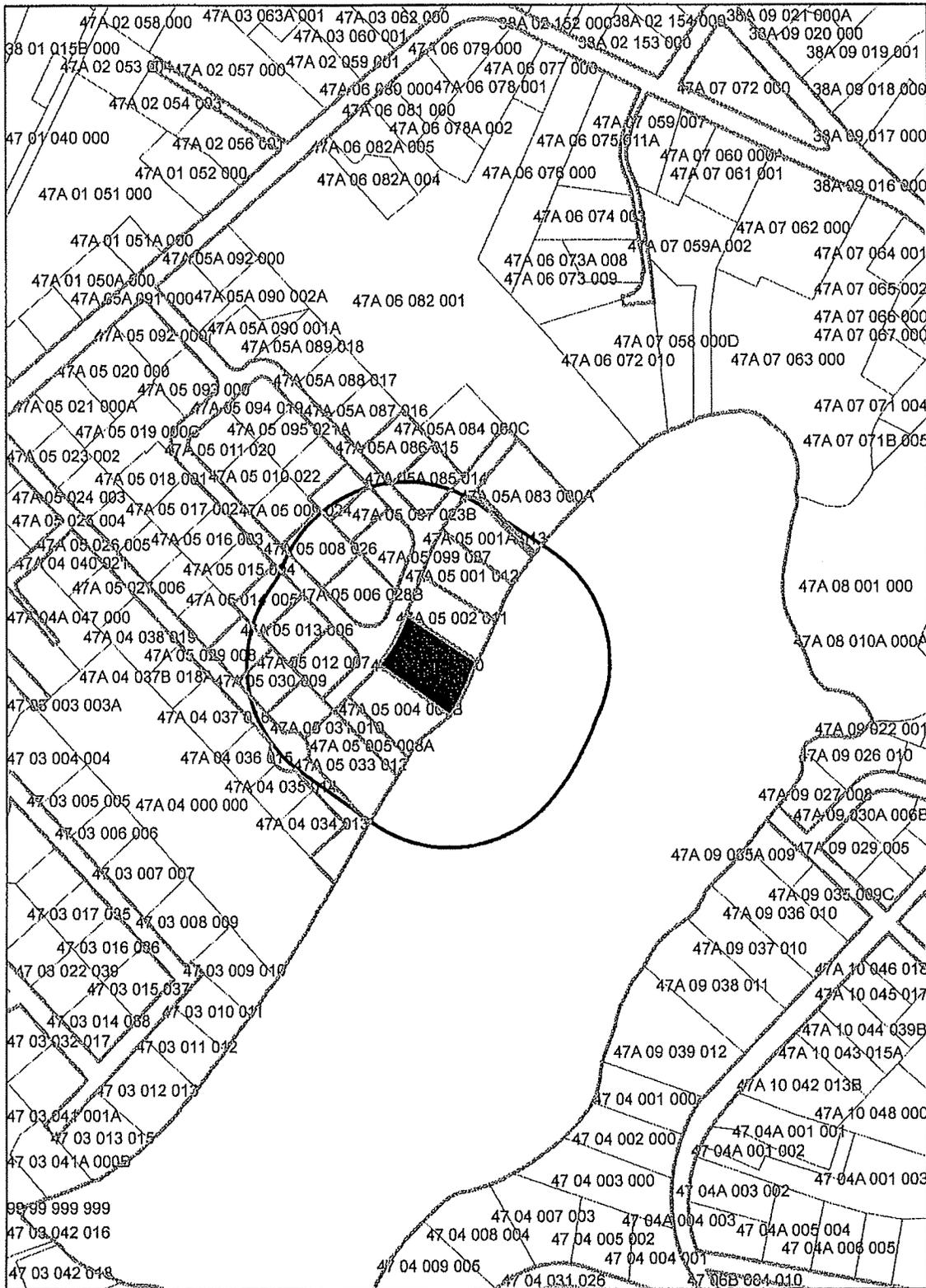


NOTICE
Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan:
(A) no person or persons, including any municipal or other public officials, may rely upon the information contained herein; and
(B) this plan remains the property of Holmes & McGrath, Inc.

DATE	DESCRIPTION	Drawn	Checked
REVISIONS			
PLAN OF PROPOSED FIXED PIER, RAMP & FLOAT PREPARED FOR JAMES & JEAN BOURDON FOR LOTS A & 10, #24 SIDERS POND ROAD IN FALMOUTH, MA			
SCALE: 1"=20'	DATE: AUGUST 13, 2020		
holmes and mcgrath, inc. civil engineers and land surveyors 203 waterfront court - suite 44 - falmouth, ma 02540 508-548-2554 www.holmesandmcgrath.com			
DRAWN: JLF	CHECKED: JLF	<i>[Signature]</i>	
JOB NO: 220119	DWG. NO.: 89-1-730	SHEET 1 OF 2	

166 SIDERS POND RD BLOXSOM TRUSTEE KATHERINE P BLOXSOM TRUSTEE MICHAEL E 166 SIDERS POND RD FALMOUTH, MA 02540	47A 05 014 005 LUC: 101	84 SIDERS POND RD JONES III ESTATE OF DEWITT CLINTON JONES MARGARET HANNA 84 SIDERS POND RD FALMOUTH, MA 02540-2664	47A 05A 083 000A LUC: 101	132 SIDERS POND RD WARREN TRUSTEE PHILIP H WARREN TRUSTEE SUSAN 132 SIDERS POND RD FALMOUTH, MA 02540	47A 05 004 008B LUC: 101
124 SIDERS POND RD BOURDON JAMES P BOURDON JEAN F 177 SHORE ST FALMOUTH, MA 02540	47A 05 003 010 LUC: 101	96 PIN OAK WAY KAMS CRAIG I KAMS RENA L 41 CANTERBURY DR SUDBURY, MA 01776	47A 05 031 010 LUC: 109		
116 PIN OAK WAY DEWITT EDWARD J MORTENSON KATHLEEN E 116 PIN OAK WAY FALMOUTH, MA 02540-2653	47A 05 033 012 LUC: 101	134 SIDERS POND RD KUNEN DAVID ALAN KUNEN MANDI Z 42 YORK RD WAYLAND, MA 01778-1013	47A 05 005 008A LUC: 101		
80 SIDERS POND RD DYER MARCIA A 80 SIDERS POND RD FALMOUTH, MA 02540-2664	47A 05A 085 014 LUC: 101	100 SIDERS POND RD MCGONAGLE EDWARD J MCGONAGLE ELIZABETH S 165 MONROE ST DEDHAM, MA 02026	47A 05 001 012 LUC: 101		
144 SIDERS POND RD FITZPATRICK FRANCIS J FITZPATRICK MARY A 1623 GEDDES LN FERNANDIAA BEACH, FL 32034-1982	47A 05 012 007 LUC: 101	70 SIDERS POND RD MOFFETT JAMES WYLIE 1701 WAYNE AVE SOUTH PASADENA, CA 91030	47A 05A 086 015 LUC: 101		
69 SIDERS POND RD FOSTER TRUSTEE MARGARET Y FOSTER TRUSTEE RICHARD C 69 SIDERS POND RD FALMOUTH, MA 02540	47A 05 098 025B LUC: 101	110 SIDERS POND RD OGILVY JR STEPHEN H 318 ELM RD FALMOUTH, MA 02540	47A 05 002 011 LUC: 101		
165 SIDERS POND RD GALLO DAVID G GALLO CYNTHIA T 165 SIDERS POND RD FALMOUTH, MA 02540-2666	47A 05 008 026 LUC: 101	88 SIDERS POND RD OWENS TRUSTEE WILLIAM BRECHNER OWENS TRUSTEE ELIZABETH BROWN 88 SIDERS POND RD FALMOUTH, MA 02540-2664	47A 05 001A 013 LUC: 101		
131 SIDERS POND RD GLYNN TRUSTEE SUZANNE FAY GLYNN TRUSTEE CAITLIN 49 LOCUST ST FALMOUTH, MA 02540-2666	47A 05 006 028B LUC: 101	77 SIDERS POND RD POLLEN LINDA K 77 SIDERS POND RD FALMOUTH, MA 02540	47A 05 099 027 LUC: 101		
76 PIN OAK WAY HURWITCH TR GEOFFREY WILLIAM PIN OAK WAY RE TRUST 4302 HIDDEN COVE RD PARK CITY, UT 84098	47A 05 029 008 LUC: 101	152 SIDERS POND RD RILEY TRUSTEE WILLIAM RILEY TRUSTEE LINDA T 24 MAPLE ST NEEDHAM, MA 02492	47A 05 013 006 LUC: 101		
86 PIN OAK WAY JACOBANIS SUSAN F 86 PIN OAK WAY FALMOUTH, MA 02540-2661	47A 05 030 009 LUC: 109	61 SIDERS POND RD SHANNON JAMES E SHANNON SUSAN M 61 SIDERS POND RD FALMOUTH, MA 02540	47A 05 097 023B LUC: 101		

124 SIDERS POND RD





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information

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

1. From: Falmouth
Conservation Commission

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

3. To: Applicant:

James P. & Jean F.

a. First Name

Bourdon

b. Last Name

c. Organization

124 Siders Pond Rd

d. Mailing Address

Falmouth

e. City/Town

MA

f. State

02540

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

124 Siders Pond Rd

a. Street Address

Falmouth

b. City/Town

47A 05

c. Assessors Map/Plat Number

003 010

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s
d. Latitude

d m s
e. Longitude

NOTE: Doc# 1,393,706





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information (cont.)

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

Barnstable

a. County

b. Certificate Number (if registered land)

32709

c. Book

d. Page

7. Dates: 08/26/2020 9/16/2020. 11/09/2020
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

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

Plan of Proposed Pier prepared for James P. & Jean F. Bourdon for 124 Siders Pond Rd, Falmouth, MA

Holmes & McGrath Inc.

Timothy M. Santos, P.E.

b. Prepared By

c. Signed and Stamped by

08/13/2020

1"=20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	4 a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	144 a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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

Provided by MassDEP:
 25-4573
 MassDEP File #

eDEP Transaction #
 Falmouth
 City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
15. <input checked="" type="checkbox"/> Coastal Banks	4 a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	175 a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4573 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4573
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4573

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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



WPA Form 5 – Order of Conditions

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Falmouth Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

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

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

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

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

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



Falmouth Conservation Commission

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

Name: James & Jean Bourdon
Address: 124 Sidlers Pond Rd, Falmouth, MA
DEP #: 25-4573

FINDINGS:

1. The applicant proposes to construct and maintain a 4'x8' fixed timber pier with a 4'x12' ramp, and 8'x12' float. The structure will be secured by 6"x6" posts and pipe piles.
2. Resource areas onsite and with 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF) and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to James and Jean Bourdon, 124 Sidlers Pond, Falmouth, to construct and maintain a pier, ramp and float according to the plans and narrative by Holmes and McGrath, Inc., dated August 13, 2020 (sheets 1 and 2), subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into

the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand.
18. Piles shall be driven, not jetted.
19. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
20. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
21. All construction debris shall be removed off-site to an approved upland disposal site.
22. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
23. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
24. Water lines and attached hoses shall have nozzles attached.
25. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.

26. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
27. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
28. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
29. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
30. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
31. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. All floats and piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

In accordance with the unanimous vote of the Falmouth Conservation Commission, Jennifer L. Lincoln, Conservation Administrator is authorized to sign on behalf of each individual Commissioner as reflected in the recorded Land Court Document: 1,393,706 dated 04-03-2020 9:24 Barnstable Land Court Registry



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4573
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

E. Signatures

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

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

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

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

11-9-2020

1. Date of Issuance

4

2. Number of Signers

Signatures:

Jamie Mathews, Chair Conservation Administration
Courtney Bird Jennifer L Lincoln
Kevin O'Brien Jennifer L Lincoln
Elizabeth Gladfelter Jennifer L Lincoln

by hand delivery on

by certified mail, return receipt requested, on

11-9-2020

Date

Date # 7012 0470 0001 3617 6760

F. Appeals

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

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

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

Diane Davidson

From: Diane Davidson
Sent: Wednesday, November 25, 2020 10:04 AM
To: Jennifer Lincoln
Cc: Amy Coughlin; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen
Subject: Wetlands/Dock Hearing - 124 Siders Pond Road - Bourdon
Attachments: Signed Special Permit - Bourdon-220119.pdf; 89-1-73B SET 08-13-2020 Sh1-2 Proposed Pier.pdf

Hi Jen,

Attached please find an application from James P. and Jean F. Bourdon for a proposed waterfront improvement project which includes the construction and maintenance of a fixed timber pier, ramp, float, pipe piles, dug-in stone steps and lighting for the existing path located at 124 Siders Pond Road, Falmouth. This wetland/dock hearing is scheduled with the Select Board on Monday, December 7, 2020 at 7:30 p.m.

If you have any additional materials (for example Shellfish or Harbormaster reports) or comments you would like to include in the meeting packet for the Select Board, please email to me by Wednesday, December 2.

Thank you,

Diane

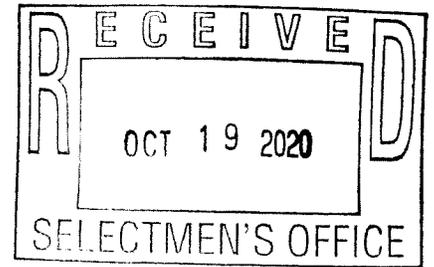
*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

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 Floor Plan ✓
- ✓6. Copy of Menu ✓
7. Attend a hearing before the Board of Selectmen at a time and date designated
8. License fee of \$60.00 due upon approval by the Board



PAID
\$ 10



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

APPLICATION - COMMON VICTUALLER

NAME OF ESTABLISHMENT: The Blended Berry

DBA, if any _____

BUSINESS ADDRESS: 56 Davis Straits

MAILING ADDRESS: 104 Three Rivers Dr. Kingston, MA 02364
(if different)

NAME OF APPLICANT: Sara and Jordan Thompson

HOME ADDRESS: 104 Three Rivers Dr. Kingston, MA 02364

FID# [REDACTED]

MANAGER: Sara Thompson **EMAIL: (required)** Theblendedberrycapecod@gmail.com

DAYS OF OPERATION Sun-Sat **HOURS OF OPERATION** 7am-6pm

PARKING PLAN _____

TELEPHONE: (BUS.) 781-291-1972 (HOME) _____

SEATING CAPACITY: _____ **OCCUPANCY #** _____

10/16/20
DATE

Sara Thompson
OWNER / MANAGER / AUTHORIZED AGENT

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

BOARD OF SELECTMEN



Get Blended

Açaí & Pitaya Bowls

\$10.50

House Bowl

Blend: Acai, Strawberry, Banana, Almond Milk

Toppings: Granola, Strawberry, Banana, Shredded Coconut, Goji Berries, Honey

Nutty By Nature

Blend: Acai, Blueberry, Banana, Almond Milk

Toppings: Toasted Coconut, Sliced Almonds, Banana, Blueberry, Honey

Peanut Berry Protein Bowl

Blend: Acai, Blueberry, Banana, Homemade Peanut Butter, Plant or Whey Protein, Almond Milk

Toppings: Granola, Banana, Strawberry, Blueberry, Homemade Peanut Butter, Honey

Magic Dragon

Blend: Pitaya, Mango, Banana, Coconut Water

Toppings: Granola, Pineapple, Banana, Coconut Shreds, Agave



Scan Me To
Order Online!



Smoothies

12oz \$6.25 16oz \$7.75
20oz \$8.95

The Hulk

Mango, Pineapple, Banana, Spinach, Kale,
Coconut Water

Rocket Fuel

Cold Brew Coffee, Banana, Homemade
Peanut Butter, Cinnamon, Almond Milk

Honeyberry

Blueberries, Strawberries, Honey, Chia Seeds,
Banana, Almond Milk

The PB Pump

Cacao, Homemade Peanut Butter, Choice of Plant
or Whey Protein, Cinnamon, Banana, Almond Milk

Island Vibes

Strawberry, Pineapple, Banana, Chia Seeds,
Coconut Water

Berry Breakfast

Blueberry, Banana, Oats, Agave, Flaxseed,
Homemade Peanut Butter, Almond Milk

Gotcha Matcha

Matcha, Pineapple, Banana, Kale, Spinach,
Honey, Almond Milk

Perfect Date

Dates, Banana, Homemade Peanut Butter,
Almond Milk

PB & J

Blueberries, Strawberries, Banana,
Homemade Peanut Butter, Honey,
Almond Milk

Pink Passion

Pitaya, Mango, Strawberries, Agave, Banana,
Coconut Water

Kombucha

12oz \$3.75 16oz \$4.25 20oz \$4.75

Tea

Peach Paradise

12oz \$2.50 16oz \$2.75 20oz \$3.00

Juices

16oz \$8.25

Green Lemonade

Cucumber, Apple, Ginger, Lemon, Celery

Can't Be Beet

Beets, Orange, Carrot, Ginger, Red Apple

Cucumber Cooler

Cucumber, Pineapple, Celery, Green Apple

Tropical Sunrise

Pineapple, Carrot, Orange, Turmeric, Red
Apple

Sweet Potato Punch

Sweet Potato, Carrot, Pineapple, Ginger

24 Carrot

Carrot, Orange, Lemon, Ginger

Celery Juice

Celery Juice is Priced at \$8.95

Wellness Shots

2oz \$3.00

Immunity Boost

Ginger, Lemon, Turmeric, Cayenne Pepper

Cold Assassin

Ginger, Apple

Ginger

Straight Up Ginger

Vitamin C

Turmeric, Orange

Sweet N Spicy

Pineapple, Jalapeño

Organic Wheatgrass

1oz *\$3.00

Coffee

Hot Coffee

12oz \$2.15 16oz \$2.35

Cold Brew

12oz \$3.50 16oz \$4.00 20oz \$4.50

Nitro

12oz \$3.99 16oz \$4.99



Gourmet Toast

\$5.95

*Served on a local multigrain artisan bread from
Hearth Bakery. GF bread available upon request*

Everything Avocado

Fresh Avocado Mash, Lime Juice, Sea Salt, Black
Pepper, Seasoned with Everything Seasoning

Nut Your Average Toast

Homemade Peanut Butter, Strawberry, Banana,
Toasted Coconut, and Drizzled with Honey

Thats My Jam

Strawberry Jam, Sliced Banana, and a Drizzle
of Homemade Peanut Butter

Caprese (Kuh-Prey-Zey) Good

Original Hummus, Cherry Tomatoes, Mozzarella,
Fresh Basil, Crack of Salt and Pepper,
Balsamic Glaze

Banana Nut

Homemade Maple Almond Butter, Banana,
Cinnamon, Honey

Mediterranean

Original Hummus, Cucumber, Feta, Crack of
Salt and Pepper, Red Chili Flakes

Oatmeal Bowls

\$5.95

The Vermonter

Mix: Steel Cut Oats, Almond Milk, Maple
Syrup

Topped: Granola, Banana, Blueberry, Drizzle
of Maple Syrup

Show Me The Honey

Mix: Steel Cut Oats, Almond Milk, Honey

Topped: Granola, Strawberry, Banana,
Drizzled with Homemade Peanut Butter
& Honey

Phyllis Downey

From: Brian Reid
Sent: Monday, October 26, 2020 10:35 AM
To: Phyllis Downey
Cc: Diane Davidson; Sean Doyle
Subject: RE: Application for common Victualler License - The Blended Berry

This department has no objection.
Thank you,

Captain Brian L. Reid

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

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

From: Phyllis Downey
Sent: Tuesday, October 20, 2020 12:30 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Application for common Victualler License - The Blended Berry

To all,

Attached is an application from The Blended Berry, LLC for a Common Victualler License located at 56 Davis Straits, Falmouth. Please provide any comments or recommendations on this application to the Select Board by Thursday, November 4th.

If you would like to review any of the documents on the checklist, including a large version of the renovation plans, please let me know.

The application is scheduled for review on November 9th.

Thank you,
Phyllis
508-495-7325

Phyllis Downey

From: Thomas Bott
Sent: Tuesday, October 20, 2020 1:47 PM
To: Phyllis Downey; Brian Reid; Sean Doyle; Noreen Stockman; Scott McGann; Rod Palmer; Timothy Smith; Peter McConarty
Cc: Pamela Marshall; Linda Kinchla; Melinda Rebelo; Diane Davidson
Subject: RE: Application for common Victualler License - The Blended Berry

Dear Phyllis:

No expansion of the existing structures, tenant finish only. No concerns from Planning Department.

TBott

From: Phyllis Downey
Sent: Tuesday, October 20, 2020 12:30 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
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Thank you,
Phyllis
508-495-7325

Phyllis Downey

From: Noreen Stockman
Sent: Tuesday, October 20, 2020 1:57 PM
To: Phyllis Downey
Subject: RE: Application for common Victualler License - The Blended Berry

Ok for ZBA.

Thank you,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, October 20, 2020 12:30 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
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Subject: Application for common Victualler License - The Blended Berry

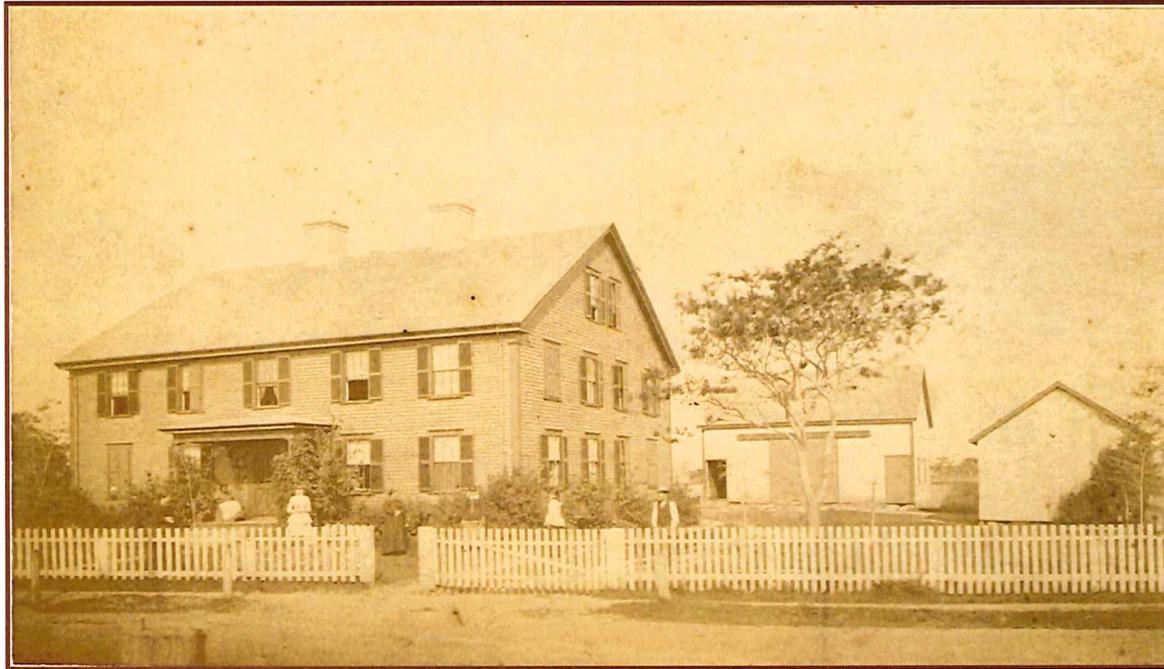
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Thank you,
Phyllis
508-495-7325



Edwards Marks Building/ Poor House Advisory Committee

2nd Update to Falmouth Select Board

December 7, 2020

Mission of Advisory Committee

(As of Selectmen's Meeting, May 10, 2019. First met on July 10, 2019)

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

- Historic preservation of the building exterior
- An interior renovation plan that satisfies office needs based on usage/occupancy requirements provided by the Town Manager, complies with the Mass Historical Commission Preservation Restriction, and preserves important architectural details
- Cost of proposed restoration and preservation work
- The visibility and accessibility of proposed improvements to community members and visitors
- Use of the first floor for the Falmouth Human Services Department
- Potential uses of the second floor and attic
- Community input
- Potential funding sources in addition to Community Preservation Act and Falmouth General Funds
- Other criteria that the Committee may recommend

Who Serves on This Committee Now?

- Mike Duffany
- Ed Haddad, Recording Secretary
- Tom Renshaw, Vice Chair
- Jean-Pierre Riu
- Christian Valle, Historical Commission
- Barbara Weyand, Chair

Advisors to Committee:

- Doug Brown,
Liaison to Select Board
- Tom Bott, Planning Dept.

** Would like to acquire another committee member*

Recap of Work through 2019

- Wrote a proposal for CPA monies to fund preparation of “Historic Structure Report” (HSR).
 - Drafted a RFP for the Town to issue to historic preservationists
- Created a 2-binder archive of documents from Town and personal sources as raw material for HSR.
- Set up subcommittee of our 3 general contractors to assess renovation and restoration work for 1st floor use by Human Services Dept. and eventual use of whole building
- Arranged for period-appropriate exterior lighting to replace what Town had installed.
- Reported on analysis of historic elements of building to Select Board, Dec. ‘19

2020 – Work & Plan *Before* Covid (Jan. – March)

Goals for Year

- Secure CPC funding of \$50K grant for Historic Structure Report
- Provide expertise on HVAC system to replace the too-costly ESCO plan
- Provide input to architect's plan for Main Floor
- Update / improve RFP for HSR
- Apply to MHC for matching funds

Anticipated Work with Town throughout 2020

- After Town issues RFP, interview candidates for contract and provide guidance to preservationist
- Review detailed architect's plan for Main Floor regarding preservation and restoration of architectural elements protected by Preservation Restriction of the interior.
 - Work with Falmouth Historical Commission on plan review and help Falmouth HC to acquire approval on said plan from MHC
- Based on findings of Historic Structure Report, start a plan for restoration of exterior.
 - Encourage public interest/support for project via tours, FCTV, presentations to other organizations
 - Seek additional funding for restoration of the exterior
 - Develop a landscaping plan for property.

2020 – Work & Plan *Since* Covid (March – Dec.)

Actual Work

- Secured CPC funding of \$50K grant for Historic Structure Report
 - **Funds available only in Fall 2020, owing to delay of Spring Town Meeting**
- Provided expertise on HVAC system to replace the too-costly ESCO plan
 - **Provided alternative HVAC plan. Committee response to modified ESCO plan being delivered shortly.**
- Updated / improved RFP for HSR. Submitted to Town for issuance.
- Applied to MHC for matching funds. Turned down.
- Replaced parking lot lighting with period-appropriate exterior lighting.
- Inventoried doors on premises for later use throughout.

Work with Town *Not* Realized

- Progress on RFP for Historic Structure Report within Town Hall.
 - **Awaiting reply to RFP Draft sent to Planning Dept.**
- Full architect's plan for Main Floor still not available, dependent on closure on HVAC.
 - **Review detailed architect's plan for Main Floor regarding preservation and restoration of architectural elements protected by Preservation Restriction of the interior.**
 - **Work with Falmouth Historical Commission on review of that plan and use our HC to acquire MHC approval on said plan**
- Based on findings of Historic Structure Report, start a plan for restoration of exterior.
 - **Seek additional funding for restoration of the exterior**
 - **Approaching Falmouth Garden Club re possible interest in developing a period-sensitive landscape plan.**
- Develop estimate of project costs for Town to include in Capital Spending (Fall Town Meeting, 2021)

2021 – Plan *including* Covid (First 6 months)

Practical Expectations vs. Ideal Execution

- Resolve differences in HVAC proposals in order to finalize plan for the Main Floor
 - Want to ensure plan for the Main Floor reserves space for an elevator so as maximize use of 2nd floor
 - In addition to sign-off on HVAC, advise on lighting, electrical, security and insulation (Break Room) for safe use of building by HS Dept. on Main Floor.
 - Anticipate HVAC needs for 2nd floor.
- Get sign-off on Interior renovations by HC and MHC
- Issue RFP for Historic Structure Report & Hiring of Historic Preservationist
 - **Our estimate is that the earliest the HSR work can start is now April 2021.**
- Complete Historic Structure Report
- Add a Project Construction sign to educate the public
- Develop a restoration plan for the exterior, including funding
 - **We are in danger of missing 2021 funding opportunities for the exterior because the HSR is badly delayed**
 - **Developing landscaping plan for property. Hoping to engage the Falmouth Garden Club.**
 - **Desire to start this plan in parallel to that for building exterior so improvement is noticeable to public**

For the Select Board's Consideration

- This is a complex project stretching over several years, given the reality of funding cycles
 - Currently our end-date as a Committee is May of 2021. During past administrations, lack of 'management' continuity has doomed this project to being more complicated than it should have been, had the Town been a serious Steward of this important historical building.
 - This project will require a dedicated project manager
 - Peter Johnson-Staub has been helpful, but at some point – when construction starts on the Main Floor piece of the project – we hope he will delegate to an ongoing contact or designate a project manager (perhaps in the DPW or General Contractor of contract?)
- The Town needs to look at this project as a strategic investment for the 21st c., not just a place to house a department.
- In 2021, the Committee will likely be able to deliver some cornerstones to support that:
 - A comprehensive analysis of the *whole* building and its potential, once renovated and restored, for future use by the Town beyond the immediate tactical plan for the Main Floor
 - A plan for and possible start of work on the exterior so the Town can replace the present worn appearance with a period-sensitive restoration that improves the streetscape of east Main St.

UPDATE ON PROPOSED NEW FIRE STATION

- To Select Board 12-4-2020

As the Board is aware, the Citizens Committee on New Fire Station location made their presentation to you recently with the recommendation that the new, fifth (replacement) fire station location should focus on the north/central area (commonly referred to generally as Hatchville). As instructed in the mission statement provided by the Board, this was based upon the analysis of three-years of actual fire department run data as provided by McGrath Consulting.

I have been involved in an internal review with appropriate staff members of the multiple, alternative locations suggested for consideration. Not surprisingly, this internal review has revealed significant challenges related to each of the alternatives. At this time, it appears that the optimum alternative in that area is on Sandwich Road at the vacant corner of the 14 acre parcel which includes the existing Sandwich Road fields and which is "under the jurisdiction and control of the Board of Selectmen" (per Town Meeting action 11/18/2002).

As we know, this single new fire station is included in the Board's adopted capital plan. I will be continuing my work with Town Counsel, the Finance Director, the Fire Chief and others as we move forward affirmatively in this important process and will be reporting regularly to the Board.



Julian

Falmouth Fire Rescue
West Falmouth Station #4
OCTOBER
Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 w/3 (15)	Sta. #3 w/4 (16)	Incidents	
	Day 0800	Night 1800			EMS/Fire	
1	Y (0800-1015)	Y	Y (1015-1500 w/4)		1	E22-OOS-Day
2	Y	Y			2	
3	Y	Y			1	
4	N	Y	Y (0800-1800)		1	
5	N	Y	Y (0800-1800)		1	
6	Y	Y			4	
7	N	Y	Y (0800-1800)		1	
8	N	N			0	
9	N	Y			0	
10	N	N			3	
11	Y	Y			2	
12	Y	Y			1	
13	Y	Y			0	
14	Y	Y			1	
15	N	N		Y (1800-0800)	1	E25-OOS
16	N	N			1	
17	N	Y	Y (0800-1800)		0	
18	N	Y	Y (0800-1800)		1	
19	Y	Y			1	
20	Y	Y			1	
21	Y	Y (Until 2230)		Y (2230-0800)	0	E22-OOS (@2230)
22	N	N		Y (0800-0800)	0	E22-OOS
23	N	N		Y (0800-0800)	1	E22-OOS
24	N	N			0	E22-OOS
25	N	N	Y (1800-0800)		0	E22-OOS
26	N	N		Y (1800-0800)	1	E22-OOS
27	N	Y		Y (0800-1800)	2	E22 OOS until 1800
28	Y	Y			0	
29	N	Y			2	
30	Y	N			1	
31	N	N			2	
	13	20	7	6	Total	
					32	

DAYS
 13/31
 (42%)

NIGHTS
 20/31
 (65%)

33/62
 (53%)

Falmouth Fire Rescue
West Falmouth Station #4
NOVEMBER
Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 w/3 (15)	Sta. #3 w/4 (16)	Incidents
	Day 0800	Night 1800			EMS/Fire
1	N	N			1
2	Y	Y			0
3	N	Y		Y (0800-1800)	2
4	Y	Y			0
5	N	Y		Y(0800-1800)	2
6	N	N			3
7	N	N			1
8	N	Y			2
9	Y	Y			1
10	N	Y	Y (1000-1800)		0
11	Y	Y			1
12	Y	Y			1
13	Y	N			4
14	N	Y			1
15	N	Y			2
16	N	Y			1
17	Y (1000-1800)	Y	Y (0800-1000)		3
18	Y	Y			2
19	N	Y (2000-0800)	Y (0800-2000)		1
20	N	N			2
21	N	N			1
22	N	N			0
23	N	N			3
24	N	Y			0
25	N	N	Y (1800-0800)		0
26	N	Y			1
27	N	N			1
28	N	N			2
29	N	Y			0
30	N	N			0
	8	18	4	2	Total
					38

E23 OOS-Day

Daytime Pump Tests

DAYS
8/30
(27%)

NIGHTS
18/30
(60%)

26/60
(43%)



FALMOUTH COMMUNICATION CENTER

FALMOUTH, MASSACHUSETTS



CHRISTOPHER A. CAMPBELL, ADMINISTRATOR

To: Acting Chief Tim Smith, Falmouth Fire
Julian Suso, Town Manager

From: Christopher Campbell, Communications Administrator

Subject: October 2020 Call Volumes

Date: November 2, 2020.

Chief,

Please find below a summary of the Falmouth Fire Rescue Departments call volume for the month of October 2020. This information is additionally broken down by specific response district and also gives data for the same time period in **(2019)** for comparison.

October 2020

Total Call Volume – 588 incidents **(749 Incidents)**

Average response time – 6 minutes 27 seconds **(6 minutes 38 seconds)**

District 1 – 265 incidents **(358 Incidents)**

Average response time – 4 minutes 27 seconds **(5 minutes 19 seconds)**

District 2 – 26 Incidents **(34 incidents)**

Average response time – 7 minutes 35 seconds **(7 minutes 19 seconds)**

District 3 – 80 Incidents **(95 Incidents)**

Average response time – 7 minutes 58 seconds **(7 minutes 50 seconds)**

District 4 – 32 incidents **(57 incidents)**

Average response time – 8 minutes 16 seconds **(7 minutes 56 seconds)**

District 5 – 174 incidents **(187 incidents)**

Average response time – 6 minutes 35 second **(7 minutes 45 seconds)**

As we continue to look at the FY21 information we can see that the response times across town continue to improve. Additionally, the response times in District 4 specifically also continue to improve.



FALMOUTH COMMUNICATION CENTER

FALMOUTH, MASSACHUSETTS



CHRISTOPHER A. CAMPBELL, ADMINISTRATOR

To: Acting Chief Tim Smith, Falmouth Fire
Julian Suso, Town Manager

From: Christopher Campbell, Communications Administrator

Subject: November 2020 Call Volumes

Date: December 1, 2020.

Chief,

Please find below a summary of the Falmouth Fire Rescue Departments call volume for the month of November 2020. This information is additionally broken down by specific response district and also gives data for the same time period in **(2019)** for comparison.

November 2020

Total Call Volume – 570 incidents **(606 Incidents)**

Average response time – 6 minutes 19 seconds **(7 minutes 17 seconds)**

District 1 – 263 incidents **(279 Incidents)**

Average response time – 5 minutes 12 seconds **(6 minutes 14 seconds)**

District 2 – 20 Incidents **(22 incidents)**

Average response time – 6 minutes 33 seconds **(8 minutes 49 seconds)**

District 3 – 66 Incidents **(87 Incidents)**

Average response time – 7 minutes 7 seconds **(8 minutes 37 seconds)**

District 4 – 38 incidents **(38 incidents)**

Average response time – 8 minutes 6 seconds **(8 minutes 9 seconds)**

District 5 – 170 incidents **(165 incidents)**

Average response time – 6 minutes 56 second **(7 minutes 43 seconds)**

As we continue to look at the FY21 information we can see that the response times across town continue to improve. Additionally, the response times in District 4 specifically also continue to improve.

BUSINESS

#5. Committee re-appointments

To Select Board:

Please note: The following re-appointments were left off of the list of re-appointments in the Select Board packet of 8/10/20:

- Cape Cod Joint Transportation Committee (MPO)
- Cape Cod Water Protection Collaborative
- Upper Cape Regional Transfer Station Board
- Upper Cape Water Supply Collaborative

I have added these to the list of re-appointments, attached.

Thank you.

Re-appointments

Board/Committee	Incumbent for Reappointment	Term
Cape Cod Joint Transportation Committee (MPO) (3-year term)	Jim McLoughlin	6/30/23
Cape Cod Water Protection Collaborative (2-year term)	Ray Jack	6/30/22
Upper Cape Regional Transfer Station Board (1-year term)	Ray Jack	6/30/21
Upper Cape Water Supply Collaborative (2-year term)	Ray Jack	6/30/22
Barnstable County HOME Consortium Advisory Council (3-year term)	Carla Feroni	1/1/24

Affirm appointment**Committee Designee:**

Veterans Council Committee Veterans of Foreign Wars (VFW) representative (1-year term)	Ahmed Mustafa	6/30/21
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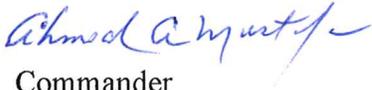
Falmouth
VETERANS OF FOREIGN WARS
E.H. Gardiner Post 2569
PO Box 02396
Teaticket, MA 02536-2396



TO: Falmouth Select Board
12/02/20

I have received information that Ron Dyer will no longer be able to represent the VFW on the Veterans Council. I was very pleased with Ron in taking on the needed position and serving as long as he has. The other members of Post 2569 can not find the time to do it, therefore as Commander of Post 2659 I will take Ron's position .. We are all senior citizens in the VFW and at 83 I will do my best for the town should the Select Board see fit to accept me for the position representing the Veterans of Foreign Wars.

Respectfully submitted,


Commander



APRIL 2021 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting.....	Monday, December 7, 2020
Close Warrant.....	Friday, January 15, 2021
Selectmen Vote Articles & Execute Warrant	Monday, February 8, 2021
Publish Articles Only	Friday, February 12, 2021
Presentation on Petition Articles.....	Monday, February 22, 2021
Selectmen Vote Recommendations	Monday, March 8, 2021
Publish Warrant with Recommendations and Mail Warrant Booklets.....	Friday, March 26, 2021
Town Meeting	Monday, April 12, 2021

ALL ALCOHOL RESTAURANT

99 Restaurant, 30 Davis Straits
 C Salt, 75 Davis Straits
 Estia, 117 Main Street
 Glass Onion, 37 North Main Street
 La Cucina sul Mare, 237 Main Street

ALL ALCOHOL CLUB

Cape Verdean Club, 126 Sandwich Road
 Falmouth Rod & Gun Club, 203 Carriage Shop Road
 Midway Trap & Skeet Club, 284 Old Meeting House Road
 Portuguese American Club, 55 Ashumet Road

ALL ALCOHOL INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

ALL ALCOHOL PACKAGE STORE

Old Barn Package Store, 20 Luscombe Avenue
 RJ's Variety & Liquor, 174 Sandwich Road
 West Falmouth Market, 623 West Falmouth Highway

WINE AND MALT RESTAURANT

Falmouth Cinema Pub, 137 Teaticket Highway
 Silver Beach Pizza & Seafood, 557 North Falmouth Highway
 Steve's Pizza, 374 Main Street

WINE AND MALT PACKAGE STORE

Ocean State Job Lot, 50 Teaticket Highway
 Windfall Market, 77 Scranton Avenue

COMMON VICTUALLER

99 Restaurant, 30 Davis Straits
 Betsy's Diner, 457 Main Street
 C Salt, 75 Davis Straits
 Coffee Obsession, 38 Water Street
 Coffee Obsession, 110 Palmer Avenue
 Dunkin Donuts, 363 East Falmouth Highway
 Dunkin Donuts, 4 Sandwich Road
 Dunkin Donuts, 634 Holly Park Road
 Dunkin Donuts, 614 Main Street
 Dunkin Donuts, 1184 Sandwich Road

Estia, 117 Main Street
 Falmouth Cinema Pub, 137 Teaticket Highway
 Glass Onion, 37 North Main Street
 La Cucina sul Mare, 237 Main Street
 Lobos House of Pizza, 338 East Falmouth Highway
 Peel Pizza, 31 Teaticket Highway
 Prime Time House of Pizza, 286 Old Main Road
 Portuguese American Club, 55 Ashumet Road
 Silver Beach Pizza & Seafood, 557 North Falmouth Highway
 Subway, 137 Teaticket Highway
 Subway, 236 Teaticket Highway
 Talk of the Town Diner, 362 North Falmouth Highway
 The Stand, 75 County Road

INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

ENTERTAINMENT

Cape Verdean Club, 126 Sandwich Road
 La Cucina sul Mare, 237 Main Street
 Portuguese American Club, 55 Ashumet Road

SUNDAY ENTERTAINMENT

La Cucina sul Mare, 237 Main Street

AUTOMATIC AMUSEMENTS

Falmouth Cinema Pub, 137 Teaticket Highway

THEATER

Falmouth Cinema Pub, 137 Teaticket Highway

CLASS II USED CARS

Excel Auto Repair, 94 East Falmouth Highway
 Executive Auto, 118 East Falmouth Highway
 Costa's Auto Body, 222 Carriage Shop Road
 Falmouth Motorcar, 716 Teaticket Highway
 Route 28 Auto Center, 550 East Falmouth Highway

VEHICLES FOR HIRE

All Seasons Taxi, 45 Simpsons Lane
 Falmouth Taxi, 424 East Falmouth Highway

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, NOVEMBER 23, 2020
SELECT BOARD 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 November 23, 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.*

Select Board Present: Megan English Braga, Chair; Doug Brown, Co-Chair; Doug Jones; Sam Patterson; Nancy Taylor.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Attorney Irie Mullin, Associate Town Counsel; Attorney Frank Duffy, Town Counsel.

1. Chair English Braga called the open session to order at 6:00 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Discuss possible motion to remand pending litigation Pentikis v. Select Board. 2. M.G.L. c.30A s.21(a)(3) – Vote to affirm Memorandum of Agreement with AFSCME Local 1636 Unit C. 3. M.G.L. c.30A s.21(a)(3) – Discuss town joining pending Board of Appeals Land Court litigation regarding 33 Pheasant Lane. 4. M.G.L. c.30A s.21(a)(3) – Status update on Town Manager contract because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Chair English Braga aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.
2. Chair English Braga reconvened the open session at 7:12 p.m.
3. Pledge of Allegiance
4. Recognition
Thanks to the DPW, Peter McConarty and his staff for the work they have done, including working on updates to the display boxes on the Village Green for the holidays.

5. Announcements

None.

6. Public Comment

Alan Robinson, resident, speaking on Litter Free Falmouth Initiative announcing First Annual Fall Town Wide Do It Yourself Clean Up 12/5-6, pick up litter wherever it can be found. More information and to sign up email amrobinson101@gmail.com, additional information may be read in this week's Talking Trash Column in the Falmouth Enterprise.

SUMMARY OF ACTIONS

1. Licenses

- a. Application for new Second-Hand Dealer License – Trendy Tots, located at 426 Main Street, Falmouth
Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

2. Administrative Orders

- a. Vote to approve request to MassDOT to construct a crosswalk on Route 28 at Central Avenue Jim McLoughlin, Town Engineer, and Peter McConarty, DPW Director. Mr. McLoughlin explained the sidewalk on East Falmouth Highway is in disrepair and a request was made by the Traffic Advisory Committee to repair it and install a crosswalk. This requires action by the State, the DPW cleared the sidewalk, it is very uneven, significant trip hazards, so request to MA DOT to improve the sidewalk and provide a cross walk to access Kenyon's commercial area. There is a sidewalk to link up to. MA DOT may want to link in with the existing crosswalk on Central. There would likely need to be some advance warning signs of the crosswalk. Mr. McConarty noted this area speed limit is 45 mph and vehicles go faster than that, he is not sure of the street lighting. If this is being pushed off to the MA DOT, the Town needs to give them notice of concerns; we do not want to put people in harms way. The Town should put the concerns of speeding traffic, site lines, and nighttime visibility.

Mr. Patterson said a letter was received from the spouse of someone who is legally blind, it is a strong statement. This is a dangerous situation and is very sympathetic to the concerns of that family. Mr. Suso noted the letter is public record, they are free to include it.

Mr. Brown motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- b. Vote to approve access agreement with Fuss & O'Neill, civil and environmental engineers of Boston, for test borings near the Oyster Pond culvert under the bike path between Chapoquoit Rd. and Little Neck Bars Rd.

A letter was received from the Bicycle and Pedestrian Committee in support of this project.

Nils Wyberg present and provided a PowerPoint presentation. Under contract to the Cape Cod Conservation District to pursue restoration of the deteriorating salt marsh, he explained the location. They will conduct one day of drilling using a drill rig, a full lane, requires a work zone around. There is no safe way to bypass bike traffic during the work. Date rescheduled to 12/21/20. Explained the location, showed diagram. Work was described, including subsurface boring locations. Developed a bikeway diversion plan, discussed with the Bicycle and Pedestrian Committee for the one day closure of the bikeway in this area. Width of the causeway is about 12-14 ft., pavement 10ft width, so no flexibility, it would be within the bikeway. They will compact the bore materials, restore the paved center. 8" diameter bore hole and a process to backfill with the excavated material and compact it as backfilling.

Mr. Patterson motion to authorize the Town Manager to execute the agreement subject to the approval of Town Counsel. Second Ms. Taylor. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- c. Vote to affirm temporary road closure of a portion of Carriage Shop Road November 2020 to July 2021

Mr. McLoughlin reviewed a diagram of the area; the culvert is a granite block and concrete. The Rod and Gun Club has river restoration on Child's River, including replacing the culvert. Federal Highway, Town, Fish and Wildlife, have an agreement that the Town will do the design and

federal highway will do the work. Pictures of the culvert were shown, in mid September the conditions deteriorated. Initially went out and placed plates on the culvert and monitored it twice daily. The granite section dropped, there is evidence that the roadway base material has dropped down, showed pictures of the area, there is a crack forming, in danger of collapse. That was the basis for the request to move the closure of the road up and install jersey barriers inside the culvert, with signage at entrance roads that local access only. Jersey barriers on both sides of the culvert, both lanes blocked, at Parsons and Cross, a single jersey barrier with signage closed, local access only.

Emergency services and schools are given notice of these types of closures, this discussion is under way.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

7:30 p.m. PUBLIC HEARINGS

1. Petition for change of street name from Agassiz Road to Jewel Cobb Road, continued from 11/9/20

This was continued from 11/19/20 to get public feedback. No additional feedback was received.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

2. Fee hearing – proposed fee changes for 2021, continued from 11/9/20
Chair English Braga noted there were questions raised.

Mr. Jones motion to amend parking meters and downtown: first ticket \$20, subsequent tickets \$50, subsequent tickets is at the discretion of the enforcement officer as to when cumulative. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Suso noted the solar charge question, electrical inspection through Building Department explained the steps for a solar installation, residential would be minimally affected, but commercial inspections would be significantly affected and noted the Select Board might wish to put a maximum fee, such as Dennis which put that maximum fee at \$20,000.

Mr. Patterson motion to curb the commercial solar inspection fee to a maximum of \$20,000. Second- none.

Chair English Braga motion to carry the solar fee item to a subsequent meeting. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Jones motion approval of all other fee changes as proposed. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

No other comments from public at this time.

BUSINESS

1. Discussion/update on COVID-19 issues
Scott McGann, Health Agent, reviewed the Town weekly case trend, increase of 22 cases since Friday, there is community spread occurring. The county numbers were reviewed, 14 hospitalized, 1 in ICU. Still testing 1200-1300 per week, still better than the State. If we continue the trend from over the weekend, we may move into the yellow.

Mask wearing and social distancing lowers viral load. We are testing more, finding more cases. Turnaround time for test results increasing.

Majority of cases are mild.

State is rolling in vaccine phases, beginning late December/late Spring, large clinics may occur the second part of the year and large clinics as needed. Starting to think about storage equipment that may be needed.

Dylan Fernandes and other legislatures got about \$300,000 for testing, Mr. McGann said that it will need to be a stand alone location, looking at certain sites, certain hours, open to all on the Cape, reviewing areas at this time.

Mr. McGann is thinking about storage, he purchased another regular vaccine refrigerator, it depends on how they are distributing the vaccines. Emergency vaccination area is the FHS, however it cannot close during school, so need a standing area; possibly the hospital where testing is currently occurring.

2. Interview, vote and appoint committee members:

a. Conservation Commission (full member):

Peter Walsh (currently an alternate)

Mr. Walsh present, Mr. Patterson noted he is a loyal member and serving as liaison with CPC.

Mr. Brown motion to appoint to a term ending 6/30/22. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

b. Council on Aging:

David Hearne

Mr. Hearne believes seniors are the gem of the community, but often underappreciated and important to enhance the quality of their lives.

Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

c. Energy Committee:

Eleanor Ling, Ph.D.

Nancy Taylor commented that her resume is impressive and appreciated her legislative advocacy experience. Thanked for the opportunity to serve and excited to work with the members of the committee.

Mr. Patterson motion to appoint to a term ending 6/30/23. Second Ms. Taylor. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

3. Report – School Committee

Chair Kelly Welsh, Dr. Lori Duerr shared information. Since September students have been back to school, pre k-4 in person daily, 5-12 hybrid model attending biweekly except for vulnerable and high needs students. Grades 5 and 6 at Morse Pond, a remote learning center was set up, has supervision so those kids can set up in the building and be supervised. About 20% of all kids pre k-12 who have elected to be fully remote.

Dr. Duerr explained schools are some of the most controlled environments, following Covid-19 rules. Eight positives since returning to school, one employee and seven students, originated outside of school. No need to quarantine or close schools. Four of the seven students fully remote, staff member was working from home. Asking all to partner in following rules for Thanksgiving, follow the travel rules, move to fully remote for 14 days after holidays if they have had gatherings other than immediate family.

Maintenance of the School Buildings has paid off, hired an environmental engineering firm to assess all HVAC systems, then used CDC guidance about how much air circulation per occupant and square foot to be considered safe, all met that. Assessments were based on full occupancy, which they do not have and do not include opening windows, running HEPA filters. Recommended running all HVAC systems continuously for as much air flow as possible, switched out filters to the MERV 11 and 13 hospital grade filters. The Administration Building did not meet those standards, they are working with reduced capacity, windows open, HEPA filters used.

Dr. Duerr noted two grants received, \$375,000 and \$700,000, hired public health nurse, float nurse, health assistants, staff assistants, remote teachers, subs, bathroom monitors. Supplies including PPE, storage,

sanitizer stations, new desks, HDMI cables, web cams, other technology equipment. All of those funds plus will be needed to get through this year. Successful fall sports season, some modified with new rules, not one case from sports. Looking at winter sports now, decided to move forward with modified basketball and modified ice hockey. Considering additional sports but need more information.

Any other extracurricular activities that can move forward at this time? Dr. Duerr noted marching band, looking at safely doing a play performance soon, some music events being considered. She would like students to have as many opportunities as possible and do it safely. After school clubs, many are virtual, limited on after school activities.

Protocol for testing students and staff, are they doing sampling? Dr. Duerr noted a volunteer testing program for employees only, one time testing took place, 134 participated and all were negative via saliva test. Those experiencing Covid-19 type symptoms are asked to stay home or leave school immediately; have the rapid test if you have symptoms. If exposures, day five is when you want to be tested via PCR. Meeting weekly with Mr. McGann. Falmouth was approved for a rapid testing program, they are working through the details of the paperwork, their consulting position is on board. They want to begin with employees only since it is a rapid test, it can only be used with employees with COVID-19 like symptoms, it is volunteer based. Much more to learn.

Every staff member has taken on extraordinary amount of work, it is a lot to ask, everyone is doing more than they did before; Falmouth is a great community.

VIPS services are ongoing, Falmouth Education Foundation is working.

Childcare for teachers, all staff are allowed to have their school aged children in school every day.

4. Presentation on Woods Hole Village Climate Change Vulnerability Assessment and Action Plan (WHOI, MBL and NOAA)

Report is posted on the WHOI website, engaged Woods Hole Group to conduct the study. Rob Munier, WHOI; Paul Speer, MBL; Nicole Cabana, NE Fisheries Science Center; Joseph Famely, Woods Hole Group.

Mr. Munier explained that two studies have been done and this should be done in a holistic way to set priorities, develop solutions, consider regulatory regime, priority focus, advocacy collaboration, seeking funds from outside sources. Operating budgets are about 360 million in the three agencies, it's about 3 times that number in economic impact. Sept 24 virtual public event was held to engage the community, now the report is finished. Mr. Munier explained the WHOI perspective: access to sea is fundamental, going upland is not good for their business, looking to redevelop their waterfront, how will they continue to do business for the rest of the century. Adaptation strategies are needed and need to be sustainable over the life of the facility. Seven buildings on the water in Woods Hole, completed feasibility studies, and can start the detailed design of their facility. Community Advisory Committee is used to communicate the project. Public space is also planned.

Mr. Speer noted that they have been there since 1888, affiliated with University of Chicago and an important part of their internal process to deal with this. MBL needs access to the sea, need to plan for the future in the village. Flood insurance rates increasing dramatically as a result of climate change and resulting events around the country. Briefed the MBL board Friday, they are all in on this. Partnership with WHOI, NOAA, Town, are key components to fixing this problem. Steps on only the campus will not be enough.

There are two buildings, including Lilly Lab, they have had some designs done to look at potential to put structure behind the building to raise the structures out of the flood zone, they have conceptual designs for Swope and Lilly; may have some State funding for renovating the buildings. The buildings would stay there, these would be additions. There are timelines, MBL will start a process to think long term on what they want to do and listen to what other institutions and the Town are doing, then synchronize the process.

Ms. Cabana said NOAA Fisheries has been there since 1870, operate the aquarium, chose this site for the work they do, offers cold and warm waters, they conduct their work from South Carolina to the Canada border. This location continues to best enable them to complete their mission. Woods Hole is one of the greatest scientific centers in the world because of all of the centers located there. Science institutions are committed to staying in Woods Hole, this study gives information for them to make decisions.

Mr. Famely reviewed the vulnerability assessment and encouraged all read the study. Evaluated 118 assets at the three institutions, road access gets more difficult, tidal benchmark projects in Woods Hole Village was reviewed. MA Coast Flood Risk Model was reviewed over 2030, 2050, 2070, the extent of flooding increases. By 2150 in a 100 year storm, between 80-90% of the assets could be affected. Looking at flood proofing buildings in various ways. They consider a menu of options, depending on the location and specific circumstances. They have a specific project that was the impetus and the community wide issues; communities that develop collaborative, innovative approach has had success on both small communities, ports, and cities. One goal tonight was to explain this needs to be a community wide undertaking.

Chair English Braga noted there are other moving parts, private non-institutional property and Town owned property, very complex piece of land and any real effective ability to do anything will take all stakeholders. Suggested looking at where some Town projects may link up with projects that the institutions are working on. Now that this piece has been done, it may be time to work with the State Legislatures, who have been to the area and aware of some of the needs.

Mr. Brown commented that the Town should start thinking about industrializing this area of coastline, consider roadways, road designs, and permitting issues.

There is shared risk and shared opportunity to collaborate.

Mr. Patterson noted they may run into State regulations that will need to be modified, now is the time to start working with the State Legislature and regulatory agencies, so if they are aware of some of the issues that need to be addressed, begin working on addressing those.

Access the report on the WHOI.edu website.

5. Presentation – Coastal Resiliency Planning Study, Surf Drive – Woods Hole Group, Elise Leduc (45 minutes)

Melissa Freitag, Vice Chair Falmouth Coastal Resiliency and Action Committee and Elise Leduc present.

Ms. Freitag provided the history of this study beginning and funding since 2018.

Ms. Leduc said a public presentation took place in September 2020 and this is similar. A power point presentation was made by Ms. Leduc. Background was provided, a Town Wide assessment identified Surf Drive as the most at risk in Town. Goals were identified by engaging Town staff, committee members, and residents early in the process via committee meetings, interview, public workshop. Four main goals to keep in mind: 1. preserve, restore, and enhance coastal ecosystems, to improve resiliency and ecosystem functions; 2. Improve resiliency of infrastructures to protect operational capacity; 3. Maintain important public access, transportation corridors, and utility line connections; 4. Balance the use, access, and enjoyment of coastal resources while accounting for shifts in response to sea level rise; encourage adaptability. Themes developed of potential actions were reviewed, a series of potential actions was identified under each theme for each asset.

Next step is to develop implementation pathways, also called dynamic adaption pathways.

Final report will be available under Surf Drive Study subpage on the Coastal Resiliency and Action Committee webpage very soon, with additional information of interest.

The Select Board appreciated the presentation and graphic tools provided.

6. Approve 2021 Annual License Renewals:

ALL ALCOHOL RESTAURANT

99 Restaurant, 30 Davis Straits
Anchor Ale House, 100 Davis Straits
Añejo Mexican Bistro, 188 Main Street
Black Dog Heights Café, 465 Grand Avenue
Bluefins, 295 Main Street
British Beer Co., 263 Grand Avenue
Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway
Cape Cod Country Club, 41 Theatre Drive
Captain Kidd Restaurant, 77 Water Street

Casa Vallarta, 70 Davis Straits
Chapoquoit Grill, 410 West Falmouth Highway
Conference Table, 205 Worcester Court
Chapoquoit Grill, 410 West Falmouth Highway
Epic Oyster, 70 County Road
DJ'S Family Sports Pub, 872 Main Street
Falmouth Country Club, 630 Carriage Shop Road
Flying Bridge Restaurant, 220 Scranton Avenue
Golden Swan, 323 Main Street
Grumpy's Pub, 29 Locust Street

Jack's Restaurant & Bar, 327 Gifford Street
Josh's at Davisville, 339 East Falmouth Highway
Liam Maguire's, 273 Main Street
Moto Pizza, 500 Waquoit Highway
New Peking Palace, 452 Main Street
Paul's Pizza, 14 Benham Road
Pizza Bar (The), 146 Sandwich Road
Quahog Republic Dive Bar, 97 Spring Bars Road
Quarterdeck Restaurant, 164 Main Street
Quick's Hole Tavern, 29 Railroad Avenue x3
Sacconnesset Golf Club, 132 Falmouth Woods Road
Silver Lounge, 412 North Falmouth Highway
Simply Divine Pizza, 271 Main Street
Soprano's Casino by the Sea, 286 Grand Avenue x4
Water Street Kitchen, 56 Water Street
Woods Hole Golf Club, 130 Quissett Avenue

Chair English Braga motion to approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

ALL ALCOHOL CLUB

Cape Cod Curling Club, 37 Highfield Drive
Falmouth Elks Club, 140 Palmer Avenue
Falmouth Yacht Club, 290 Clinton Avenue
Green Pond Yacht Club, 366 Menauhant Road

Chair English Braga motion to approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

ALL ALCOHOL INNHOLDER

Coonamesett Inn, 316 Gifford Street
Sea Crest Beach Hotel, 350 Quaker Road

ALL ALCOHOL PACKAGE STORE

Falmouth Wine & Spirits, 322 Palmer Avenue
Falmouth Food Mart & Liquor, 414 East Falmouth Highway
Family Foods, 350 East Falmouth Highway
North Falmouth Liquors, 362 N. Falmouth Highway
John's Liquor Store, 729 Main Street
Kenyon's Market, 769 East Falmouth Highway
Teaticket Market, 125 Teaticket Highway
West Falmouth Market, 623 West Falmouth Highway

WINE AND MALT RESTAURANT

Country Fare, 319 Main Street
Bangkok Thai Cuisine, 291 Main Street
New Golden Dynasty, 25 Davis Straits
Pizza I & Subs II, 769 East Falmouth Highway
Papa Gino's, 56 Davis Straits

WINE & MALT PACKAGE STORE

Holly Park Variety, Inc. 580A Rt. 28
Jack in the Beanstalk, 800 Gifford Street
Intergas, 607 Main Street
MPG Corp. dba Rapid Refill, 435 Palmer Ave.
Wild Harbor General Store, 200 Old Main Road

FARMER WINERY

Cape Cod Winery, 4 Oxbow Road
Chair English Braga motion to approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

FARMER BREWERY

Aquatic Brewery, 24 Spring Bars Road
Bad Martha's Brewery, 876 East Falmouth Highway

COMMON VICTUALLER

Anchor Ale House, 100 Davis Straits
Añejo Mexican Bistro, 188 Main Street
99 Restaurant, 30 Davis Straits
Bad Martha's Brewery, 876 East Falmouth Highway
Bangkok Thai Cuisine, 291 Main Street
Bite on the Go, 5 Old Meeting House Road
Black Dog Heights Café, 465 Grand Avenue
Bluefins, 295 Main Street
British Beer Co., 263 Grand Avenue
Cape Cod Country Club, 41 Theatre Drive
Cape Cod Winery, 4 Oxbow Road
Captain Kidd Restaurant, 77 Water Street
Casa Vallarta, 70 Davis Straits
Chapoquoit Grill, 410 West Falmouth Highway
Conference Table, 205 Worcester Court
Coonamesett Inn, 316 Gifford Street
Country Fare, 319 Main Street
D'Angelo's, 689 Main Street
DJ's Family Sports Pub, 872 Main Street
Doggz & Hoggz, 791 Main Street
Falmouth Yacht Club, 290 Clinton Avenue
Golden Swan, 323 Main Street
Green Pond Yacht Club, 366 Menauhant Road
Grumpy's Pub, 29 Locust Street
Jack's Restaurant & Bar, 327 Gifford Street
Le Bon Jour, 420 East Falmouth Highway
Liam Maguire's, 273 Main Street
McDonalds, 263 Teaticket Highway
Moonakis Café, 460 Waquoit Highway
Moto Pizza, 500 Waquoit Highway
New Golden Dynasty, 25 Davis Straits
New Peking Palace, 452 Main Street
Papa Gino's, 56 Davis Straits
Paul's Pizza, 14 Benham Road
Pizza Bar (The), 146 Sandwich Road
Quahog Republic Dive Bar, 97 Spring Bars Road
Quick's Hole Tavern, 29 Railroad Avenue
Sacconnesset Golf Club, 132 Falmouth Woods Road
Sea Crest Beach Hotel, 350 Quaker Road
Silver Lounge, 412 North Falmouth Highway
Simply Divine Pizza, 271 Main Street
Starbucks, 11 Davis Straits
Supreme Pizza, 147 Teaticket Highway
Soprano's Casino by the Sea, 286 Grand Avenue
Water Street Kitchen, 56 Water Street
Woods Hole Golf Club, 130 Quissett Avenue
Chair English Braga motion to approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

INNHOLDER

Shoreway Acres, 59 Shore Street
Admiralty Inn, 51 Teaticket Highway

ENTERTAINMENT

Anchor Ale House, 100 Davis Straits
Bad Martha's Brewery, 876 East Falmouth Highway
British Beer Co., 263 Grand Avenue
Cape Cod Winery, 4 Oxbow Road
Captain Kidd Restaurant, 77 Water Street
Casa Vallarta, 70 Davis Straits
Coonamesett Inn, 316 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Green Pond Yacht Club, 366 Menauhant Road
Grumpy's Pub, 29 Locust Street

Liam Maguire's, 273 Main Street
New Peking Palace, 452 Main Street
Pizza Bar (The), 146 Sandwich Road
Quahog Republic Dive Bar, 97 Spring Bars Road
Quick's Hole Tavern, 29 Railroad Avenue
Sacconneset Golf Club, 132 Falmouth Woods Road
Silver Lounge, 412 North Falmouth Highway
Sea Crest Beach Hotel, 350 Quaker Road
Simply Divine Pizza, 271 Main Street
Soprano's Casino by the Sea, 286 Grand Avenue
Woods Hole Golf Club, 130 Quissett Avenue

SUNDAY ENTERTAINMENT

Bad Martha's Brewery, 876 East Falmouth Highway
British Beer Co., 263 Grand Avenue
Captain Kidd Restaurant, 77 Water Street
Casa Vallarta, 70 Davis Straits
Coonamesett Inn, 316 Gifford Street
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
Liam Maguire's, 273 Main Street

Sacconneset Golf Club, 132 Falmouth Woods Road
Sea Crest Beach Hotel, 350 Quaker Road

Soprano's Casino by the Sea, 286 Grand Avenue

AUTOMATIC AMUSEMENTS

Sea Crest Beach Hotel, 350 Quaker Road
Grumpy's Pub, 29 Locust Street

CLASS II USED CARS

Braga Auto Sales, 227 R Main Street
Falmouth Auto Works, 345 Barnstable Road
Falmouth Salvage, 9 Hayway Road
Frank's Auto Sales, 442 East Falmouth Highway
Reine Trucking & Repair, 9 Hayway Road
Sandi's Auto Sales, 45 Simpson Lane
SAVON Hatem, 561 Thomas Landers Road
Teaticket Auto Body, 108 Trotting Park Road

VEHICLES FOR HIRE

AA Taxi, 90 Boxberry Hill Road
Chair English Braga motion to approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

7. Minutes of Meetings:

Public Session:

October 26, 2020

Mr. Jones motion approval. Second Mr. Patterson with edits. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

November 16, 2020

Mr. Jones motion approval as edited. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

8. Individual Select Board Member's Reports

Mr. Patterson:

Cape Cod and Islands Selectmen Counselors Meeting, Harwich putting in 135 unit dormitory style residence to accommodate the influx of seasonal workers needed to support businesses.

Attended the Chamber Virtual Christmas Parade

Mr. Brown:

Attended Long Range Vineyard Transportation Task Force Thursday, discussion with group from Martha's Vineyard. Next meeting they will invite the Port Manager from New Bedford or his designee.

9. Town Manager's Report

Mr. Suso attended Long Range Vineyard Transportation Task Force.

Diane Davidson and Phyllis Downey moving forward with the expanded outdoor dining permitting.

Budget process continues, presentation planned at the first meeting in January. Next business meeting on 12/7/20 final meeting of the year 12/21/20.

Town Hall and Town Administrative offices will be closed 11/26/20 and 11/27/20 for the holiday.

Mr. Jones motion to adjourn approximately 10:34 p.m. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

REPORT

TO: Select Board

FROM: Julian M. Suso *JMSuso*

DATE: December 4, 2020

- The Board will convene in virtual session at 6:45PM on Monday to consider action affirming a proposed one-year collective bargaining settlement with the Police Lieutenants bargaining unit.
- I am pleased to request that the Board affirm my appointment of Tim Smith as Fire Chief, succeeding Mike Small. This is the culmination of a very lengthy (and required) civil service process in order to appoint a successor Fire Chief. You will recall that Mike Small retired at the end of July; I finally received a certified and executed civil service testing appointment list on November 23 (Thanksgiving week). Your meeting on Monday is the first Board meeting since receipt of that long-awaited certification.
- The Board is entertaining multiple Public Hearings, including a single carryover item from your action on 2021 fees – that for inspections of solar installations. Joining us will be electrical inspector William Sinclair to answer questions regarding his fee recommendation on solar.
- Assessor Trisha Favulli and Finance Director Jennifer Mullen will be joining us for the annual Tax Classification Hearing.
- Tim Smith will also be joining us to team up with me for a brief update on the matter of the planned, new central fire station and an update on Town wide fire staffing and the continued volunteer overtime staffing at the West Falmouth Station. Tim has also been asked to provide a summary overview of the routine request for a replacement fire engine as is included in the Town's annual capital plan. Presentations and discussions on the replacement engine have already been held with the Finance Committee which has endorsed this replacement and which is scheduled to be acted upon by Town Meeting when there is a reconvening in January.
- I want to thank Public Works Director Peter McConarty and his colleagues for their successful installation of the downtown and Town Common Christmas and Holiday lighting displays. We are pleased with the continuation of this long-cherished tradition, especially in this pandemic-challenged calendar year! We have also had several expressions of

appreciation for the attractive evergreen planter boxes in front of Town Hall, also heralding this season.

- Work continues in diligent internal preparations for the upcoming FY22 budget for Town operations, including the annual Town Manager Budget Message to the Board.
- As you are aware, we are working diligently in preparation for a planned virtual re-convening of Town Meeting, to be held on Monday, January 25.
- Subject to confirming scheduling, the Board may have a Joint Meeting with the Planning Board on Tuesday, December 15.
- Your final scheduled business meeting for December is set for Monday, December 21.
- As a reminder, your traditional first meeting in January to receive a presentation on the proposed FY22 budget is set for Monday, January 4. As a courtesy, we try to limit that agenda to budget matters only and I ask all department heads to join us to address any questions that Select Board members may have. There follows, on Monday, January 11, the consideration of formal adoption of the FY22 budget for transmission to the Finance Committee no later than January 16 in conformance with the Falmouth Town Charter. As per usual, the year begins with ample budget excitement.