

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JANUARY 11, 2021 – 7:00 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 January 11, 2021 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.falmouthma.gov/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

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for a Change of Manager and Change of Officers – Cape Verdean Club, 126 Sandwich Road, East Falmouth
2. Administrative Orders
 - a. Approve Eversource petition to install one (1) 3" conduit and one (1) handhole on Bell Tower Lane, North of Millfield Street. The proposed locations are a required upgrade.
 - b. Approve Eversource petition to install two (2) 6" conduits and one (1) 4"x6"x6" manhole and one pad mount transformer at Carriage Shop Road, North of Waquoit Highway. The proposed location is required for system reliability.

- c. Approve request for license for the portion of an existing stone wall located within the public right-of-way of Bell Tower Lane
- d. Approve request for license for the existing stone retaining walls located within the public right-of-way of Clapp Road
- e. Vote to approve Certification of Estimated Summer Resident Population as of July 10, 2021
- f. Vote to accept donation of fill material and labor from Cape Cod Aggregates to complete repairs to town-owned dirt roadway through the Matt Sousa Conservation Area
- g. Vote to recommend an application for Community Preservation funds for Guv Fuller Field improvements to supplement amount previously approved by Town Meeting

7:30 p.m. PUBLIC HEARINGS

- 1. Application for Transfer of a Wine and Malt Package Store License – M. A. Friends, Inc. d/b/a Jack in the Beanstalk, 800 Gifford Street Extension, Falmouth
- 2. Application for Alteration of Licensed Premises of a Wine and Malt Common Victualler License – Seafood Sam's, 356 Palmer Avenue, Falmouth

7:45 p.m. BUSINESS

- 1. Discussion/update on COVID-19 issues
- 2. Interview, vote and appoint committee member: Steamship Authority Board of Governors – Kathryn Wilson
- 3. Vote to adopt FY2022 budget and submit it to the Finance Committee
- 4. Vote to hold remote Annual Town Meeting via Zoom teleconference on January 25, 2021 to act on the Town Meeting Warrant originally posted for November 16, 2020, as requested by Town Moderator
- 5. Report – Cape and Vineyard Electric Coop (CVEC) annual presentation on FY20
- 6. Approve 2021 annual license renewals:

COMMON VICTUALLER

Molly's Tea Room, 227 Main Street

INNHOLDER

Falmouth Inn, 824 Main Street

- 7. Vote to approve minutes of meetings:
 - a. Public Session – November 9, 2020.
 - b. Executive Session – December 7, 2020; December 21, 2020. Vote to release/not release.
- 8. Individual Select Board Members' Reports
- 9. Town Manager's Report

Megan English Braga, Chair
Select Board



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00059-CL-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

✓ DUA
✓ DOR

Change in Beneficial Interest or Transfer/Issuance of Stock Checklist

This application will be returned if the following documentation is not submitted:

- Monetary Transmittal Form
- \$200.00 Fee made payable to the Commonwealth of Massachusetts or the ABCC
- Newspaper Notice *n/a*
- Business Structure Documents (Articles of Organization if a corporation, Partnership Agreement if partner, Business Certificate of sole proprietor)
- Application with:
 - Change of Beneficial Interest Application (Personal Information Form)
(Beneficial Interest – Individual – One for each individual)
(Beneficial Interest - Organization (One for each organization/parent company with beneficial interest in the entity that is applying)
- Purchase & Sales Agreement *n/a*
- Supporting Financial Records (For any single contribution of \$50,000 or greater) *n/a*
- Vote of Corporate Board
- CORI Authorization (notarized with a stamp or raised seal)
- A \$50.00 Filing Fee made payable to the Town of Falmouth
- A \$50.00 Advertising Fee made payable to the Town of Falmouth
- A hearing before the Board of Selectmen

Please refer to website: www.mass.gov/abcc

1. Amend your retail Alcoholic Beverages License by Municipality
2. Click on Local Licensing Authority – Falmouth
3. Click on the amendment you are making (if multiple amendments, fill out forms on-line save, print, sign, attach required documents
4. Submit to LLA (ABCC forms and Local Licensing Authority forms)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Cape Verdean Club Falmouth, Inc	Falmouth	00059-CL-0390

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Non-profit club providing entertainment and cultural education to members and guest

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Corrie Green	Treasurer	Capeverdeanclubfalmouth@gmail.com	508-241-0866

2. AMENDMENT-Change of License Classification

<input type="checkbox"/> Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	<input style="width: 100%;" type="text"/>
	Requested New License Category	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> Change of License Class Seasonal or Annual	Last-Approved License Class	<input style="width: 100%;" type="text"/>
	Requested New License Class	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	<input style="width: 100%;" type="text"/>
	Requested New License Type	<input style="width: 100%;" type="text"/>

3. AMENDMENT-Change of Business Entity Information

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	<input style="width: 100%;" type="text"/>
	Requested New Corporate Name:	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> Change of DBA	Last-Approved DBA:	<input style="width: 100%;" type="text"/>
	Requested New DBA:	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	<input style="width: 100%;" type="text"/>
	Requested New Corporate Structure	<input style="width: 100%;" type="text"/>

4. AMENDMENT-Pledge Information

<input type="checkbox"/> Pledge of License	To whom is the pledge being made:	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> Pledge of Inventory		
<input type="checkbox"/> Pledge of Stock		

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

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

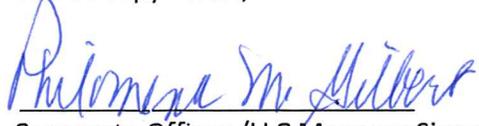
"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: January 8, 2021

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install 50' of underground conduit and a handhole on Bell Tower Lane**

A petition was submitted by Eversource to install 50' of 1-3" underground conduit and a handhole to upgrade service to 10 Bell Tower Lane

The Engineering recommendation is to approve the request as submitted on Plan No. 2414961, W/O #2414961, dated November 12, 2020.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

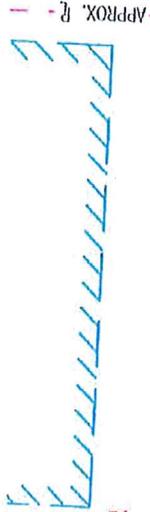
PLAN TO ACCOMPANY PETITION OF EVERSOURCE ENERGY TO INSTALL 50'± OF CONDUIT AND HANDHOLE 88A/H2 FOR UNDERGROUND SERVICE UPGRADE TO #10 BELL TOWER LANE.

Plan to accompany petition of EVERSOURCE ENERGY to install 50'± of conduit and handhole 88A/H2 for underground service upgrade to #10 Bell Tower Lane.

MILLFIELD STREET

EOP
GRASS
APPROX. R.O.W.
BACK OF SIDEWALK (BSW)

49A-04-057-005
#37 MILLFIELD STREET
ROMAN CATHOLIC BISHOP OF FALL RIVER



49A-04-056-010
#10 BELL TOWER LANE
KANWISHER, JOHN W. & JOAN T.

GRASS

EDGE OF PAVEMENT (EOP)

BELL TOWER LANE

LEGEND

- ⊕ Proposed Hand Hole
- ⊖ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- Ⓜ Proposed Multitap
- Ⓞ Proposed Manhole

88A/1 ●

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

88A/2 ⊕

1-3" PVC CONDUIT
SCH. 80
TL=50'±

PROPOSED
HANDHOLE
88A/H2 (ES)

49A-04-058-003
#29 MILLFIELD STREET
SOLARES, MARIA TERESA

49A-04-056A-000
BELL TOWER LANE
TOWN OF FALMOUTH



SCALE IN FEET

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP YOU AGREE THAT NO WARRANTY OF ANY KIND IS MADE BY EVERSOURCE ENERGY TO THE INFORMATION CONTAINED HEREIN. EVERSOURCE ENERGY, ITS EMPLOYEES OR AGENTS (COLLECTIVELY THE "EVERSOURCE ENTITIES") SHALL BE LIABLE FOR ANY AND ALL INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE EVERSOURCE ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY. THE INFORMATION MAY NOT REPRESENT A SURVEY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY SHALL BE ASSUMED FOR ANY INACCURACIES IN THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

Plan #	2414961
Ward #	-
Work Order #	2414961
Surveyed by:	-
Research by:	SC
Plotted by:	SC
Proposed Structures:	SC
Approved:	A DEBENEDICTIS
Scale	1"=20'
Date	NOVEMBER 12, 2020
Sheet	1 of 1

EVERSOURCE
Electric Division
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of BELL TOWER LANE
FALMOUTH

Showing PROPOSED CONDUIT & HANDHOLE LOCATIONS



50 Duchaine Blvd
New Bedford, MA 02745

November 23, 2020

Select board
Town Hall
Falmouth, MA 02540



Select board:

Enclosed is a petition for proposed conduit location(s) on **Bell Tower Lane, Falmouth, Massachusetts.**

These proposed location(s) are required upgrade. This petition will require a notice to abutters and a hearing.

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

Very truly yours,

A handwritten signature in black ink that reads "Donna Rosa".

Donna Rosa
Right-of-Way
Representative

DR:dr
Enclosures

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

NOVEMBER 12, 2020

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

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

**BELL TOWER LANE, NORTH OF MILLFIELD STREET
WO# 2414961**

**One (1) 3" Conduit
One (1) Handhole**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **2414961**, Dated **NOVEMBER 12, 2020**.

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

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



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

NOTICE OF PUBLIC HEARING

You are hereby notified that a hearing will be held utilizing Zoom virtual meeting software at 2:00 p.m. on Thursday, January 7, 2020, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for the installation of One (1) 3" Conduit and One (1) Handhole on Bell Tower Street, North of Millfield Street.

Please click the link below to join the webinar:

When: Jan 7, 2020 02:00 PM Eastern Time (US and Canada)

Topic: Pole Hearing

Please click the link below to join the webinar:

<https://zoom.us/j/99579551026>

Or iPhone one-tap:

US: +16465588656, 99579551026# or +13017158592, 99579551026#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 995 7955 1026

International numbers available: <https://zoom.us/u/abZdrR0U95>

Per order of the Select Board

Publication date: Friday, December 25, 2020; Falmouth Enterprise



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: January 8, 2021

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install 225' of underground conduit, a handhole and a pad mounted transformer on Carriage Shop Road

A petition was submitted by Eversource to install 225' of 2-6" underground conduit, a handhole and a pad mounted transformer on Carriage Shop Road to improve system reliability.

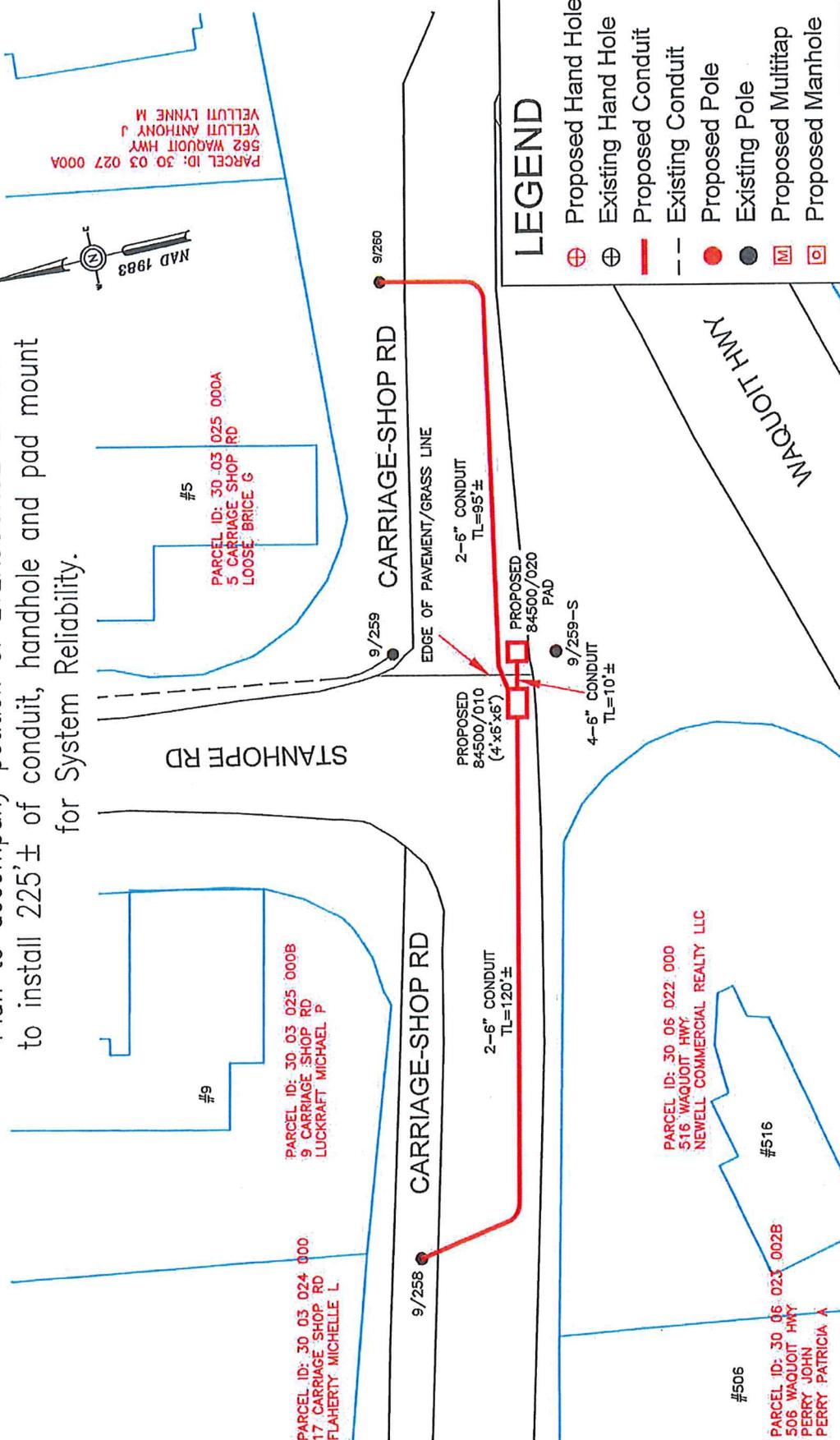
The Engineering recommendation is to approve the request as submitted on Plan No. 4459776, W/O #4459776, dated November 19, 2020.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to install 225'± of conduit, handhole and pad mount
for System Reliability.



<p>EVERSOURCE 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p> <p>Plan of CARRIAGE SHOP ROAD, FALMOUTH</p>	
Plan# 4459776	Work Order # 4459776
Surveyed by: N/A	Research by: N/A
Plotted by: TL	
Proposed Structures: TL	
Approved: T. THIBAUT	Date: 11/19/20
P#	Scale: 1"=30'
SHEET 1 of 1	

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR PARTIES") SHALL BE LIABLE FOR ANY LOSS OF PROFITS OR OTHER DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR IN CONNECTION WITH THE INFORMATION EXCEPT AS PROVIDED BY LAW. YOU AGREE TO YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR PARTIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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



50 Duchaine Blvd
New Bedford, MA 02745

November 30, 2020

Select board
Town Hall
Falmouth, MA 02540



Select board:

Enclosed is a petition for proposed conduit location(s) on **CARRIAGE SHOP ROAD, Falmouth, Massachusetts.**

These proposed location(s) are required for system reliability. This petition will require a notice to abutters and a hearing.

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

Very truly yours,

Donna Rosa
Right-of-Way
Representative

DR:dh
Enclosures

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

NOVEMBER 19, 2020

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

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

**CARRIAGE SHOP ROAD, NORTH of Waquoit Hwy
WO# 4459776**

**Two (2) 6" Conduits
One (1) 4"X6"X6" Manhole
One Pad Mount Transformer**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **4459776**, Dated **NOVEMBER 19, 2020**.

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

By.....

Right-of-Way Representative

them. However, I would support the other ways that this section expands the availability of late-term abortions and permits minors age 16 and 17 to get an abortion without the consent of a parent or guardian." "Gov. Baker's proposed amendments would have completely undermined lawmakers' efforts to protect and expand abortion access by pushing lifesaving abortion care later in pregnancy out of reach and by fully maintaining our state's racist and discriminatory, anti-choice barriers for vulnerable young people," read a statement from The ROE Act Coalition, which includes the ACLU of Massachusetts, NARAL Pro-Choice Massachusetts and Planned Parenthood Advocacy Fund of Massachusetts.

Doctor Must Use Life-Saving Equipment (H 5179) - The House voted 34-120 to reject an amendment to a section of the state budget approved by the House and Senate that would require the facility where a post 24-week abortion is performed to maintain life-supporting equipment "to enable the physician performing the abortion to take appropriate steps, in keeping with good medical practice and consistent with the procedure being used, to preserve the life and health of a live birth and the

house Speaker Robert A. DeLeo (D-Winthrop), now in his 12th year as speaker, would soon resign from the House and take a job at Northeastern University. On December 16, the report was denied by the speaker's office. "The speaker has had no such talks with, much less does he have any agreement with, Northeastern University," Speaker DeLeo's spokeswoman



**by Christopher G. Leberz
Attorney at Law**

TURNING THE TABLES

In the sports world, it is often said: "the best offense is a good defense." This old adage also applies to the legal world. When the defendant receives notice about a lawsuit being filed against him or her, (s)he has the option of filing a "counterclaim." This strategy calls for the defendant to take an offensive posture and file a claim for relief against the plaintiff. The defendant may even file a "cross-claim" against a third party, which serves to make the plaintiff a defendant, as long as the lawsuit's subject matter remains the same. "Permissive" counterclaims address issues unrelated to the plaintiff's claims. This allows parties to settle all of their otherwise separate disputes in one single lawsuit.

The nuances of the law can be complicated and difficult to understand. In these cases, it will be beneficial to hire an attorney to assist you. Whether you're filing an accident claim or simply starting a business, a skilled lawyer will help make sure that you have all of the necessary information in order to move forward with your claim or business. To schedule a consultation, please call **LEBERZ & LEBERZ, Attorneys at Law at (508) 548-6600**. We are located at Old Bailey Court, 99 Town Hall Square.

HINT: If the counterclaims involve distinctly different issues or facts, the court may choose to address them separately.

PRAYER TO THE BLESSED VIRGIN

(Never known to fail) O most beautiful flower of Mt. Carmel, fruitful vine, splendour of Heaven, Blessed Mother of the Son of God, Immaculate Virgin, assist me in this necessity. O Star of the Sea, help me & show me herein you are my mother. O Holy Mary, Mother of God, Queen of Heaven & Earth, I humbly beseech thee from the bottom of my heart to succor me in this my necessity. (Make request.) There are none that can withstand your power. O show here you are my mother. O Mary, conceived without sin, pray for us who have recourse to thee. (3 times) Holy Mary, I place this cause in your hands. (3 times) Thank you for your mercy to me & mine. Amen. This prayer must be said for 3 consecutive days & after that the request will be granted. The prayer must be published.

J.K.

WILLIAM RAVEIS
REAL ESTATE • MORTGAGE • INSURANCE



NOTICE OF PUBLIC HEARING

You are hereby notified that a hearing will be held utilizing Zoom virtual meeting software at 2:00 p.m. on Thursday, January 7, 2020, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for the installation of Two (2) 6" Conduit; One (1) Manhole; and One Pad Mount Transformer on Carriage Shop Road, North of Waquoit Highway.

Please click the link below to join the webinar:

When: Jan 7, 2020 02:00 PM Eastern Time (US and Canada)

Topic: Pole Hearing

Please click the link below to join the webinar:

<https://zoom.us/j/99579551026>

Or iPhone one-tap:

US: +16465588656, 99579551026# or +13017158592, 99579551026#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 995 7955 1026

International numbers available: <https://zoom.us/j/abZdrR0U95>

Per order of the Select Board

December 24, 2020

Falmouth Zoning Board of Appeals Notice of Public Hearing for January 7, 2021

Notice is hereby given of the following **Public Hearing @ 6:00PM and Open Meeting** in the Selectmen's Meeting Room * **SEE AGENDA FOR VIRTUAL PARTICIPATION***, Town Hall on **Thursday January 7, 2021**

#076-20 Crooked Meadow, LLC: Applied to the Zoning Board of Appeals for a modification of Comprehensive Permit #058-19 pursuant to MGL Chapter 40B to allow modifications to previously approved plans. The subject properties are 26, 30, 36 & 40 Crooked Meadow Road, Hatchville, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties

December 24, 31, 2020

NOTICE OF PUBLIC HEARING

You are hereby notified that a hearing will be held utilizing Zoom virtual meeting software at 2:00 p.m. on Thursday, January 7, 2020, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for the installation of One (1) 3" Conduit and One (1) Handhole on Bell Tower Street, North of Millfield Street.

Please click the link below to join the webinar:

When: Jan 7, 2020 02:00 PM Eastern Time (US and Canada)

Topic: Pole Hearing

Please click the link below to join the webinar:

<https://zoom.us/j/99579551026>

Or iPhone one-tap:

US: +16465588656, 99579551026# or +13017158592, 99579551026#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

The FALMOUTH CONSERVATION will hold a public hearing 40, Chapter 131 of the gen Commonwealth of Massach Protection Act and/or the To Wetlands Protection Bylaw **January 6, 2021 at 7:00 PM.**

In accordance with the Gc Suspending Certain Provisic Meeting Law, G. L. c. 30A, § 2020 novel Coronavirus outb the **January 6, 2021 public Falmouth Conservation Co be physically closed to the group congregation.**

Alternative public access to this provided in the following mann

1. The meeting will be televic Community Television.

2. Real-time public comment c to the Conservation Commis Zoom virtual meeting software f

This application will allow users ing and send a comment or qu via the Chat function. Submitt will be read into the record a points in the meeting.

a. Zoom Login instructions:

i. Instructions and the meetin cific meeting can be found at

address: <http://www.falmou Conservation-Commission>

ii. Please plan on 10-15 minu time to log in though it may b previously used Zoom on the c to access this meeting.

3. Additionally public commer advance of the meeting to www.falmou Conservation-Commission at least 5 hours prio of the meeting. Documents a files may also be submitted via email comments and docume part of the meeting record and the record, summarized or dis meeting at the discretion of th

4. Applicants, their represer viduals with enforcement m Conservation Commission ma and are not required to be p Applicants, their representativ with enforcement matters bef tion Commission may contact Department to arrange an alt real time participation if unabl virtual meeting software. Doc and/or visual presentations e ted in advance of the meet [falmouthma.gov](http://www.falmouthma.gov) so they me remote public access viewing

Complete applications are quest and will be sent via e

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to Winnie Green and Peter Killelea having a mailing address of 69 Richard Street, Dedham, MA 02026, the following license to place, erect and maintain a stone wall to be located within the town layout of Bell Tower Lane. The proposed locations are shown on the attached plans prepared by D. H. Martin Engineering, Inc., 14 Quissett Avenue, Box 741, Woods Hole, MA 02543, titled: "Sketch Plan Showing Stone Wall To Be Licensed, Prepared For: Killelea – Green, #10 Bell Town Lane, Falmouth, MA Scale: 1" - 10', Dated: December 15, 2020."

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove said stone wall from within the Town's road layout;
- c. If the grantee, its successors and assigns, fails to remove said stonewall all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue to run with the land;
- e. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of all activity undertaken by the grantee in reliance upon the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations;
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. For title see book 33293, page 238. The property address is 10 Bell Tower Lane, Woods Hole, MA.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this _____ day of _____, 2021.

Town of Falmouth
By its Select Board

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Samuel H. Patterson

Nancy R. Taylor

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)

personally known to me

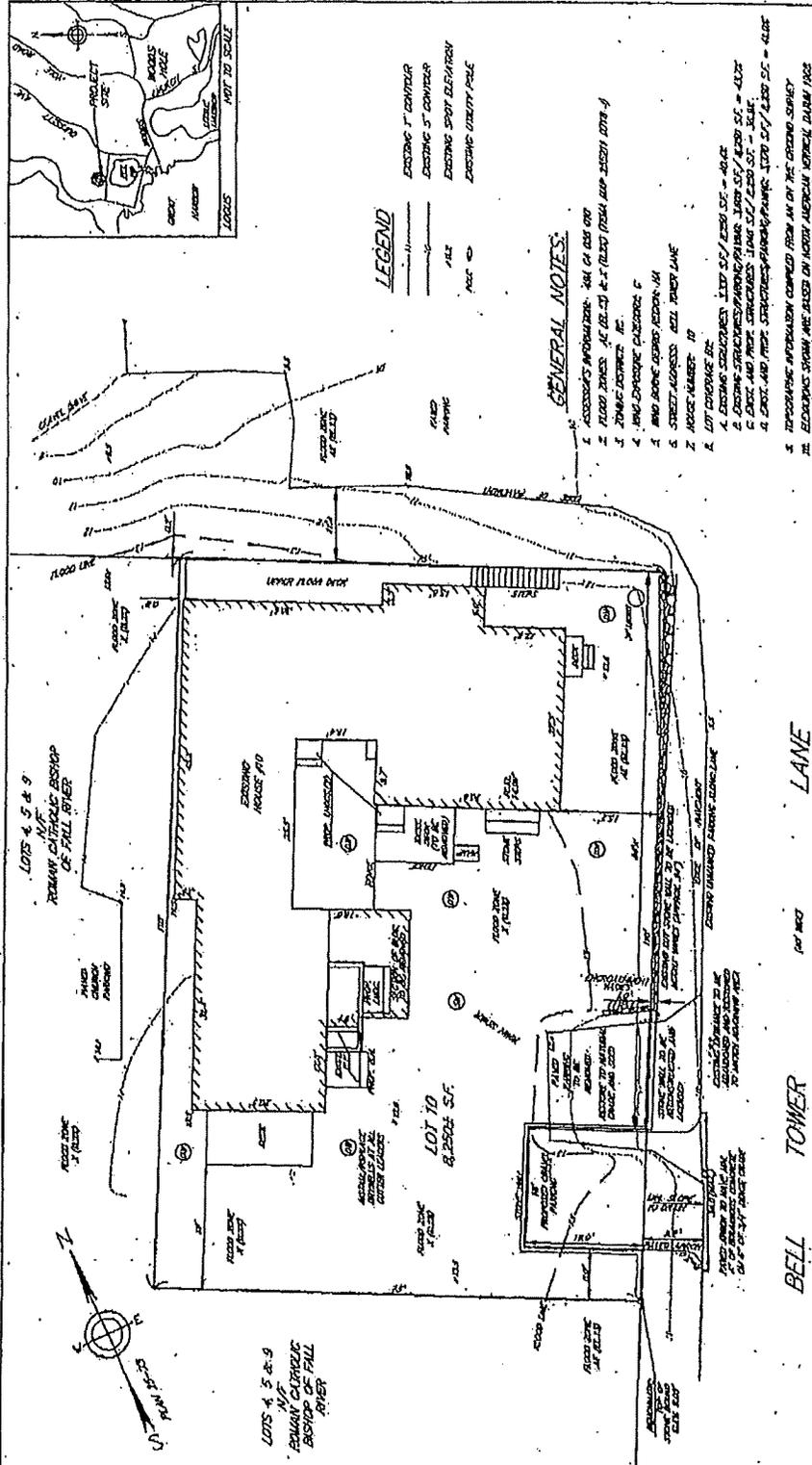
proved to me on the basis of satisfactory evidence of identification which was

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

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

WITNESS my hand and official seal.

Signature of Notary Public



SKETCH PLAN SHOWING STONE WALL TO BE LICENSED
 prepared for
KILLEEN - GREENE
 #10 BELL TOWER LANE FALMOUTH, MA

D. H. MARTIN ENGINEERING, INC.
 ENGINEERS - CIVIL - GEOTECHNICAL
 14 QUINCY AVENUE, BOX 241
 WOOD BELL, MA 02546
 TEL. 774-335-0033
 dhenry@dhmartin.com

DATE: 11-11-07
 DRAWN: J. B. BROWN
 APPROVED: D.H.M.

NO. 1000 RECORD 15, 2000
 DWG. NAME: SKETCHING
 SHEET 1 OF 1

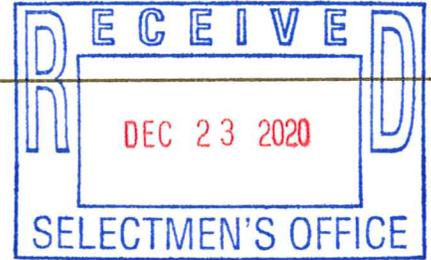
GENERAL NOTES:

1. ASSUMED INFORMATION. SEE CH 205 007
2. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. EXISTING SPOT ELEVATIONS ARE AS SHOWN.
4. EXISTING UTILITY POLES ARE AS SHOWN.
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97. EXISTING 5' CONTOUR IS AS SHOWN.
98. EXISTING HOUSE FTD IS AS SHOWN.
99. EXISTING UTILITY POLE IS AS SHOWN.
100. EXISTING SPOT ELEVATION IS AS SHOWN.



LAURA M. MOYNIHAN
Attorney at Law

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



December 15, 2020

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

Re: Application for License of Portion of Stone Wall within the Layout of Bell Tower Lane
Property Address: 10 Bell Tower Lane, Woods Hole

Dear Select Board Members:

I represent Winnie Green and Peter Killelea, owner of property at 10 Bell Tower Lane in Woods Hole.

My client has recently received a vote for a special permit from the Zoning Board of Appeals for proposed renovations to the structures at the property. A condition of the vote of the special permit requires in effect that the owner shall obtain a license from the Select Board for the portion of existing stone wall located within the public right-of-way of Bell Tower Lane. This letter is submitted to request the license.

Enclosed is a copy of the current deed of ownership and a plan showing the location of the portions of stone wall within the layout of Bell Tower Lane.

I would ask that you please add this to your agenda for approval and issuance of the license.

Sincerely,


Laura M. Moynihan

Encls.

Diane Davidson

From: Jim McLoughlin
Sent: Monday, January 4, 2021 9:45 AM
To: Diane Davidson; Frank Duffy
Cc: Peter McConarty; Scott Schluter
Subject: RE: 10 Bell Tower Lane Application for License

Hi Diane,
Engineering has no objection to the license, provided it references the sketch included with the submittal.
Thanks,
Jim

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, December 31, 2020 4:17 PM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Subject: FW: 10 Bell Tower Lane Application for License

To Jim, Frank,

Attached is an application for a license for a portion of an existing stone wall located within the public right-of-way on Bell Tower Lane. Please review and provide your recommendation, and if acceptable prepare a license for approval by the Select Board at one of its upcoming meetings.

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*

From: Laura Moynihan [<mailto:laura@lmoynihanlaw.com>]
Sent: Wednesday, December 16, 2020 1:48 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>
Subject: 10 Bell Tower Lane Application for License

Dear Diane,

Attached is the application for license for portions of a stone wall within Bell Tower Lane. I will mail the original to your office.

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to Roger Paul Colinvaux, Trustee of The Colinvaux-Hillis Realty Trust, under Declaration of Trust Dated October 11, 2007 and registered with the Barnstable County Registry District of the Land Court as Document Number 1,076,517, whose mailing address is 3242 19th St. NW, Washington, DC 20010, the following license to maintain a stone wall to be located within the town layout of Clapp Road, Woods Hole, MA. The location is shown on the attached plans prepared by BSS Design Engineering & Surveying, 164 Katherine Lee Bates Road, Falmouth, MA 02540, titled: "Plan of Proposed Addition, Prepared For Paul Colinvaux & Llewellya Hillis, 20 Brooks Road, Woods Hole, Falmouth, MA Scale: 1" - 20', Dated: September 21, 2020."

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove said stone wall from within the Town's road layout;
- c. If the grantee, its successors and assigns, fails to remove said stonewall all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue to run with the land;
- e. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of all activity undertaken by the grantee in reliance upon the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations;
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. For title see Document Number 1,076,518 on Certificate No. 184524. The property address is 20 Brooks Road, Woods Hole, MA.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this _____ day of _____, 2021.

Town of Falmouth
By its Select Board

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Samuel H. Patterson

Nancy R. Taylor

Commonwealth of Massachusetts
County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)

personally known to me

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

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

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

WITNESS my hand and official seal.

Signature of Notary Public

Diane Davidson

From: Jim McLoughlin
Sent: Monday, January 4, 2021 9:43 AM
To: Diane Davidson; Frank Duffy
Cc: Peter McConarty
Subject: RE: 20 Brooks Road

Hi Diane,
Engineering has no objection to the license, provided it references the submitted sketches.
Thanks,
Jim

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, December 31, 2020 4:13 PM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Subject: FW: 20 Brooks Road

To Jim, Frank,

Attached is an application for a license for a portion of an existing wall located within the public right-of-way on Bell Tower Lane. Please review and provide your recommendation and prepare a license for approval by the Select Board at one of its upcoming meetings.

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*

From: Laura Moynihan [<mailto:laura@lmoynihanlaw.com>]
Sent: Wednesday, December 16, 2020 1:55 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>
Subject: 20 Brooks Road

Dear Diane,

Attached is an application for license for portions of a stone wall within Clapp Road relative to property with an address of 20 Brooks Road. I will mail the original to your office.

Regards,

Laura

Laura M. Moynihan, Esq.

Law Office of Laura M. Moynihan

17 Academy Lane, Suite 1

Falmouth, MA 02540

Tel: 508-548-5558

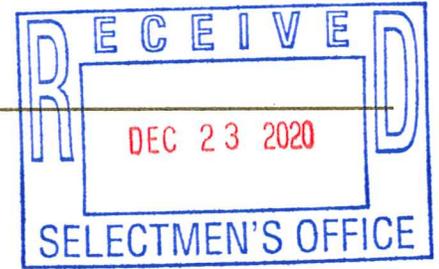
Fax: 508-548-5553

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

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

LAURA M. MOYNIHAN
Attorney at Law

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



December 15, 2020

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

**Re: Application for License of Portions of Stone Wall within the Layout of Clapp Road
Property Address: 20 Brooks Road, Woods Hole**

Dear Select Board Members:

I represent Roger Colinvaux, Trustee of Colinvaux-Hillis Realty Trust, owner of property at 20 Brooks Road in Woods Hole.

My client has recently received a special permit from the Zoning Board of Appeals for proposed renovations to the structures at the property. A condition of the special permit requires that the owner shall "either obtain a license from the Select Board (if required) for the existing stone retaining walls located within the public right-of-way of Clapp Road, or remove said structures, prior to the final construction inspection by the building department". This letter is submitted to request the license.

Enclosed is a copy of the current deed of ownership, site plan of proposed renovations, and a detail sketch plan showing the location of the portions of stone wall. The Zoning Board special permit filed December 14, 2020 with the Town Clerk is also enclosed for reference.

I would ask that you please add this to your agenda for approval and issuance of the license.

Sincerely,


Laura M. Moynihan

Encls.

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2021 Seasonal Population Increase Estimation Form

City / Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of

City / Town Name

, as of July 10, 2021 will be

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

This certificate must be signed by a majority of the members of the local licensing authority.

Diane Davidson

From: Michael Palmer
Sent: Monday, January 4, 2021 3:34 PM
To: Phyllis Downey
Cc: Diane Davidson
Subject: RE: Estimate Seasonal Population 2021 (002).pdf

88,788

Regards,

Michael

Michael Palmer, CMC/CMMC
Falmouth Town Clerk
NEW EMAIL ADDRESS
michael.palmer@falmouthma.gov
508-495-7353



From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Monday, January 4, 2021 1:19 PM
To: Michael Palmer <michael.palmer@falmouthma.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Estimate Seasonal Population 2021 (002).pdf

Good afternoon Michael,

May we please request your estimation of seasonal population for the annual report to the ABCC? I believe the Board will approve this at their meeting on January 11th. The report is due to the ABCC by January 15th.

Thank you,
Phyllis

Diane Davidson

From: Mark Kasprzyk
Sent: Wednesday, January 6, 2021 12:14 PM
To: Falmouth Town Manager
Cc: Jennifer Lincoln; Gregg Fraser; Peter McConarty; Jim Grady
Subject: RE: item for 1/11/2021 Selectman's agenda - additional donation of fill and labor to repair last 500-ft of dirt roadway, Matt Sousa Conservation Area
Attachments: dirt road puddles 05JAN2020 (14).JPG; dirt road puddles 05JAN2020 (20).JPG; road conditions 02JAN2021 (2).JPG; road conditions 02JAN2021 (5).JPG

To The Selectman -

If available, we would like to request an agenda item for the Selectman's January 11th, 2021 hearing to accept another donation of fill material and labor to complete repairs for the last 500-ft of Town-owned dirt roadway that runs from Hatchville Road to Coonamessett Pond through the Matt Sousa Conservation Area (see map).

The first donation from Cape Cod Aggregates (\$5440) and George Botelho (\$5000), Inc. accepted by the Selectman this spring was successfully completed with incredible drainage improvements and minimal disturbance. After the initial removal of hazardous roadside trees by DPW, the recycled concrete mix was brought over by DPW and spread/compacted by George Botelho. Today you can barely tell work was done (see photos before and after) and we have received numerous thanks from walkers, abutters and people driving to the pond.

The material this spring was enough to repair the roadway except for the last 500-ft to Coonamessett Pond. This final donation shall complete the repairs. Cape Cod Aggregates has agreed to donate an estimated 80 tons of a recycled concrete mix for a fair market value of \$17/ton for a total of \$1360. George Botelho, George Botelho Inc., has volunteered his services again to do the work himself to fill holes, spread/compact material and create swales including machine time for a value of approximately \$1400.

DPW Highways has agreed to bring over the donated material, all work will be completed under the guidance of Conservation staff.

Please let me know if you have any questions.

Respectfully submitted,

Mark Kasprzyk
Conservation Land Manager/MES Technician

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









COVER PAGE

APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Submit one (1) unbound original and eleven (11) copies to the Community Preservation Office, 59 Town Hall Square, Falmouth, MA 02540. Transmit an electronic version of the application to cpfund@falmouthma.gov

Date:	January 5, 2021
Name of Applicant/Sponsoring Organization:	Falmouth Recreation Department
Mailing Address:	790 Main St, Falmouth MA 02540
Name of Proposal/Project:	Guv Fuller Field Rehabilitation-4
Project Location/Street Address (if applicable):	790 Main St, Falmouth MA 02540

Project Representative/Manager Name and Title:	Joseph Olenick Director, Dept of Recreation
Mailing Address:	790 Main St, Falmouth MA 02540
Daytime Phone:	508-457-2567 X 216
Evening Phone:	
Email:	Joe.olenick@falmouthma.gov

Cost of Project-this app.	CPA Funds	Cost Share - Private	Cost Share- Other
\$320,045	\$314,045	\$6,000-Commodores	\$0

CPA Category (You must check at least one category, but may identify additional categories if applicable)

- Open Space
 Recreation
 Historic Preservation
 Community Housing

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE INDIVIDUAL OR GOVERNING BODY OF THE APPLICANT.

Authorized Project Representative:

Typed (Printed) Name and Title: _____

Signature: _____ Date: _____

ATTACHMENT A

PROJECT SCHEDULE

Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone "NA."

Note: Implementation Schedules must be realistic and well conceived. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project's application review. Milestone F, 100% Project Completion Date, may be incorporated into the Letter of Agreement as a Special Condition. If project implementation is delayed, the CPC may reconsider its recommendation for grant award.

Milestones (Month/Year):

- A. Project Start (Month/Year): **August 2021**
- B. Procurement Documents Submitted to CPC (Month/Year):
- C. Project Construction/Professional Contract Submitted to CPC (Month/Year):
- D. Project/Construction Start (Month/Year):**August 2021**
- E. 50% Project Completion (Month/Year): **November 2021**
- F. 100% Project Completion (Month/Year): **December 2021**
- G. Close-Out Complete (Month/Year): **January 2022**

Comments:

If a decision on final funding for the project is delayed until November 2021 Town Meeting then construction will not be likely able to begin until the Fall of 2022 or Spring of 2023.

ATTACHMENT B PROJECT BUDGET

Budget: What is the total project budget and how will CPA funds be spent? All proposed project costs must be clearly identified including hard and soft costs, Falmouth Community Preservation Fund permanent sign/plaque cost, and contingencies. Applicants must provide an accurate and detailed estimate from potential consultant(s), construction companies, and suppliers. At least one estimate on contractor letterhead is required. However, the CPC reserves the right to require additional estimates. Projects that require deed restrictions or other legal oversight should include these estimated expenses in their proposed budget. (Note: CPA funds may not be used for maintenance.)

A. Budget Summary

Total Project Cost	CPA Funds Requested	Cost Share - Private Funds	Cost Share - Other Public	Cost Share - Other
\$ 320,045	\$314,045	\$6,000	\$	\$

B. Budget Cost Sharing: Identify the amount and source of cost sharing for this project including all private, federal, state or local government, and "other" sources.

Funding Source	Item: Project Component How Funding will be used	Amount	Type (grant, loan, in-kind, etc.)

Attach commitment letters from any organization providing a cost share contribution listed in the table above.

C. In-Kind: Are there any in-kind contributions included in the "Cost Share" information presented in A and/or B, above? If yes, describe how the value of the in-kind contribution was derived. (In-kind contributions can be defined as a contribution of services or property, donated equipment, buildings or land, or donated supplies).

D. Budget Categories: (Leave any category blank that does not apply to your project.)

Category	CPA Funds	Other Funds (Cost Share)	Total
Personnel	See Attached		
Materials/Equipment			
Construction			
Professional Contractual: Consultant, Legal, Engineering, Annraiser, etc			

CPA Funding Sign/Plaque			
Historic Preservation Restriction, if applicable			
Other (Describe)			
TOTAL			

** Insert a cost allowance to develop and record Preservation Restriction. Consult with CP Office on cost estimate.*

Note: Construction means all types of work done on a property or building including erecting, altering or remodeling. Attach at least one recent estimate/quote. A recent estimate is defined as a written estimate presented on company letterhead that was obtained and is dated within the past four months.

E. Describe any other attempts to secure funding for this project. (Include successful and unsuccessful funding attempts.)

In 2017 the Dept of Recreation (Joe Olenik) with the support from the Commodores filed a grant for \$477,815 to support the renovation of Guv Fuller Field. The renovations were primarily focused on installation of safety netting, replacement of the dugouts and visitor bleachers. This was approved by the CPC in 2017 and at the Town of Falmouth Town Meeting April of 2018. A bid package was prepared by the Falmouth DPW with the support of the Commodores and was issued in January 2019. The bid request did not receive any proposals which prompted a re-evaluation of the project and the approach being taken. The grant did allow for a separate payment to install an electric lift in the field's press box to abide by ADA requirements which was completed in June of 2018 at a cost of \$52,106 taken from the approved CPC grant.

Due to limited resources at DPW and the need for formal project bidding, a decision was made by the Town that an outside engineering firm be identified and retained to re-evaluate the cost, timing and overall quality of the project and to develop a new and updated budget and timeline. CDM Smith was selected to manage this project and was/is responsible for the development of a new budget, preparation of a bid package and the oversight of the construction at the field. This new budget prepared by CDM Smith required that the Dept of Recreation submit an ancillary grant proposal to CPC for an additional \$298,291 to cover the projected costs of construction including a \$85,000 fee for CDM Smith's services. This was approved by the CPC in December of 2019 but due to the pandemic did not obtain Town approval until September 2020. The total of the two grants is \$776,106. When subtracting the costs of installing an elevated lift in the new press box in June of 2018 and minor administrative costs this left \$722,291 in the CPC account plus \$13,000 from the CCBL to support the remaining parts of the project.

A request for bids prepared by CDM Smith was issued by the Town in November 2020 with three proposals being received and opened on December 7th. The bids received ranged from \$657,926 to \$875,225. These numbers DO NOT include the fee to CDM Smith of \$85,000 NOR the cost of installing the visitor bleachers which was put in the bid package as an alternate project. Estimates for the visitor bleachers ranged from additional \$86,028-\$96,000. (See Appendix A)

F. Please provide any additional relevant budget information that you feel will be beneficial to the CPC in understanding your Project Budget.

The project will have to be totally rebid.

Given the funding deficit even based on the LOW bid for the project emergency funding is requested from the CPC so that official town approval can be obtained at the April 2021 Town Meeting. Any delay in approval beyond this date would:

- Likely require construction (assuming funding approval) to be delayed until the fall of 2022 or spring of 2023.
- Poses a continuing risk regarding safety for fans and players due to lack of safety netting and visitor bleachers which do not meet safety codes. Guv Fuller Field will be the only field in the CCBL (10 total fields) without safety netting as of June 2021.
- Continued legal liability for the Town
- Increased costs to the project over time.
- If funding is approved at the April 2021 Town Meeting then the Town will only have liability exposure due to unsafe conditions and subpar facilities for one more season (2021) as opposed to two or three.
- The Covid-19 pandemic contributed to the delay in obtaining final Town Meeting approval (September vs April) which during this time the unprecedented increase in construction costs accelerated and ability time to make alterations was limited based on the current planned needs for the field for Falmouth High School, the Commodores and other recreational functions.

GUV FULLER FIELD RESTORATION PROJECT-4 PROPOSED BUDGET

The project will have to be rebid. The funding request factors in the rapid rise in construction costs experienced over the last year and anticipated increasing costs continuing into 2021 and 2022.

- The additional funding request is based on the average of the three bids received in December (See Appendix A)
- A previously unrecognized consulting fee for the architect who provided the drawing for the dugouts pro bono (It was not originally anticipated that CDM Smith will not assume liability or necessary building approvals of dugout construction as they did not design the structure. The alternative is to have totally new architectural drawing completed by CDM Smith at a high additional cost.) as the architect will need to perform multiple site visits and legally sign off on the completed construction.
- Additional funding for CDM Smith of \$10,000 for rebidding the project. This is estimate and not confirmed it is necessary.
- Contingency funds (approx. 5%-10%) are required by the Town to cover any unforeseen construction costs.
- The average of the three December 2020 bids with and without the visitor bleachers is as follows: (See Appendix A)

	With Visitor Bleachers	Without Visitor Bleachers
Bid 1	\$970,805	\$895,225
Bid 2	\$786,200	\$690,200
Bid 2	<u>\$743,954</u>	<u>\$657,026</u>
Average of Bids	\$833,653	\$747,484
CDM Smith Fee	\$85,000	\$85,000
Supplemental CDM	\$10,000	\$10,000
Architect Fee	\$10,000	\$10,000
Inflator on BIDS 5%	\$41,683	\$37,374
CONTINGENCY FUNDS	<u>\$75,000</u>	<u>\$75,000</u>
TOTAL ESTIM COST	\$1,055,336	\$964,858
PREVIOUS FUNDS AVAIL		
FROM CPC & CCBL	\$735,291	\$735,291
COMMODORE 2021		
CONTRIBUTION	<u>+\$6,000</u>	<u>+\$6,000</u>
TOTAL AVAIL FUNDS	\$741,291	\$741,291
<u>TOTAL EST COSTS MINUS</u>		
<u>AVAILABLE FUNDS</u>		
FUNDING REQUEST	\$314,045 WITH BLEACHER	\$223,567 W/O BLEACHER

A REQUEST FOR FUNDING IS AS FOLLOWS:

- THESE VALUES ARE BASED ON THE AVERAGE OF A WIDE RANGE OF BIDS RECEIVED IN DECEMBER OF 2020. A DIFFERENCE OF \$226,851 FROM LOW TO HIGH BID.
- CPC FUNDS NEEDED FOR TOTAL PROJECT COMPLETION (\$314,045)
- ALTERNATIVELY, TO STAGE THE RESTORATION PROCESS AND REPLACE THE VISITOR BLEACHERS AT A LATER DATE-(\$223,567)

ANY UNUSED FUNDS WILL BE RETURNED TO THE CPC.

APPENDIX A

Town of Falmouth
Department of Public Works

BID RECAP FOR: GUV FULLER FIELD IMPROVEMENTS 2020-2021

BID OPENING DATE: December 7, 2020 TIME: 1:00 PM

	1	2	3	4
Company Name	TRAD. SPORTS	SCIABIA CONSTRUCTION	GREEN ACRES LANDSCAPE	
Bid Bond	5% ✓	5% ✓	5% ✓	
Proposal Bid Sheet	✓	✓	✓	
Addenda Referenced	1 + 2	1 + 2	1 + 2	
Bid Item 1	\$ 340,225.00	\$ 358,200.00	\$ 245,086.00	
Bid Item 2	\$ 50,000.00	\$ 78,000.00	\$ 78,207.00	
Bid Item 3	\$ 485,000.00	\$ 254,000.00	\$ 334,633.00	
Total Base Bid	\$ 875,225.00	\$ 690,200.00	\$ 657,926.00	
Add Alternate 1	\$ 95,580.00	\$ 96,000.00	\$ 86,028.00	
Total Base and Add Alternate 1	\$ 970,805.00	\$ 786,200.00	\$ 743,954.00	

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that M.A. Friends, Inc. d/b/a Jack in the Beanstalk has applied for a Transfer of a Wine and Malt Package Store License located at 800 Gifford Street Extension, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, January 11, 2021 at 7:30 p.m. on the above application.

*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 January 11, 2021 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 January 11, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on January 7, 2021 at 4:00 PM for detailed participation information.****

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, December 25, 2020; Falmouth Enterprise

TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- ✓ • **DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- ✓ • **DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- ✓ • **Transfer Application**
 - **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - ✓ • If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✓ • **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ • **Manager Application**
- ✓ • **Purchase and Sales Agreement**
- ✓ • **Proof of Citizenship** for the proposed Manager of Record.
- ✓ • **Vote of the Corporate Board**
- ✓ • **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ • **Legal Right to Occupy**, a lease or deed.
- ✓ • **Floor Plan**
- ✓ • **Advertisement**
- ✓ • **Monetary Transmittal Form**
- ✓ • **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- ✓ • **Payment Receipt**
 - **Additional information, if necessary, utilizing the formats provided and or any affidavits.**

N/A • **Management Agreement**, if applicable, requires the following :

- Management Agreement Application
- Management Agreement
- Vote of the Entity
- CORI Forms for all listed in Section 13 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Applicant seeks to transfer existing beer and wine license from Falmouth Fruit and Produce Co. Inc., to M.A. Friends, Inc. The location of the premises is 800 Gifford Street Extension Falmouth, MA 02540. Beer and wine to be sold on premises and consumed off premises.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="\$15 Package Store"/>	<input type="text" value="Wines and Malt Beverages"/>	<input type="text" value="Annual"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number	<input type="text" value="00-211-PK-0390"/>	FEIN	<input type="text" value="04-3083562"/>
Entity Name	<input type="text" value="M.A. Friends, Inc."/>		
DBA	<input type="text" value="Jack in the Beanstalk"/>	Manager of Record	<input type="text" value="Sarav Patel"/>
Street Address	<input type="text" value="800 Gifford Street Extension Falmouth, MA 02540"/>		
Phone	<input type="text" value="508-548-1300"/>	Email	<input type="text" value="info@jackinthebeanstalk.com"/>
Add'l Phone	<input type="text" value="774-563-1227"/>	Website	<input type="text" value="www.jackinthebeanstalk.com"/>

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Total Sq. Footage	<input type="text" value="4000"/>	Seating Capacity	<input type="text" value="N/A"/>	Occupancy Number	<input type="text" value="N/A"/>
Number of Entrances	<input type="text" value="1"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="1"/>



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001469994

ARTICLE I

The exact name of the corporation is:

M.A. FRIENDS, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ALL LEGAL PURPOSES, TO INCLUDE THE OWNERSHIP, MANAGEMENT AND OPERATION OF A RETAIL FOOD AND BEVERAGE ESTABLISHMENT.

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	10,000	\$0.00	1,200

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the *90th day* after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: SARAV PATEL
No. and Street: 55 SURREY LANE
City or Town: E. FALMOUTH State: MA Zip: 02536 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA
TREASURER	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA
SECRETARY	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
VICE PRESIDENT	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
DIRECTOR	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
DIRECTOR	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

RETAIL FOOD AND BEVERAGE AND FARM STAND.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

No. and Street: 800 GIFFORD STREET EXTENSION

City or Town: FALMOUTH State: MA Zip: 02540 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (*post office boxes are not acceptable*):

No. and Street: 800 GIFFORD STREET EXTENSION
City or Town: FALMOUTH State: MA Zip: 02540 Country: USA

which is

its principal office an office of its transfer agent
 an office of its secretary/assistant secretary its registered office

Signed this 13 Day of November, 2020 at 9:30:25 AM by the incorporator(s). (*If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.*)

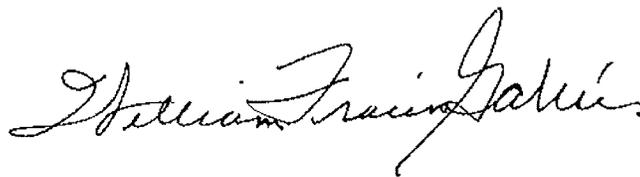
SARAV PATEL

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

November 13, 2020 09:29 AM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2003	2020	Manager/Franchisee	7-11	N/A

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

Date 11/24/2020

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

The transaction is a land and business purchase. The land will be purchased by MNA Realty, LLC, a Massachusetts limited liability company. The principal of said LLC being Zahid Rashid. The business will be purchased by M.A. Friends, Inc. Your proposed transferee. A lease agreement will be prepared between the two parties but has not yet been finalized. It will be supplied upon receipt.

The financing comes from 3 sources. The land purchase of \$1,000,000.00 will be in the form of the Seller taking back a note and mortgage. Proposed paperwork shall be supplied if necessary and upon request. A commercial loan from Rockland Trust in the amount of \$600,000.00 shall be secured to help purchase the business. The remaining \$150,000.00 to be in the form of an individual loan from Zahid Rashid to M.A.Friends, Inc. , your applicant.

Applicant propooses to run the business in the same manner as predecessor owner.

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name

duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

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

“VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

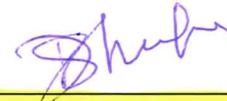
A true copy attest,


Corporate Officer /LLC Manager Signature

SARAV PATEL.
(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Doma Sherpa
(Print Name)

Jack in the Beanstalk
floor plan

Retail 2000 sq FT
Back Room 2000 sq FT
+ Office
Cooler

Back Room
Cooler

Bathroom

Bathroom

Cooler

wine display

Beer Display | Soda | Soda | Meat | Eggs | Milk

EXIT

Meat Case

Cashier

Cashier

Grocery
Produce Displays

Bakery

Front Doors

Display Cooler

LOADING DOCK

Phyllis Downey

From: Irie Mullin
Sent: Wednesday, December 2, 2020 12:45 PM
To: Phyllis Downey; Frank Duffy
Cc: Kim Fish; Diane Davidson
Subject: RE: Transfer of License WM Package Store questions
Attachments: Jack in the Beanstalk Transfer 12.2.20.pdf

Phyllis,

It appears the applicant is drawing a distinction between MZ Enterprises owning the land and structures, and MA Friends owning the business and holding the package store license. There is no per se issue with a leasee holding a license separate from the landlord property owner, but the single license cap for towns may come into play if the separate of interests between the property owner and the occupying business entity is a "legal fiction" that nevertheless is characterized by indirect control or intermingling of business interests. However, as this is a factual determination for the Select Board, as LLA, to make under the statute, as discussed below, the application should be accepted and the matter noticed and placed on the agenda for discussion by the SB to make a determination as to whether the applicant has misrepresented the separate nature of MA Friends from pre-existing license holder MZ Enterprises.

For the Select Board's consideration during that meeting, I offer the following analysis of case law and the documents provided to date:

G. L. c. 138, s. 15 states, in relevant part:

"No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 9 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 9 licensees under this section, or be granted more than one such license in a town or two in a city." The latter cap on one license per person per town has not been affected by the January 1, 2020 increase of the statewide cap from 7 to 9.

The question of what constitutes a "combination of persons" for the purposes of the statute is a factual determination which can be made from circumstantial evidence, including substantial intercompany dealings, stockholder interest, common use of various assets, decisionmaking authority, family relationships, interlocking directors/officers, provision of assistance and financial support, and joint activities. See Johnson v. Martingnetti, 374 Mass. 784 (1978), Powers v. Sixty Broadway, Inc., 371 Mass. 296 (1976). This is a factual determination for the LLA to make, here, the Select Board. If the Select Board determines that a combination of individuals are directly or indirectly related to both MZ Enterprises and MA Friends, such that the result of allowing transfer of the license to MA Friends would result in a combination of the individuals holding or controlling both the pre-existing MZ Enterprises license and the newly transferred MA Friends license, the application for transfer should be denied as a violation of Chapter 138, Section 15.

In the documents provided, there are several indications that there is not a true separation between MZ Enterprises as landowner and the principals of MA Friends:

- Purchase & Sale Agreement
 - Para. 43: "Seller will finance \$1,000,000.00 of the purchase price [of the property] for 15 years ... The Promissory Note will be executed individually by Zahid Rashid [principal of MZ Enterprises] ... Mingma Nurbu Sherpa of 30 Settler's Land Hyannis [same last name and home address as 66% shareholder of MA Friends Doma Sherpa, indicating a possible family relationship] ... and Sarav Patel [33%

shareholder of MA Friends] ... as well as the MZ Enterprises, Inc. (the operating entity for Jack in the Bean Stock) as well as whichever entity takes title to the property, jointly and severally.”

- This paragraph identifies MZ Enterprises, not MA Friends, as the “operating entity for Jack in the Bean Stock”.
- This paragraph suggests that individuals from both MZ Enterprises and MA Friends are collectively responsible for the mortgage on the land, such that the proposed license holder MA Friends is not truly operating separately from MZ Enterprises as its landlord.
- Loan Agreement
 - Pg 1: Lender is the principal of MZ Enterprises, borrower is MA Friends, proposed holder of the package store license
 - Para 1: promise by MA Friends to repay principal of MZ Enterprises is made “without interest payable”
 - The nature of the loan as interest-free indicates a non-arms-length transaction and mutual financial interest
- Commercial Lease Agreement
 - Pg 1: Lessor is MNA Realty, not previously identified as an owner of the property (MZ Enterprises is identified in P&S as purchasing the land and structures).
 - Signature page: signature identified as “MNA Realty, LLC” without an individual officer’s name present looks identical to the signature identified as Zahid Rashid on the Loan Agreement between Rashid and MA Friends (see above).
 - This indicates that landlord MNA Realty is a related corporate entity to MZ Enterprises. The Select Board could request further information regarding the officers/directors/stockholders of MNA Realty to conclusively determine the relationship between MNA Realty and MZ Enterprises, and thus full scope of the relationship between MA Friends and MZ Enterprises.

Please let me know if you have any additional questions.

Thanks,
Irie

Irie E. Mullin, Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, December 2, 2020 10:28 AM
To: Frank Duffy <frank.duffy@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Cc: Kim Fish <kimberly.fish@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Transfer of License WM Package Store questions

Good morning,

May we please request your advice regarding this application for Transfer of License for Jack in the Beanstalk?

- The application to Transfer of License was submitted for Jack in the Beanstalk Wines & Malt Beverages Package Store by attorney Christopher Lebherz.
- The Purchaser of the business is MZ Enterprises, see Purchase & Sales Agreement page 21 and other pages of the Transfer document.
- MZ Enterprises owns Falmouth Food Mart & Liquor All Alcohol Package Store at 441 East Falmouth Highway.
- According to the package store limit information received from the ABCC, attached, an entity can hold only one (1) package store license in a town (two in a city).
- The applicant states the Letter of Assignment nominating M. A. Friends, Inc, page 47 of the Transfer document, satisfies the prohibition against holding more than one license per town and negates the need for MZ Enterprises to complete sections 6a. and 6b. of the application or any part of the application.

We aren't aware of a similar application submitted in the past and would appreciate your review to clarify whether it is ready for Public Notice and the Board's approval. BTW – the details found in the middle of the lease are not included in the Transfer document but can be provided if needed. Please let me know if I can provide that or anything further.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's has applied for an Alteration of Premises of a Wine and Malt Common Victualler License located at 356 Palmer Avenue, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, January 11, 2021 at 7:30 p.m. on the above application.

*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 January 11, 2021 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 January 11, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on January 7, 2021 at 4:00 PM for detailed participation information.****

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, December 25, 2020; Falmouth Enterprise

PAID
\$100
CK# 1450



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

Alteration of Premises/Change of Location Checklist

This application will be returned if the following documentation is not submitted:

- Monetary Transmittal Form showing \$200.00 fee paid to the Commonwealth of Massachusetts or the ABCC
- Application (www.mass.gov/abcc)
- Newspaper Advertisement (prepared by the Town)
- Abutter Notification *requested by applicant*
- Floor Plan
- Description of Premises (Current & Alteration) *n/a see Floor Plan*
- Lease or Deed
- Vote of Corporate Board
- Supporting Financial Records
- A \$50.00 Filing Fee made payable to the Town of Falmouth
- A \$50.00 Advertising Fee made payable to the Town of Falmouth
- A hearing before the Board of Selectmen *January 11, 2021*

Please refer to website: www.mass.gov/abcc

1. Click on Alcoholic Beverages Retail Licenses
2. Click on Amend a Retail License
3. Click on Alteration of Premises or Change Location
4. Click on Alteration of Premises/Change Location Application
5. Download the Application
6. Save to your computer
7. Complete the Application, Save, Print, Sign
8. Attach all required documents and submit entire package to the Board of Selectmen's Office



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

00048-RS-0390

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager Granted under Special Legislation? Yes No

If Yes, Chapter
(i.e. restaurant, package store) (Annual or Seasonal) (i.e. Wines and Malts / All Alcohol) of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

One floor: Dining room, greenhouse, kitchen, office, cellar for storage. Existing outside patio seating is 25' x 40' and has 10 tables that are 15' from neighbor property line as expected.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- ✓ Chg of Location/Alteration of Premises Application
- ✓ Financial Statement
- ✓ Vote of the Entity
- ✓ Supporting financial records
- ✓ Legal Right to Occupy
- ✓ Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Seafood Sam's Falmouth Inc.	Falmouth	00048-RS-0390

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

I am applying for an existing patio (10 Tables) which has been in place since 2003 to be included in my existing beer and wine license. Patio was previously approved by zoning, board of health, planning board etc. somehow never was completed to apply to ABCC

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Michael P. Lewis	President/ Owner	michaelplewis62@gmail.com	508.274.2349

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

There will actually be no new alterations as patio area has been in place for 17 years

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

existing outside patio seating is 25'x40' and has 10 tables that are 15' from neighbor property line as expected

Total Sq. Footage	Seating Capacity	Occupancy Number	
1000	40	40	
Number of Entrances	Number of Exits	Number of Floors	
1	1	outside	

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

To Whom It May Concern,

I am applying to include a patio that seats 40 guests.

Patio was installed in 2003 at which time it was my belief all the proper channels and town departments had been indeed satisfied.

It came to my attention in April when Covid and the temporary outside seating was being applied for. At this point I had a discussion with select board and was advised to take proper channels to make license correction in the fall when season was winding down.

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

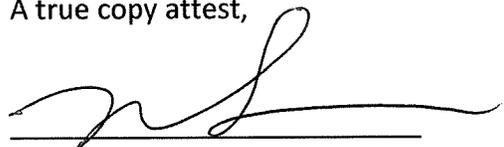
For the following transactions (Check all that apply):

- Alteration of Licensed Premises
- Change of Location
- Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

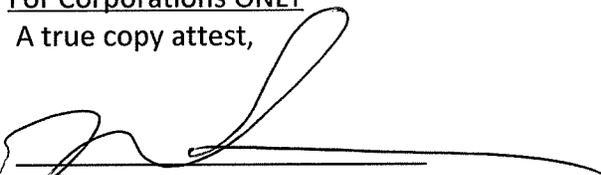
A true copy attest,


Corporate Officer /LLC Manager Signature

Michael Lewis
(Print Name)

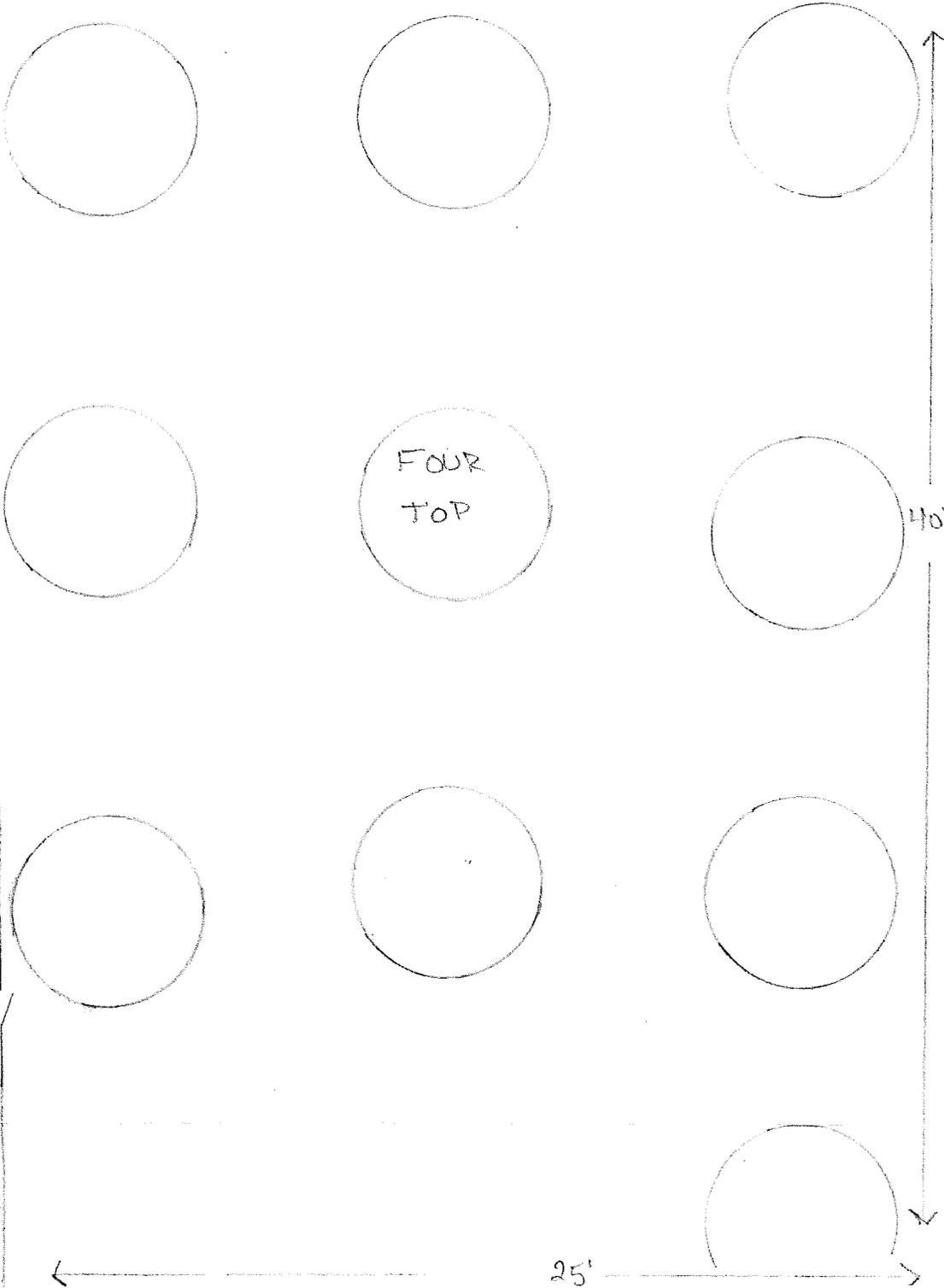
For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Michael Lewis
(Print Name)

FENCED PROPERTY LINE



FENCE LINE ADJACENT TO PALMER AVE

FENCED WITH EMPLOYEE ONLY GATE

FOUR TOP

40'

25'



TOWN OF FALMOUTH

MICHAEL PALMER
TOWN CLERK

59 Town Hall Square, P.O. Box 904, Falmouth, MA 02540
(508) 495-7353 Fax (508) 457-2511

CERTIFICATION OF NO APPEAL

I Michael Palmer, Town Clerk of the Town of Falmouth, hereby certify that the Board of Appeals vote was filed in this office on September 26, 2003 and that no Notice of Appeal on this vote was received during the twenty days next after such receipt and recording of said vote.

Michael Palmer
Town Clerk

Date: October 23, 2003

Re: 119-03 Michael P. Lewis

A TRUE COPY ATTEST

Michael Palmer
TOWN CLERK OF
FALMOUTH, MASS.



BARNSTABLE REGISTRY OF DEEDS

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 119-03

APPLICANT: MICHAEL P. LEWIS of East Falmouth, MA

PROPERTY OWNER: LEWIS PALMER AVE REALTY TRUST of Falmouth, MA

**LOCATION OF PROPERTY: 350 PALMER AVENUE, FALMOUTH, MA
356 PALMER AVENUE, FALMOUTH, MA
MAP 38, SECTION 2, PARCEL 15, LOT 0
MAP 38, SECTION 2, PARCEL 16, LOT 0**

M.R. BOOK 10218 PAGE 157

Under a date of June 6, 2003, Michael P. Lewis of East Falmouth, MA, applied to the Zoning Board of Appeals for a Special Permit under Section 240-3 of the Code of Falmouth to allow modify the existing use to allow additional outside seating as an accessory to the existing restaurant. The subject property is located at 356 Palmer Avenue, Falmouth, MA.

A public hearing was held on August 20, 2003, and notice was duly given as required by Section 11, Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing all parties desiring to be heard were heard. The applicant has agreed to extend the statutory time that the Board of Appeals has to commence the public hearing by an additional thirty days.

Mr. Lewis explained that he received a special permit in 2001 to enclose his patio. At that time, he was told that outside seating does not count as seating on his occupancy permit because it is considered take-out. After enclosing the patio, Mr. Lewis moved the picnic tables away from the parking lot for safety reasons, and landscaped the area for better screening and aesthetics. Mr. Lewis spent more than \$4000 on these improvements, and now has a total of 10 tables in the picnic area.

Mr. Lewis stated that, in response to a request from the Building Commissioner, he removed a section of fence, and relocated tables to be at least 15 feet from the abutter's fence.

The Health Department referral indicates no objections to the proposal, provided that the picnic tables are only accessible from the outside of the building as "an alternative to leaving the property after having left the building." In response to a question from the Board, Mr. Lewis stated that most customers enter the picnic area from the building.

The Planning Board referral states that the Planning Board discussed the applicant's proposal for outside seating at its September 2, 2003 meeting, and understands that noise from the order announcement system is the primary concern of abutters. Therefore the Planning Board recommends that the applicant seek alternative systems of order announcement.

(5)

The Board questioned Mr. Lewis about his parking arrangements. Mr. Lewis stated that he leases 20 spaces from the Amvets, whose parking lot abuts his property. The Board requested that Mr. Lewis submit a parking plan showing which spaces are used.

Mr. Nolan, an abutter to the property, raised objections to the proposal. The light at the back of the property shines on his property, and he would like it moved. The restaurant also uses an intercom to announce when customers' orders are ready, and the noise from the outside speaker is a nuisance.

Michael Lewis addressed the concerns of the Nolans with regard to the lighting and speaker system noise. An electrician has removed the sodium vapor lights on the back of the building, ran electrical cable to the shed out back, and installed 2 smaller regular spot lights. One spot light faces the dumpster and the other faces the back parking area, both facing away from the abutters. He has also installed a smaller, shielded light where the sodium vapor light was and it shines on the grease removal area. He replaced the photo cell light with 2 flood motion sensor lights facing the freezer doors. Mr. Lewis has also tried to address the speaker situation by lowering the speakers to ground level.

Mr. Nolan stated that the lighting situation has improved quite a bit, with much less of an impact now. He stated that the noise seems to be more muffled although they have been away some and there seems to be less business now.

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property consists of two parcels. Parcel 15, located at 350 Palmer Avenue, contains 17,175 square feet of general residence zoned land. Parcel 16, located at 356 Palmer Avenue, contains 36,400 square feet of light industrial A zoned land. The existing restaurant is located in the light industrial zoned portion of the property. The building is nonconforming because it doesn't meet the required setback between the general residence zoned property and light industrial zoned property. However, at the time the building was constructed, it met all requirements of the bylaw as then existed. The building is therefore determined to be pre-existing, nonconforming. The applicant has applied to allow an outdoor seating area as an accessory to the existing restaurant. Section 240-3 requires a special permit to alter, change or extend any pre-existing, nonconforming structure or use.

The Board finds that the proposed outside seating does not substantially increase the nonconforming nature of the property and is therefore not substantially more detrimental to the neighborhood. The Board finds that the site is both adequate and suitable for the proposed use.

The Board finds there will be no adverse impact on traffic flow or safety by the granting of this permit. The occupancy of the restaurant is 140 seats requiring 47 parking spots. Fifty spaces are available on the subject property and Mr. Lewis has permission to utilize 20 parking spaces from the Amvet property. His operation pre-dated the current parking requirement, therefore he is under the requirement of one parking space for every three seats.

The applicant has demonstrated that there is adequate parking between the site and the spaces at the Amvet site to accommodate the additional outdoor seating. The outdoor seating consists of ten tables on the northerly side of the building. The 15 foot required side yard setback must be maintained at all times.

It is the opinion of this Board that the granting of this permit will have no adverse impact on the visual character of the neighborhood including views and vistas. The applicant maintains his property very well with landscaping and fencing. The Board finds there will be adequate utilities to the site including town water. The septic system will meet Title V or the requirements of the Health Agent.

There is no decision of the Planning Board to consider as this proposal is not subject to review by the Planning Board under Site Plan Review. This Board finds there will be no effect on the adequacy of the supply of affordable housing as this property has neither been designated for nor represented as affordable housing.

The Board finds that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board further finds that the granting of this permit will be in harmony with the purpose and intent of the Bylaw.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals, being of the opinion aforesaid and acting under the provisions of the Code of Falmouth, hereby unanimously votes to GRANT a special permit under Section 240-3 of the Code of Falmouth to allow an outside picnic seating area, to consist of 10 picnic tables as an accessory to the existing restaurant located at 356 Palmer Avenue, Falmouth, MA. This special permit is subject to the following conditions:

1. The outside seating area shall be substantially as shown on submitted plans and as represented to this Board. There shall be no more than the ten picnic tables as represented.
2. The applicant shall maintain the required fifteen foot setback from the side property line at all times.
3. Applicant shall continue to control the lighting and speakers with consideration to the abutter.
4. The septic system shall meet Title V or the requirements of the Health Agent.
5. All applicable conditions in previously granted special permits shall remain in effect.
6. Applicant shall provide this Board with a plan of the Amvet property depicting the parking spaces that are designated for use for Seafood Sam patrons. Such plan should provide evidence that Amvet has the required parking for their own use.
7. This permit shall lapse two years from the date on which this decision is filed in the Town Clerk's office if a substantial use thereof has not sooner commenced except for good cause as determined by the Board of Appeals.
8. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, is recorded in Barnstable Registry of Deeds.

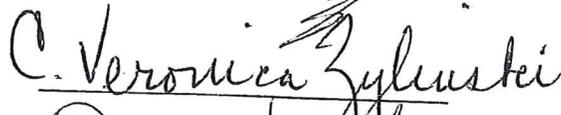
ACTION: The Board of Appeals, consisting of Kenneth L. Swartz, C. Veronica Zylinski, Patricia A. Favulli, being all present and voting as follows:

VOTE TO: GRANT

SWARTZ:

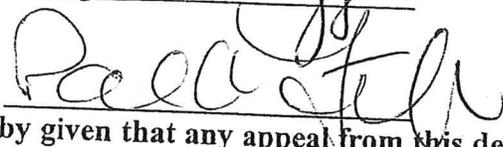

CLERK Patricia A. Favulli

ZYLINSKI:



ZONING BOARD OF APPEALS

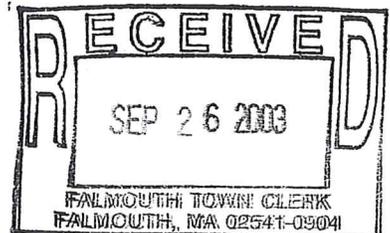
FAVULLI:



DATE: September 26, 2003

Notice is hereby given that any appeal from this decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty(20) days after the date of filing of this decision in the office of the Town Clerk.

A TRUE COPY ATTEST


TOWN CLERK OF
FALMOUTH, MASS.

Steamship Authority Board of Governors

1 vacancy

- Three-year term until 12/31/23

1 applicant:

- Kathryn Wilson (incumbent)



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Kathryn Wilson

Address: 50 Glendon Road Village: Woods Hole ZIP: 02543

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 1977 (date: _____) / Taxpayer 1995 (date: _____)

Amount of time you are available to give: as needed

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

1. Steamship Authority Rep for Falmouth
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? yes

Relevant affiliation and work and personal experiences I am currently serving in this position. I was appointed in February 2019 to fill the remainder of a prior vacated term. I have a law practice in Falmouth and I have lived in Falmouth for over 40 years. My resume is on file with my 2019 application, no changes since then.

Town offices held in Falmouth or elsewhere and dates of years served: SSA representative appointed February 2019 and serving to date. No other town offices held.

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

The process of improving communications between SSA, the port communities on the Vineyard and Falmouth is underway. That was a key issue that prompted me to initially apply in 2019. After my appointment, I requested SSA management to initiate the creation of working groups devoted to traffic and other issues that have high impact on the affected communities. The other issue that prompted me to apply in 2019 revolves around including New Bedford as a transportation option. I believe that this is viable and I am working to see that New Bedford is recognized as a viable port. I would like to see this through.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Tricia Pedro	Falmouth (East) resident, MV school teacher	██████████
2.	Robert Blomberg	Falmouth (WH) resident	████████████████████
3.	Catherine Bumpus	Falmouth (WH) resident	████████████████████

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

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

Dec 27, 2020
DATE

Kathryn Hulmi
APPLICANT'S SIGNATURE

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

inity under which
nity would not ex-
enforcement offi-
as a person's right
fessional policing
results in the of-
cation. Other pro-
e banning the use
limiting the use of
equiring police of-
ess another officer
'ond what is neces-
able to intervene;
atorium on facial
chnology; and lim-
police warrants in
re children or peo-
5 are present. In a
100-plus members,
the Massachusetts
olice say the legis-
disrespected."
con Hill

person's propensity for suicidal ideation and exercises substantial control over the other person through control of the other person's physical location or circumstances; deceptively or fraudulently manipulates the other person's fears, affections or sympathies; or has undue influence whereby the will of one person is substituted for the wishes of another.

Punish Use of the Word "Bitch" in Public (H 3719)—It was more than a year ago, on October 15, 2019, when the Judiciary Committee held a hearing on a controversial bill that would impose up to a \$100 fine on a person the first time he or she uses the word "bitch" to accost, annoy, degrade or demean another person. The measure makes the use of the word "bitch" equivalent to

of a child under 18 to be listed in the registry.

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Bob Katzen welcomes feedback at bob@beaconhillrollcall.com.

member of the National Garden Club Inc., Northeast Region, and the Garden Club Federation of Massachusetts, Southeastern District.

Jehovah's Witnesses Initiate Global Campaign

Throughout November, Jehovah's Witnesses worldwide distributed the issue of the Watchtower magazine titled "What Is God's Kingdom?"

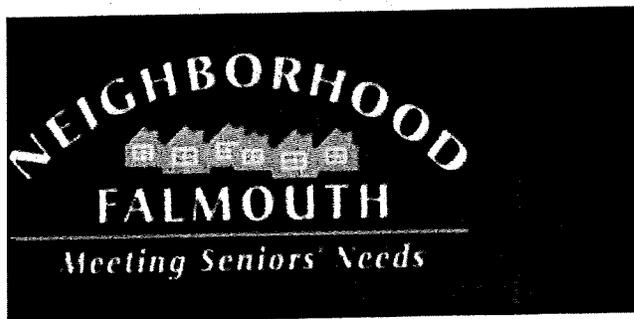
Jehovah's Witnesses distributed the magazine to the general public, business owners, local and national government officials, as well as court officials.

The campaign was conducted using methods in accordance with local health protocols. In addition to distributing the magazine, it may include making visits via electronic means.

The magazine answers the questions what that Kingdom is, when

it will come, and what it will do. Jehovah's Witnesses believe that the Bible's promises about God's Kingdom will bring readers comfort and hope for a world free of pain and suffering.

An electronic copy in more than 300 languages is available on the official website of Jehovah's Witnesses, jw.org.



Which Community Member Likes her Pickles Spicy?

See page 158 of the

Neighborhood Falmouth Cookbook

Buy yours today!

Order by phone, online, or at Eight Cousins

781-564-7543 • neighborhoodfalmouth.org
director@neighborhoodfalmouth.org



Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on Town committees:

Committee	Term Until
Board of Survey (2 positions)	6/30/21
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (1 position)	6/30/23
Coastal Pond Management Committee (4 at-large positions)	6/30/22, 6/30/23
Commission on Disabilities (2 positions)	6/30/22, 6/30/23
Community Preservation Committee (1 position)	6/30/23
Conservation Commission (1 alternate position)	6/30/22
Constable (1 position)	6/30/21
Council on Aging (1 position)	6/30/22
Edward Marks Building Advisory Committee (1 position)	5/31/21
Energy Committee (1 position)	6/30/23
Historical Commission (1 Architect - full position, 1 alternate position)	6/30/21
Human Services Committee (2 positions)	6/30/21
Sign Review Committee (4 full positions, 2 alternate positions)	6/30/21, 6/30/22, 6/30/23

The following position is up for re-appointment and has an incumbent; however, applications are welcome:

Committee	Incumbent for Reappointment	Term
Steamship Authority Board of Governors	Kathryn Wilson	6/30/23

The deadline for submitting applications is Monday, December 28, 2020. Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>. Please submit applications to the Office of the Select Board.

Diane Davidson

From: [REDACTED]
Sent: Friday, January 8, 2021 2:30 PM
To: Falmouth Selectboard
Subject: Kate Wilson Reappointment to SSA Board

To the Select Board. It is my understanding that at its upcoming January 11th Select Board meeting, the Board will consider reappointing Kate Wilson as Falmouth's Board member to the SSA. I write with the strongest support of Kate's work and energy. She has done an outstanding job in representing Falmouth's interests before the SSA, and it would be in the strong interest of all Falmouth residents for the Board to reappoint her. Respectfully, submitted, Tom Crane

Thomas S. Crane
35 Juniper Point Road
Woods Hole, MA 02543

[REDACTED]
[REDACTED]

TOWN OF FALMOUTH



DAVID T. VIEIRA
Moderator

Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

8 January 2021

Dear Falmouth Select Board Members,

In view of the ongoing COVID-19 pandemic and the federal, state, and local advisories to practice social distancing and avoid the congregation of crowds, and as a result of not being able to obtain a quorum of town meeting members on November 16, 2020; I request approval to conduct Falmouth's Fall Annual Town Meeting, scheduled to reconvene on January 25, 2021 through remote participation. I propose to use the Zoom videoconferencing platform with a telephone call in audio only option.

I certify that, with the assistance of the town clerk, town administration, town finance department, town IT department, and a group of town meeting members, I have tested all components of the system described above and am satisfied that this system will enable our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location.

I certify that the system: (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through Falmouth Community Television (FCTV) for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate after notifying the town clerk 48 hours in advance of the meeting; and (ix) provides for the town meeting to be recorded and available for future viewing.

I further confirm that I have consulted with Falmouth's coordinator for federal Americans with Disabilities Act compliance regarding system accessibility. I appreciate your consideration of this request. Please do not hesitate to contact me if you have any questions.

Sincerely,

David T. Vieira
Falmouth Town Moderator

Cape & Vineyard Electric Cooperative, Inc.

Town of Falmouth

FY20

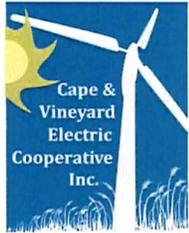


Liz Argo, Executive Director

Maria Marasco, Deputy Director

William Lake, President

Rosemary Dreger-Carey, CVEC Representative for Falmouth



Cape & Vineyard Electric Cooperative, Inc.

Renewable Energy Installation and Sales

The Cape & Vineyard Electric Cooperative was organized under State statute, Chapter 146, on September 12, 2007

Three initial members: The Cape Light Compact, Barnstable County and the Town of Barnstable

Now: 24 municipal members from on and off-Cape and 9 district participants

+++++

Mission: Renewable Energy

- Power sales
- Net Metering Credit benefits
- ISO-NE market benefits to stabilize grid
- Electric Vehicle (EV cars and stations)





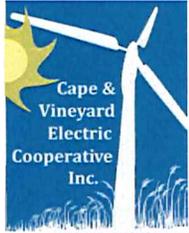
Cape & Vineyard Electric Cooperative, Inc.

Renewable Energy Installation and Sales



CVEC's Participating Towns/Counties/Districts -

- Aquinnah
 - Barnstable
 - Bourne
 - Brewster
 - Chatham
 - Chilmark
 - Dennis
 - Edgartown
 - Eastham
 - Falmouth
 - Harwich
 - Oak Bluffs
 - Orleans
 - Nantucket
 - Sandwich
 - Provincetown
 - Tisbury
 - West Tisbury
 - Yarmouth
 - Barnstable County
 - Dukes County
 - Monomoy School District
 - Dennis Yarmouth School District
 - Barnstable Airport
 - Marion
- Barnstable Fire District
 - Cotuit Water
 - COMM
 - Harwich Water
 - Sandwich Water
 - Upper Cape Regional Water
 - Nauset School District



Cape & Vineyard Electric Cooperative, Inc.

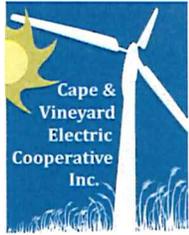
Renewable Energy Installation and Sales



5 CVEC PV (& Storage) Initiatives:

- CVEC-7 Initial Round = 750kW on roofs
- Round 1 = 16MW, mostly on landfills
- Round 2 = 12MW, on roofs & municipal lands
- Round 3 = 1MW, on roofs
- Round 4 = 12MW, canopies, roofs, lands With STORAGE
- Round 5 = 14MW, canopies, roofs, lands With STORAGE
- Round 6 = Collecting projects to bundle into a single RFP
- Estimated installations by 2023 ~50MW





Cape & Vineyard Electric Cooperative, Inc.

CVEC's PV and battery projects—a sampling.



Monomoy Regional High School



Dennis- Ezra Baker School



Provincetown-VMCC



Brewster Captain's Course Golf Facility Canopy



Edgartown- Nunnepog Well



Harwich Capped Landfill



Edgartown- Katama Farm



Yarmouth Fire Station



D-Y Emergency Shelter Battery



Barnstable Municipal Airport



Oak Bluffs Fire Station

*Initial Round plus Five Additional Rounds
Currently 70 Projects completed and/or
scheduled for development*



Cape & Vineyard Electric Cooperative, Inc. Renewable Energy Installation and Sales



5 CVEC PV (8.0)

- **Largest Cooperative power totals in New England**
- **At end FY20, savings of over \$16,900,000 to participants**
- **Equivalent reduction of greenhouse gases**

, roofs, lands - STORAGE

~ 64MW by 2023



Cape & Vineyard Electric Cooperative, Inc.

Renewable Energy Installation and Sales

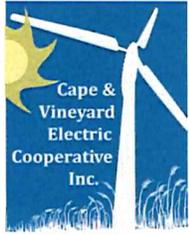
CVEC EV Cars & Charging Stations Initiative:

- Electric Cars
- Charging Stations



CVEC Net Metering Credit Sales:

- 3 PV Power Sales Agreement = 7MW
- Wind Power Sales Agreement = 3MW



Cape & Vineyard Electric Cooperative, Inc.

Renewable Energy Installation and Sales

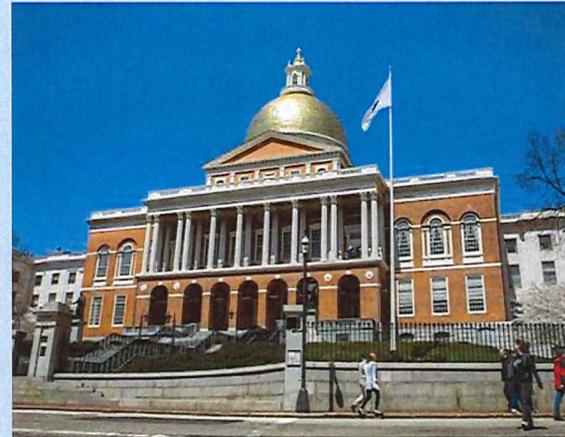


CVEC NMC Consultancy Management Services for:
Yarmouth, Sandwich, Provincetown, Dennis



Legislative and
Regulatory Efforts:

- Worked with Senate to secure relief from taxation of municipal solar
- Intervenor in Eversource case – prevented devaluation of Net Metering Credits
- Member of Cape Cod Climate Change Collaborative



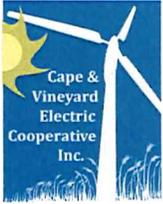
Cape & Vineyard Electric Cooperative, Inc.

CVEC in FY 2021



-  Adding 20 MW of PV; including storage where possible
-  Broke ground on three Round 4 projects in October!
(Monomoy High School, Sandwich Police Station, Brewster Captain's Course Driving Range, Harwich Cranberry Golf Course.)
-  Starting on battery back-up at DY High School
Emergency Shelter using \$1.5 M Grant
-  Collecting Projects for PV/Storage Initiative Round 6





Cape & Vineyard Electric Cooperative, Inc.

CVEC Experience in Renewables for Schools

CVEC School PV Projects (total: 25 PV projects – 8 with battery storage)

Barnstable Schools (3 PV installs)

Eastham Elementary School

Bourne Middle School

Nauset Schools (3 PV installs – 1 with battery)

Oak Bluffs Elementary School (with battery)

Sandwich Schools (3 PV installs with battery)

Mashpee Schools (5 PV installs 3 with battery)

Harwich Elementary School

DY High School (6 PV installs)

Monomoy High School

Monomoy Regional High School 2020



FY 2020 by System

Round	System Name	kWh	NMC / BTM credit	Developer Cost	CVEC Admin Cost	Net Benefit
1	Barnstable Landfill 1	3,005,400	\$482,499	(\$219,094)	(\$7,514)	\$255,892
	Barnstable Landfill 2	1,900,680	\$302,670	(\$138,960)	(\$4,752)	\$159,358
	Brewster Landfill	1,455,000	\$233,416	(\$123,675)	(\$3,638)	\$106,104
	Chatham Landfill	2,218,200	\$356,654	(\$159,045)	(\$5,546)	\$192,064
	Eastham Landfill	497,340	\$77,507	(\$35,162)	(\$1,243)	\$41,102
	Harwich Landfill	5,704,017	\$918,946	(\$404,985)	(\$14,260)	\$499,701
	Katama Farm	1,404,540	\$224,359	(\$126,970)	(\$3,511)	\$93,877
	Nunnepeg Well	1,314,298	\$208,702	(\$129,590)	(\$3,286)	\$75,827
	Tisbury Landfill	1,308,773	\$209,859	(\$119,492)	(\$3,272)	\$87,096
2	Airport - Section 2	7,105,440	\$1,142,786	(\$443,735)	(\$75,460)	\$623,591
	Barnstable Fire District	1,005,246	\$161,276	(\$61,390)	(\$16,013)	\$163,874
	Barnstable HS	400,658	\$80,132	(\$29,328)	(\$4,187)	\$46,617
	Barnstable Senior Ctr	113,785	\$22,757	(\$6,349)	(\$1,189)	\$15,219
	Bourne Community Ctr	44,925	\$8,985	(\$3,203)	(\$469)	\$5,312
	Chatham Annex	29,386	\$5,877	(\$2,095)	(\$307)	\$3,475
	Chatham Police Station	29,012	\$5,802	(\$2,069)	(\$303)	\$3,431
	D'Y High Roof Mount	643,000	\$104,893	(\$47,068)	(\$10,082)	\$47,743
	D'YHS Ground Mount	835,860	\$133,239	(\$56,128)	(\$13,315)	\$63,796
	Ezra Baker School	75,818	\$15,163	(\$5,406)	(\$1,189)	\$8,569
	Marguerite Small School	1,104,600	\$176,393	(\$64,741)	(\$17,596)	\$94,056
	Mattacheese School	222,413	\$44,483	(\$16,281)	(\$3,487)	\$24,715
	Orleans Landfill	646,224	\$102,794	(\$43,691)	(\$6,863)	\$52,240
	Provincetown Transfer ..	183,237	\$36,647	(\$10,633)	(\$1,915)	\$24,099
	West Tisbury Landfill	803,277	\$127,285	(\$51,996)	(\$8,531)	\$66,758
	West Villages School	36,171	\$7,234	(\$2,648)	(\$378)	\$4,209
Wixon School	465,744	\$87,992	(\$29,193)	(\$7,328)	\$51,471	
3	Chatham Fire Station	52,069	\$10,414	(\$2,955)	(\$260)	\$6,233
	Eastham Library	55,787	\$11,157	(\$4,178)	(\$279)	\$6,700
	Oak Bluffs Fire Station	65,932	\$13,186	(\$4,938)	(\$330)	\$7,918
	Provincetown Water Tr..	50,883	\$10,177	(\$3,811)	(\$254)	\$6,111
	Yarmouth Fire Station 1	38,691	\$7,738	(\$2,898)	(\$193)	\$4,647
	Yarmouth Fire Station 3	83,709	\$16,742	(\$6,270)	(\$419)	\$10,053
	CVEC..					
Barnstable HS (CVEC-7)	175,229	\$35,046	(\$23,568)		\$11,478	
Bourne MS (CVEC-7)	187,975	\$37,595	(\$25,282)		\$12,312	
Eastham DPW (CVEC-7)	92,083	\$18,417	(\$12,385)		\$6,032	
Eastham ES (CVEC-7)	122,066	\$24,413	(\$16,418)		\$7,995	
Eddy School (CVEC-7)	137,895	\$27,579	(\$18,547)		\$9,032	
Harwich ES (CVEC-7)	138,221	\$27,644	(\$18,591)		\$9,053	
Stoney Brook School (C..	134,563	\$26,913	(\$18,099)		\$8,814	
Other	First Generation Wind	2,205,357	\$351,117	(\$253,616)	(\$11,027)	\$86,474
	Nexamp	832,118	\$133,114	(\$83,212)	(\$8,321)	\$41,581
	Syncarpha	2,657,652	\$426,837	(\$265,765)	(\$26,577)	\$134,495
Grand Total		39,583,274	\$6,456,440	(\$3,093,060)	(\$263,293)	\$3,099,143



CVEC's Existing School System PV Installations

FY20 Savings Report





Cape & Vineyard Electric Cooperative, Inc.

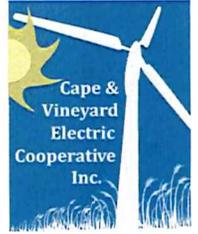
Possible Falmouth Schools to benefit from renewables

Facility	Address	Built	Renewed	Annual Electric (kWh)	Total kBTU	Estimated Total Annual Cost *
High School	1200 Gifford St Ext	1972	2012	2,076,201	13,728,174	\$ 380,172
Lawrence School	113 Lakeview Ave	1953	2000	470,100	6,474,951	\$ 134,013
Morse Pond School	323 Jones Rd	1963	2002	459,840	6,067,734	\$ 128,049
Mullen Hall School	130 Katharine Lee Bates Rd	1931	2002	556,392	5,351,466	\$ 128,376
North Falmouth School	62 Old Main Rd	1964	1990	327,720	4,011,108	\$ 85,767
Teaticket School	45 Maravista Ave	1967		317,770	3,878,249	\$ 88,169
East Falmouth School	33 Davisville Rd	1958	1990	249,240	3,226,856	\$ 64,984
School Admin	340 Teaticket Hwy	1927		79,416	615,347	\$ 16,510
School Totals				4,536,679	43,353,885	\$ 1,026,038

Costs are estimated based on 1 months rate & gas supplier is assumed to be \$0.85 per therm

Chart is from information sent to CVEC in 2014 for discussions at that time

Cape & Vineyard Electric Cooperative, Inc.



Questions?



Liz Argo, Executive Director
Maria Marasco, Esq. Deputy Director
Bill Lake, President
Rosemary Dreger-Carey
CVEC Representative from Falmouth

COMMON VICTUALLER

Molly's Tea Room, 227 Main Street

INNHOLDER

Falmouth Inn, 824 Main Street

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, NOVEMBER 9, 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 9, 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.*

1. Call to Order by Chair English Braga at 7pm.
2. Pledge of Allegiance
3. Recognition
Mr. Brown thanked the Falmouth Veterans Groups and noted a lease has not been worked out at the Dillingham Ave. location.

Mr. Patterson thanked those who worked the polls, so everyone had a chance to vote.

4. Announcements
Mr. Patterson reminded all of the Cape Cod Selectmen's and Counselors' Meeting this Friday morning at 7:30 am.

The Select Board noted that the information for the meeting is in the board packet under the Select Board page on the Town website.

5. Public Comment

Mr. Brown read a public comment statement submitted by Edward and Kathy Valeriani of Hatchville asking that highlights be kept in mind: Ashumet Valley has worked to bring a fire station to Hatchville, there is none now, the area is adjacent to the base, and asked that the Sandwich Road locations be considered so that it will be more equitable.

6. Vote to affirm appointment of Facilities Maintenance Manager
Mr. Suso appointed Greg Endicott, there were a number of candidates, he worked at the Steamship Authority since 2015 as the Facilities Manager and is a resident of Plymouth and requests a waiver of residency.

Mr. Endicott thanked the Select Board and is excited to join the Town. He has considered the possibility of becoming a Town resident. Mr. Brown is going to ask for a 1-2 year waiver of the residency restriction. Mr. Jones concurred with Mr. Brown, this is a job that it is useful to have the person living in Town, he would like to reconsider the waiver in a year or two. Mr. Patterson did not feel this is the time to discuss the residency waiver.

Mr. Patterson motion to affirm the appointment and waive the residency requirement. Second Mr. Brown with condition that it is revisited in two years and see if it is a possibility. Discussion: Ms. Taylor is not sure it is reasonable if he has already been hired and now the Select Board says one or two years. Chair English Braga noted a broader conversation of future hires and the residency waiver, but to offer a job is no small thing and we are looking for the most qualified person. This policy can be discussed in the future. Mr. Patterson noted this is a discussion that should be had independent of him coming on board with the Town. Mr. Jones seconded Mr. Patterson's motion and requested revisiting the residency requirement in the future. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

According to Mr. McConarty, Mr. Endicott will be a great asset to the DPW, his background, previous experience, and his personality will be a good fit for the department. Mr. McConarty moved to Falmouth in 2017 and stated a residential move is no small undertaking.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to authorize license agreement with Farming Falmouth to allow operation of a community garden at "Emerald House" property located at 67 Davisville Rd.

Peter Johnson-Staub reviewed the discussion of the two properties, the one the house is on and the abutting parcel. This proposal was endorsed previously by the Select Board, there is a license agreement that Farming Falmouth will be the sponsor of the community garden and location restricted to the one parcel of land for the area that is already cleared.

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

2. Special Events
New – Recommended:
 - a. Parking Lot Rental for Wedding Ceremony – Turner – Menauhant Beach, East Lot – Saturday, September 18, 2021, 4:00 – 11:00 pm

Chair English Braga noted they are looking to have 40 spots at the public parking and the Select Board had talked about this being problematic, it is first come first served. Ms. Taylor asked the question if it was appropriately coming back in front of the Select Board because it was decided that it would be first come first served.

Mr. Suso noted that stipulation has been added to the permit, so this on the agenda was closing the loop.

Mr. Jones motion to take no action. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

Mr. Suso clarified that the Select Board is asking not to see this item any further. Mr. Jones said that the Select Board neither accepts nor denies this request.

7:30 p.m. PUBLIC HEARINGS

1. Petition for change of street name from Agassiz Road to Jewell Cobb Road
Chair English Braga read the hearing notice.

Mr. Suso explained the process of a street name change. The Town was contacted by Paula Pace and others expressing concern about the name of their street after an individual with a past record of social activity and philosophy along with scientific standing that represented an inappropriate approach to being welcoming and diverse. Those who own property on the road and the community, the response was strong, the Marine Biological Laboratory suggested a successor name. Town Counsel confirmed the Select Board may take this action after appropriate steps, including the public hearing.

Mr. Suso explained the MGL authorizes the Select Board to take this action; residents can petition the Select Board to change the name of a road and does not include reasons or what the hearing should look like. Mr. Jones suggested the hearing tonight, but no vote will be taken until people have the chance to know that this is taking place.

Ms. Pace, Agassiz Road, made a statement. In March 2019, she read a NY Times article about Tamara Lanier's lawsuit against Harvard University for pictures of her enslaved relatives. Ms. Pace wants to live on a road that is welcoming to all, it is painful for people of color when they see a sign honoring a racist as Lewis Agassi. There is a chance he will not be forgotten. Changing the name gives the opportunity of making a declaration of who we want to be as a community truly welcoming to all. How amazing over 600 people chose to sign a petition to replace the name of a road in Woods Hole with only 7 residents: the community acknowledging racism in the past and now. Dr. Jewell Cobb has deep ties to Woods Hole and Falmouth, a letter from the Director of the MBL supported the Jewell Cobb road name. Please delay until June 2021 to provide residents to make arrangements in the personal affairs.

Ms. Gainer noted the petition was result of a neighborhood discussions and research. The petition received 600 signatures, still receiving requests from others who want to sign and others who praise the Jewell Cobb name as the new name of the road. Woods Hole and Falmouth are known around the world, many are disturbed and discouraged of seeing Agassiz's name; they were shocked to learn the last years of his career were used to promote white supremacy and racial hierarchy. Changing the street name does not erase history, the petition generated interest in history. Since Ms. Gainer arrived in Woods Hole in 1969, she has heard calls yearly for a more diverse community. Instead of a sign that stands for racism, she wants the road named for Dr. Jewell Cobb, an African American scientist who worked and lived in Woods Hole. Dr. Cobb encouraged young women and underserved minorities to pursue sciences.

Chair English Braga noted the Select Board would hold a hearing and vote at a future date.

Mr. Patterson noted there is a recognition that we do not want that to be a symbol of who we are today, and he supports the name change.

Mr. Brown is generally opposed to removing statues, in this case if all neighbors are in support, he would agree with it. There were comments from others, one said maybe appropriate to put a plaque on the bottom of the street sign that explains the name change.

Mr. Jones likes the plan to name the road after Dr. Jewell Cobb and her contributions. Agassiz is not connected to Woods Hole in any meaningful way, as Jewell Cobb was.

Chair English Braga thinks that these really impact people, it is not just a symbol for those who it means something specific to them and part of a larger system they are coming up against, levels of discrimination and bias. We have to broaden that conversation, they are not symbols, but barriers to others to being accepted into the community.

Chair English Braga noted this will be held over for a future agenda.

Mr. Jones motion to continue hearing to 11/23/20 at 7:30 p.m. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

2. Fee hearing – proposed fee changes for 2021

Mr. Patterson read the public notice.

Chair English Braga read the fees with proposed changes in the packet into the record.

Chair English Braga asked if there was any discussion on the Fire Department fees. A letter that outlines why proposals made is in the packet; most are placing them under another category. The \$225 for weekend inspection of special events may be the most significant.

Board of Assessors: Listed separately and no Select Board members had questions.

Inspectional Services reviewed.

The Select Board requested clarification on the sign permit fee.

The Select Board discussed the Police Department fees. Mr. Jones asked if the overtime meter parking includes the 3 hour limited parking on Main Street: Mr. Suso believes it is. Mr. Jones proposed the first ticket be \$20, any subsequent ticket would then be the \$50. The Woods Hole Village Association agrees with discouraging folks who park and go to the vineyard for the day, balancing with folks who come to lunch in Woods Hole. The Association is not in favor of the \$50 fee. Mr. Brown suggested keeping at \$10, but subsequent same day violations would incur higher amounts and include signage.

The false burglar alarm fee was not being changed.

Falmouth Police Department (FPD) Chief Dunne explained the graduated ticket, the first is \$20, every hour after that the ticket cost goes to the higher amount to get people to move along. This was done before with the \$10 and \$20 and there was an outcry by the Woods Hole Village Association that it was too much. This is combination of workers going to the Vineyard. Mr. Jones suggested talking with the Steamship Authority (SSA) and Woods Hole Business people, maybe make the 45 spaces available to the workers. Chief Dunne is not opposed to the progressive ticket, the Town is behind the amount of fines charged. This will apply to the Main Street three hour limit. Fire Hydrant, that is not a prohibited area, there is one specific to hydrants. Advertising and education will help the information be disseminated, they can put it on Facebook, electric sign, and word will spread quickly.

Mr. Suso has spoken with Chief Dunne about a graduated system, Chief can work with that and hope it is sufficient amount to be a disincentive for day parking for those going to the Vineyard.

Mr. Brown supports considering the graduated fee for police fees, unsure how it would be implemented. If first ticket is \$10 or \$20, after 3 more hours it is \$50, it may not be a disincentive. Meters operated 10a-6pm. If they put money in meter, they get 3 hours, after that it is only another 5 hours of metered parking. Mr. Jones likes the first ticket \$20, then \$50 every hour. People need to be educated that it is a 3 hour meter, you will be ticketed even if the meter is refed.

According to Mr. Suso, an enforcement officer is assigned routinely in Woods Hole for that reason and can assist in that area. A 2-hour parking limit was suggested in the past by him and Chief Dunne, it is something to consider to encourage turnover in the future.

Chair English Braga noted that merchants and restaurant owners said that lunch and shopping, that 3 hour limit allows for the support of small businesses. Many business owners pushed back at the idea of a two hour limit.

Mr. Suso will follow up regarding whether the vehicle idling fee exists.

Zoning Board of Appeals:
Comprehensive fee: nonprofits.

Noreen Stockman, Zoning Board of Appeals Administrator, addressed the question of a comprehensive permit application fee and nonprofit ten times the fee. Many communities regularly waive filing fees for nonprofits. The filing fees are proposed to be increased because it has been excessively low and there is significant amount of time involved in these reviews, a number of departments involved, and using outside consultants to take the place of some of the engineering work.

The Select Board can only waive the application fee.

Rosemary Carey asked if there was a vehicle idling and, if not, she would like one established and noted it is required in the climate protection action plan. Catherine Bumpus told the Select Board that this is in the MGL. The Select Board noted they will get more information on this item.

John, last name unknown, commented: the means for spreading information for parking via Facebook and the electric sign. The Select Board and Town Manager noted the Town website has information about Select Board meetings. The Town website includes alerts that you can receive, it works well for residents. Anyone who wants to be notified of any town meeting can sign up for notify me for any meetings you request. Town Hall will provide information as well.

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reviewed the Weekly Case Trend, case count today is 320 and reviewed the chart via screen share. Reviewed the Average Daily Incident Rate per 100,000 Color Calculations color groups have changed. The new color indicator was reviewed. The Town has been in the green, positivity is at a good number, about 1300 tests per week. Barnstable County has had some clusters in the mid cape area. State has gone from 8 to 15, now considered yellow under the new metrics. Reviewed the MA dashboard, positive tests by age group was reviewed. Some guidance changed by the State was reviewed. Order 55 requiring masks at all times regardless of social distancing and reducing capacity. The cases have been household clusters, some cases that do not belong, and random. Public space could be any neighborhood, street corner, parking lots, it is a broad definition. Businesses that you would go into must use masks, that would be a public space. Anything over 2% positivity means there is community spread. Order 55 has a fine associated with it and is assessed by the police or health department. Mr. McGann has issued fines to businesses, they are notified, it is then done in writing, third time is a \$300 fine. There have been places fined multiple times.

Town Meeting are we doing the right protections in place. We are still green, if we follow procedures in schools, in a controlled environment it is quite safe. If it stays the course, then we can stay the course.

2. Follow-up presentation, discussion, vote – Mayflower Wind temporary right to entry agreement for 565 Blacksmith Shop Road, 0 Surf Drive and 0 Grand Avenue

Mr. Suso explained there were a couple presentations on past agendas, questions have arisen. Request for right to entry at three locations in Town for Mayflower to determine whether it is appropriate for permanent. Questions have arisen regarding concerns that even a right to entry could be preceded with some information and broader discussion of questions. Electromagnetic information will be provided by Mayflower in advance of consideration of potential right of entry. Mayflower representatives will make a PowerPoint presentation.

Seth Kaplan, Director of External Affairs Mayflower Wind, also present Daniel Hubbard, General Counsel; Tim Reiner, and Dr. Valberg with Gradient. Mr. Kaplan made a PowerPoint presentation. The windfarm will be over the horizon, power exported through underground cables, and continue under the beach, surfacing inland. The work will be done through horizontal directional drilling. This is proven to be a way of bringing the cables to land without disturbing the beach. Substation site is unknown at this time, it will not be on the beach or in a beach neighborhood, it will further inland. This is a clean energy project. The community will need a lot of solar power and within a few years, we will need to build substantial offshore wind every year. They were successful entering into purchase power agreements by MA utilities approved by MA public utilities last week. Direct benefits to Falmouth, include jobs, they will work closely with the neighborhoods and the Town to minimize impacts by construction; they will make sure traffic management is well coordinated. Host Community Agreement will need to be worked out with the Town, this relationship will last decades. The Town may use the income from the project on whatever they choose.

Commitments were made to put money into MA Clean Energy Center (MA CEC). They have included money to the Cape Cod Compact.

\$35 million for infrastructure, part of agreement with MA CEC and will help determine how that money is spent.

Mr. Kaplan reviewed the permitting process; all timelines and processes have ample opportunity for public participation. They would like to work cooperatively with the Town as a partnership as they enter into the State permitting; any concerns that the Town has are addressed going into the State process. Abutter notifications will be made, no final decisions have been made yet regarding routing or siting at this time. They will use previously disturbed areas, avoid undisturbed, avoid wetlands, species as much as possible.

Potential landfall sites were reviewed, they are preliminary, indicative, and what they are thinking of, as straight lines as possible to minimize disruption and the amount of cable they put down. They will be refined as they go through the permitting process. They will need to do sampling. They are gathering data and will share it with the Town. After all is done, the only difference is there is a manhole cover/access port. Mayflower parent companies have strict health and safety standards and practices in place. Electric and magnetic fields (EMF), there is a health based guideline for exposure and everything they are looking at doing would be well below that level. They will comply with State noise requirements: during construction and during operation, there will be noise protocol in place. The other access agreement is to go into the yard waste & composting site to put down measuring equipment to measure current ambient background noise. They are seeking permits for access, they are temporary, do not commit to further project, and allow Mayflower to gather information to continue with design and permitting process. An agreement to reimburse the Town for cost of consultants to assist the Town in its review.

Dr. Valberg said this project has lines underground and cables are shielded, so the electric fields produced do not leave the vaults at all; they are shielded by the shielding around the wires and their underground location.

The HDD rig is about 3,000 feet out from the beach.

Public comments read by Chair English Braga:

Debbie Scott asked at what point are EMF radiations highest. Dr. Valberg said that the fields drop off dramatically with distance, so highest field would be directly over underground utility lines or when above, it would be directly under lines.

MH2020: are people sitting in the parking lot getting exposure to magnetic fields, adding exposure to residents, what are the limitation number and what would they emit? Dr. Valberg said the fields are lower than required, drop off dramatically with distance, you would have to measure by being above the lines. The same electricity is used in our homes, anywhere you use 60 cycle electricity, you will have 60 electric fields.

What about thermal radiation at beach or underground: Mr. Kaplan said he has been in the Mill Rd. parking lot in the winter, based on the snow on the manhole cover, there was no produced discernable heat.

Atty. Reiner said they not to expect any noticeable thermal impacts on the beach or parking lots.

Magnetic exposure: would it be more than what we have now at this location, will it be more than before they start? Mayflower Wind reported it will be more than the nothing that was there before. If you compare it to magnetic fields from motorized appliances, the way the motor turns is because magnetic fields oppose each other and are quite strong. If in a house using electricity, likely no effect from these even if they were right outside.

Magnetic exposure: more likely to cause childhood cancer as studies say?

Biological/health effects could cause have been studied, they really did not find potential effects, he can provide links to the WHO, Health Canada, Heath Authority of UK, no effects of those below the level. Mr. Kaplan said Gradient prepared a memo on this that is in the Select Board's packet.

Pacemakers/defibrillators, this would come up for those who work in plants, there are guidelines that say high fields can affect those, but not of the size of the fields involved in this project.

Comment: My kids live here, unsure where these people live, can they assure that what they would put in place would not affect childhood cancer rates.

Comment: scientific studies do not show cancer risk, connection between this and cancer; guarantee this does not cause cancer in our kids? Mayflower Wind explained that in the early 1980's research and subsequent research was done, he suggests people look to legitimate health sites, they have been reviewed repeatedly who know how the studies were carried out. The current standard and kind of concern is not going to be warranted. This type of electric power has been used for many decades.

Comment: Any connection between EMF and nervous system disease a resident is living with? Mayflower Wind responded that it referenced people to the WHO analysis, they have looked at that literature for cancer and other health effects people may be concerned about and have not found anything consistent for increasing nervous system diseases.

Mary Curry: noted there were 15 panelists, only 28 attendees at this meeting. The Select Board noted that emails comments were received and there are likely more people watching the meeting via television.

Richard Rogers: What type of jobs for people in Falmouth? Mr. Kaplan said they cannot answer that now, depends on what contractor gets the job, their location, and would be years in the future.

MH2020: Some studies found link between childhood leukemia; they do not have a plan.

Mr. Patterson said ionizing radiation can cause thermal heating, these 60 cycles per second have not been shown to affect our systems.

Mr. Brown asked Mr. Valberg to comment on exposure and comparison of what we may find in our home. Lower frequencies have been looked at and there has not been anything found that shows this affects our systems. Electric fields from clouds, magnetic field of the earth, and very low frequency.

Comment: John noted that 28 people on Zoom is a poor response, why isn't the Town getting the message out.

Chair English Braga noted this is second time on the agenda, generated many emails; both concerns and in favor, there are associations that are aware of this and conversations noted on the agenda. Followed the same format of getting the information out. Mr. Brown noted this is the third time Mayflower has been at the Select Board Meeting.

John: paper does not specify the Select Board agenda. Chair English Braga noted the agenda is posted in the Enterprise and you may have the information sent directly to you via email by signing up for notifications on the Town website.

MH2020 comment: But they don't have a concrete plan.

Mr. Brown asked when you get to the land and where the manhole cover is, the underground cable going to come up and go overhead at some point? Mr. Kaplan said that the cables will go from the substation to overhead lines, there are State and federal agencies involved in placement and nature of the overhead lines. They will work with the Town to address any concerns about the overhead lines. The map of what they will build does not exist yet but will work in good faith with the Town as they get a greater understanding of where the lines will be.

Mr. Brown asked what drives choice of Falmouth Heights location v. other two locations. Many comments against this are against the Falmouth Heights location. Mr. Kaplan said higher ground is desirable, drawing a straight line from landing point to connection of the larger electric system, when they are done, the area will be better than when they first touched it. They will make an effort to make some improvements to the area. Site restoration is a critical part of the construction. They are looking forward to talking with the Maravista/Falmouth Heights Association to work with them on the site restoration plans. If another site, the same will be true.

Mr. Patterson asked if the Town be getting a bond, will that be in effect? Atty. Duffy noted the issue of a bond would come up when they discuss the host community agreement and is worthy of consideration. Mr. Hubbard stated the access agreements all have a duty to restore in them, they are agreeing that they will return it to the original status.

Mr. Brown asked if they could drill a hole adjacent to the parking lot vs. in the parking lot. Mr. Kaplan does not recall if the agreement specifies the exact location. Mr. Hubbard said they selected the parking lot location, but they could consider alternate locations as well.

Atty. Duffy said quite a bit was covered, the Mayflower Wind folks have commented three right of entry agreement: one at Surf Drive and other at Falmouth Heights for landing; right of entry at 565 Blacksmith Shop Rd. They are asking for a nonexclusive right to enter the property for 180 day period to conduct survey, etc. to determine if subject parcels are suitable for the intended purpose. Any disturbance to parcel will be restored. Evidence of \$1 million general liability insurance naming the Town, work coordinated with DPW, PD, and any other agency the Town deems necessary. No obligation on the Town to enter a future agreement in response to these properties. They will test, the Town will hire an expert to help the Town review the results, Mayflower agreed to fund the consultant by reimbursing the Town for actual costs to engage a third party consultant for a 180 day period, the Town will procure their own consultant. Total amount of the reimbursement is not to exceed \$50,000, work for the benefit of Falmouth, no partnership or legal obligation between the parties, the advice the Town receives from the consultant, the Town may act upon independent of Mayflower.

Chair English Braga read additional comments received:

This is third time the matter is on for initial agreement for 180 days for Mayflower to do testing, it's not the actual long term agreement nor being for a long term agreement. What is the requirement of notice in order to accept the limited agreement?

Atty Duffy explained they do not know who the abutters are, so no notice is required. There is no requirement for abutter notice for granting access for testing.

Ms. Taylor noted they would only be agreeing to testing, no further commitment and any consultant is separate, hired by the Town for the benefit of the Town.

Mr. Brown said there are many emails in support of this project, so people are aware this is happening, and it is on the agenda tonight.

Mr. Brown motion authorization for agreement on hiring an independent consultant to be reimbursed by Mayflower Wind and feels the health and safety concerns have been addressed, Mayflower Wind needs to find out which location they prefer and then return to discuss with the Select Board what they would like to do. Chair English Braga noted it would be a more formal and prolonged process. Second Mr. Jones. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

3. Discussion on participation in upcoming November 16 Town Meeting

Chair English Braga explained their goal is to talk about where the Select Board stands regarding Town Meeting, the meeting was structured to keep the meeting limited for a period of time. When entering the field house, all are asked to utilize all of the space available. All are asked to keep their masks on, even when making comments. The HVAC system is chilly and moving to enhance safety, so those attending must plan accordingly.

Mr. Suso confirmed that KN95 masks will be available for Town Meeting members interested, sound system will be enhanced, all health and safety measures noted by Chair English Braga and Mr. McGann will be in place. If the numbers shift, Mr. McGann will notify the Town Moderator, Clerk, Mr. Suso, and the Select Board and it will be addressed.

When talking on the microphone, people need to continue social distancing. If you do not plan to attend because of concerns, it is an excused absence, and they may reach out to the Moderator. If information is

needed, please do so in advance of Town Meeting and ask questions in advance so that productive discussions may be had during the meeting.

4. Status update on drive-in movies and musical events at Cape Cod Fairgrounds and related noise complaints

Kevin Pacheco and Elena Rogers were present.

Chair English Braga explained some complaints have been received and current regulations from the Governor impact drive ins.

Mr. Suso noted the Select Board asked for follow up discussion on this, his understanding is the proposed musical events since last meeting have been concluded. Received email concerns regarding excessive noise levels. No further musical events are proposed at this time.

Mr. Brown asked if the Select Board overlooked possibility of automobiles having huge sound systems of their own amplifying the music, 50 cars or so that alone can amplify the sound and he wonders if that is part of the problem.

Chair English Braga noted receiving comments in support of the programming at the drive in and complaints about the noise from folks who live in the area.

Mr. Pacheco explained the remainder of the year's events have been closed. In the future to address noise issues, they will move the stage about 35 degrees because he believes the angle of the stage impacted some neighborhoods. He screen shared a diagram exhibiting the areas affected by the stage placement, having to be inside your vehicles, they needed open spaces and that is what contributed to the additional sound to travel. Their system at maximum capacity, they have FM transmission for concerts and movies with a slight delay. Every event sound has been logged, they have moved the speaker system and angles of the speakers. The noise depends on where you are located. Future plans are to turn the stage, move it to another location, moving the angle and the noise would be aimed away from neighbors. They built this to serve the community.

The venue had 15 acoustic concerts, opened for 49 days, 11 stage concerts, 38 movies, the 15 acoustic concerts were before a movie. Two performance areas, the concert stage was used 11 times of which 4 were acoustic. Another field for movies/performances. Largest group was 6 one time. Mr. Jones noted he has seen pictures of people out of their cars, dancing while at the concert and that was not the expectation. After 10/5/20 the Board of Health said they could have 250 people attend the concerts. Mr. Pacheco said they would adhere to COVID-19 regulations. Mr. Jones noted the application said people would stay in their cars.

Richard Rogers: letter of support: there were some, Chair English Braga could not give a count total, more complaints about it, some folks complained more than once. There are chronic complaints coming from a variety of people and widespread.

Mr. Brown asked if Mr. Pacheco would do away with audio to the cars and do it himself so that there is less competing with car audio. Mr. Pacheco said with more speaker control and more time the corrections could be made by changing the angle of the stage and mitigate any issues with the neighbors. About 400-500 visitors this season. Mr. Pacheco noted there are many benefits that could be brought to the Town.

Chair English Braga noted when coming for a permit, it needs to be comprehensive and specific, now he has time to think about what his model will be, and the public can weigh in and ask questions. The Town has to weigh the benefits of this type of entertainment, the fairgrounds have never had these types of uses/events.

Ms. Taylor noted that in preparing the permit, entering into the agreement with the Select Board and then sticking to what the permit allows and important they are willing to do that. Mr. Pacheco believes they did not violate their permit, never went over the time, never cited by police, never more than six people on stage, and local school PTO's have used their venue. In the future, he will look at the permit process.

Chair English Braga said when it was first brought to the Select Board, it was presented as a drive-in, but it changed, so as Mr. Pacheco looks forward it is important to look at and think about the model and present

what the model actually is going to be. The Select Board is willing to work with him, but need this information included so the public knows what will happen.

5. Review and adopt committee handbook updates
Mr. Brown stated that Judy Fenwick put the book together with Mr. Johnson-Staub's advice on editing. Mr. Patterson enjoyed the last page history of Falmouth.

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

6. Discuss/vote on extended temporary outdoor restaurant seating license process

Mr. Suso and Assistant Town Counsel Irie Mullin were present, the Select Board has a summary in their packet with three basic scenarios spelled out in the proposed procedures and having staff issue permits on the Select Board's behalf. If further discussion and public input were in order, there would be opportunity for that. This could be used through the summer season of 2021.

Atty. Mullin explained the procedure is based on Governor's Order 50 and can go 60 days past the expiration of the Governor's Order. Maximum of 11/1/21, the Select Board could provide procedures that would extend indefinitely according to the Governor's Order. Large number of preexisting outdoor dining locations will be potentially operating next summer under similar conditions. Winter outdoor dining, impact of snow removal, parking lots, plowing, obstructions, and heating. Outdoor dining approvals category is new, some restaurants have opened and may be looking for outdoor dining first time in winter and next summer, along with anyone who wants to change their approval. Provision for public comment and notice of what restaurants will be seeking permitting; in a limited fashion, with greater lead time on the apps it may be possible to inform the public on the Town website and other similar.

Atty. Mullin noted the procedure involves a start date of processing applications that requires a further extension, automatic extension to 12/15/20 to process these policies.

Mr. Jones motion to proceed with the automatic extension to 12/15/20. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

7. Approve 2021 Annual License Renewals:

ALL ALCOHOL RESTAURANT

Bear in Boots Burger Bar, 285 Main Street
Falmouth Jade, 143 East Falmouth Highway
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Pickle Jar Kitchen, 170 Main Street

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

ALL ALCOHOL PACKAGE STORE

Kappy's, 21 Spring Bars Road

WINE & MALT RESTAURANT

Crabapples, 533 Palmer Avenue
Homeport Sushi, 316 Gifford Street
Seafood Sam's, 356 Palmer Avenue

WINE & MALT PACKAGE STORE

Rapid Refill, 435 Palmer Avenue

WINE, MALT & CORDIAL INNHOLDER

Palmer House Inn, 81 Palmer Avenue

COMMON VICTUALLER

Bear in Boots Burger Bar, 285 Main Street
Burger King, 111 Teaticket Highway
Coonamesett Farm, 277 Hatchville Road
Crabapples, 533 Palmer Avenue
Falmouth Jade, 143 East Falmouth Highway
Mary Ellen's Bakery, 829 Main Street
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Persy's Place, 40 North Main Street
Pickle Jar Kitchen, 170 Main Street
Pie in the Sky, 10 Water Street
Seafood Sam's, 356 Palmer Avenue
Thai Kitchen, 258 Teaticket Highway

INNHOLDER

Palmer House Inn, 81 Palmer Avenue

CLASS II USED CARS

Falmouth Auto Sales, 735 Teaticket Highway
M&N Auto Mall, Inc., 20A Village Common Drive
O'Hara Motors, 50 Spring Bars Road
Savon Hatem, 561 Thomas Landers Road

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

8. Minutes of Meetings:
a. Public Session

October 5, 2020

October 19, 2020

Mr. Patterson motion approval of the public session meeting minutes as edited. Second Mr. Jones. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

- b. Executive Session

October 19, 2020

Mr. Patterson motion approval and not release. Second Mr. Jones. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

October 26, 2020

Mr. Patterson motion approval and not release. Second Mr. Jones. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

9. Individual Select Board Member's Reports

Mr. Brown:
Assembly of Delegates Meeting

Mr. Patterson:

CPC meeting Thursday, two applications reviewing for Conservation Area in N. Falmouth.

Mr. Patterson has been working over the last month with a group trying to find a path forward for fiber optic community broadband network, looking at possible funding sources. EDIC contracted for feasibility study for such a project, draft has been circulated and is being finalized and released to be distributed for more input.

10. Town Manager's Report

Mr. Suso announced Town Hall and Administrative offices closed for Veteran's Day 11/11/20 and a virtual Veteran's Day program will air on FCTV, likely to be at 11am.

November Town Meeting 7pm on 11/16/20 at FHS Field House and Select Board session will be had in advance.

At 9:10am yesterday, 11/8/20, the area experienced an earthquake 3.6-4.2 on Richter scale.

Mr. Patterson motion to adjourn. Second Mr. Jones. Mr. Patterson motion approval and not release. Second Mr. Jones. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Select Board

FROM: Julian M. Suso



DATE: January 8, 2021

- As you are aware, the Board is convening at 7PM in virtual session on Monday, January 11 to consider adoption of the proposed FY2021 Budget and transmittal to the Finance Committee.
- We had a significant and very successful “dry run” virtual precinct meeting on Thursday evening in preparation for the planned virtual Town Meeting set for January 25. We will continue to fine-tune the TM virtual zoom process, including another precinct meeting set for 7PM next Wednesday, January 13. The Board will be acting on a recommendation from Town Moderator Vieira to proceed with the virtual TM format for January 25.
- Among a number of housekeeping items for Board consideration is a request from Recreation Director Joe Olenick to allow an application for CPC funding to secure supplementary funding for planned Guv Fuller Field improvements for which proposals received exceed available resources. Further information on this is contained in your Board packets.
- The annual Town Common lighting display is planned to continue through mid-January given a number of requests to extend the term of this display as a “hopeful” beacon during the pandemic.
- As a reminder, the deadline for closure of the warrant for the April Town Meeting is Friday, January 15. We anticipate a limited number of proposed articles generated by the Town, with the emphasis once again on more time sensitive matters. Presuming that we have a successful virtual Town Meeting on January 25, it is highly likely that the April Town Meeting will be virtual as well.
- Town Hall and Town administrative offices will be closed on Monday, January 18 for the Martin Luther King, Jr. Holiday.
- Given the Monday, January 25 Town Meeting, the Board’s next meeting is anticipated to be a “short session” on January 25 a bit before TM convenes (as per past practice). Following this, your next regular meeting will be Monday, February 1.