

#3. Wetland/Dock Hearing – S. Michael Kachadoorian for permission to maintain an existing concrete bulkhead and to construct and maintain a 4' x 25' float adjacent to the bulkhead in and over the waters of Eel Pond Canal, located at 50 Muskegat Road, East Falmouth



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, February 22, 2021 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall* on the application of S. Michael Kachadoorian for permission to maintain an existing concrete bulkhead and to construct and maintain a 4' x 25' float adjacent to the bulkhead in and over the waters of Eel Pond Canal, located at 50 Muskegat Road, East Falmouth, MA. Interested parties may review the file on this hearing in the Town Manager/Select Board Office at Town Hall.

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 February 22, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation; the Select Board will meet remotely via Zoom virtual meeting software. **See Select Board NOTICE of MEETING for February 22, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on February 18, 2021 at 4:00 PM for detailed participation information.*****

Per Order of the Falmouth Select Board

Publication dates: Friday, February 5, 2021 and Friday, February 12, 2021; Falmouth Enterprise.

TW TROY WALL ASSOCIATES
ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*
90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com

January 30, 2021



PAID
\$ 75.00
CK # 6141

Megan English Braga, Chair
Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: **Steven Balas and S. Michael Kachadoorian**
64 and 50 Muskegat Road, East Falmouth
Applications for Special Permit – § 240-77 - § 240-79

Dear Chair Braga and Members of the Board:

Please find enclosed the following documents regarding the above-referenced matters:

1. Application for Special Permit, under §240-77 – §240-79, seeking permission to maintain an existing concrete bulkhead and to construct and maintain a 4' x 25' float in the waters of a man-made canal regarding Steven Balas, **64 Muskegat Road, East Falmouth**; and
2. Application for Special Permit, under §240-77 – §240-79, seeking permission to maintain an existing concrete bulkhead and to construct and maintain a 4' x 25' float in the waters of a man-made canal regarding S. Michael Kachadoorian, **50 Muskegat Road, East Falmouth**; and

Each application includes the Select Board Application form, a written narrative describing the project and demonstrating compliance with §240-77 – §240-79, and a check for \$75.00 for the filing fee. Full-sized copies are being delivered separately by Falmouth Engineering, Inc. The full-sized copies will be deposited into the Falmouth Town Hall Drop Box.

We respectfully request that the applications be scheduled for hearing before the Select Board on **February 22, 2021**.

January 30, 2021

Page 2

Please contact me if there are any questions or if anything further is needed to process the applications. Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. J. Wall".

Brian J. Wall

Enclosures

Cc: Steven Balas
S. Michael Kachadoorian
Michael Borselli, P.E.
Irie Mullin, Associate Town Counsel
Glenn Wood, Esq.
Drew Hoyt, Esq.
Matthew Terry, Esq.



TROY WALL ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*

90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com

January 30, 2021

Megan English Braga, Chair
Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: **S. Michael Kachadoorian**
50 Muskegat Road, East Falmouth
Application for Special Permit – § 240-77 - § 240-79

Dear Chair Braga and Members of the Board:

Please be advised that I represent S. Michael Kachadoorian, owner of property at 50 Muskegat Road, East Falmouth (“Kachadoorian”). This serves as an application for Special Permit, under §240-77 – §240-79, to maintain an existing concrete bulkhead and to construct and maintain a 4’ x 25’ float in the waters of a man-made canal adjacent to Kachadoorian’s property.

BACKGROUND

1. The Site.

Kachadoorian’s property is 11,499 square feet in area and is improved with a single-family dwelling. At the rear of the property is a concrete bulkhead that borders a canal (“Canal”) that has access to Eel Pond.

The Canal is made man-made and surrounded on three sides with an existing concrete bulkhead. The construction of the Canal was permitted in or about 1970 by the Massachusetts Department of Natural Resources. **Exhibit A.** In 1971, a subdivision plan was recorded creating an extensive residential development, including eleven (11) lots fronting upon the Canal. **Exhibit B.** Currently, many of the owners of properties on the Canal have floats and boats in the Canal.

January 30, 2021

Page 2

2. Previous Dock Proposal and Litigation.

Kachadoorian and his neighbor to the south, Steven Balas (“Balas”), previously applied for and obtained wetlands permits and a Special Permit for a common dock at their shared property boundary extending perpendicularly from the bulkhead into the canal. This configuration was proposed because floats that neighbors had in the water precluded Kachadoorian and Balas from having floats parallel to their bulkheads. It was assumed that the neighbors’ floats were lawful and approved by permits and that the perpendicular configuration was the only one that was workable.

The neighbors on the south of the Canal, Mr. and Mrs. Frank and Patricia Dundulis (“Dundulis”), and the neighbor on the north, Mr. Anthony Pentikis (“Pentikis”), objected to the perpendicular dock and asserted that it would interfere with their ability to access their existing floats. Appeals of the wetlands permits and the Special Permit were filed, and litigation ensued.

Kachadoorian and Balas subsequently learned that their neighbors’ floats were not authorized by Special Permits. They sought zoning enforcement and the Zoning Board of Appeals issued decisions holding that the Dundulis floats and the Pentikis floats violated zoning and ordering the floats to be removed.

3. Settlement of Litigation.

The parties have reached agreements that will resolve all their disputes and the pending litigation. The agreements provide, in essence, the following:

- Dundulis will seek permits and licenses to reconfigure their floats so that they are 17 feet away from the Balas bulkhead.
- Balas will seek permits and licenses for a 4’ x 25’ float parallel to his bulkhead.
- Pentikis will seek permits and licenses to reconfigure his floats so that they are 17 feet away from the Kachadoorian bulkhead.
- Kachadoorian will seek permits and licenses for a 4’ x 25’ float parallel to his bulkhead.
- The parties will support each other’s permit applications.
- If they are granted permits for parallel floats, then Kachadoorian and Balas will abandon their common dock permits and the parties will dismiss all pending litigation.

4. Wetlands Permits.

Kachadoorian and Balas applied to the Conservation Commission for wetlands permits and obtained Orders of Conditions approving 4' x 25' floats parallel to their existing bulkheads. A copy of Kachadoorian's wetlands permit is attached as **Exhibit C.**

As part of the Conservation Commission's review, Kachadoorian was required to submit his plan to the Harbormaster and obtain the Harbormaster's comment. The Harbormaster responded by submitting a Memorandum to the Commission dated July 17, 2020 stating that he had no concerns with navigational issues or mooring issues and that he prefers the parallel floats to the previously approved perpendicular common dock. A copy of the Harbormaster's Memorandum is attached as **Exhibit D.**

THE PROPOSED PROJECT

The proposed project is to install a 4' x 25' float parallel to the existing bulkhead and to secure it to the bulkhead with two 3-inch diameter galvanized pipes as depicted in a plan entitled: "Site Plan – Proposed Float For #50 Muskegat Road, prepared for Michael Kachadoorian, in Falmouth, dated July 17, 2020, revised November 30, 2020." A copy of the plan is attached as **Exhibit E** and a full-sized plan has been submitted separately.

The total area of the proposed float will be 100 square feet. The float will be centered on Kachadoorian's canal frontage and it will be a minimum of 2.5' from his property line with Balas and a minimum of 2.5' from Pentikis' bulkhead.

Kachadoorian will berth alongside the float with bow facing north (facing Pentikis' bulkhead). This will facilitate navigation to and from the float within the 17 feet of space to which Pentikis has agreed. Kachadoorian will tie his boat(s) so as not to come into contact with Pentikis' bulkhead nor protrude over Pentikis' bulkhead. Further, Kachadoorian will not affix anything to Pentikis' bulkhead.

Anticipated impacts are expected to be temporary and limited. The entire area is a man-made dredged canal that was created to provide each lot with the amenity of recreational boating. Many of the owners on the Canal have similar floats to which they berth boats. In addition, the Harbormaster reviewed the proposed plan and commented that he had no concerns with regard to navigation or mooring and that he prefers the parallel float over the perpendicular common dock and the Conservation Commission approved the float with an Order of Conditions.

The abutting neighbors, Balas, Dundulis and Pentikis, support the approval of Kachadoorian's proposed float.

REVIEW UNDER SECTIONS 240-77 THROUGH 240-79

When reviewing an application for Special Permit under § 240-77 through § 240-79, the Select Board evaluates whether the proposal -- in this case a 4' x 25' float -- will have an adverse impact upon the aquatic resources of the Canal "for the benefit and welfare of the present or future inhabitants of the Town." Traditionally, the Select Board implements this review by considering the effect of the proposed project upon navigation and shellfish.

The proposed float parallel to the existing bulkhead will not adversely impact navigation or the ability of Kachadoorian's neighbors to have floats and enjoy recreational boating. This is evidenced by the Harbormaster's Memorandum confirming that he has no concern with navigation or mooring and by the Conservation Commission's approval of the project. This is further demonstrated by the support of Balas and the agreements with Dundulis and Pentikis regarding the configuration of all the floats at the terminal end of the Canal and upon the support of Dundulis and Pentikis for the proposed parallel float.

There will similarly be no adverse impacts upon shellfish. The Canal is man-made and populated with numerous floats and boats. Kachadoorian's float will have no impact on shellfish in this already actively used waterway. This conclusion is further supported by the fact that the Conservation Commission is specifically charged with protection of shellfish resources and the Commission approved the proposed project with an Order of Conditions.

The existing bulkhead will likewise have no impacts on navigation or shellfish. The bulkhead has been in existence since, approximately, 1971. Its existence allowed for the Canal to be created and it facilitates and enhances navigational interests. As an inanimate object, the bulkhead has no impact upon shellfish.

CONCLUSION

For the reasons set forth herein, Kachadoorian respectfully requests the Select Board to grant his application for a Special Permit authorizing the continued maintenance of the existing concrete bulkhead and the construction and maintenance of a 4' x 25' float as depicted on the project plan.

January 30, 2021
Page 5

Thank you for your consideration.

Respectfully submitted,



Brian J. Wall

Enclosures

Cc: S. Michael Kachadoorian
Steven Balas
Michael Borselli, P.E.
Irie Mullin, Associate Town Counsel
Glenn Wood, Esq.
Drew Hoyt, Esq.
Matthew Terry, Esq.

5

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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



RECEIVED

FEB - 2 2021

~~XXXXXXXXXX~~ CLERK

To the Board of Selectmen
Falmouth, MA

Date: January 30, 2021

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

OWNER: S. Michael Kachadoorian, 50 Muskegat Road, East Falmouth, MA 02536
(full name) (address)

AGENT: Brian J. Wall, Esq., Troy Wall Associates, 90 Route 6A, Sandwich, MA 02563
(full name) (address)

APPLICANT: S. Michael Kachadoorian, 50 Muskegat Road, East Falmouth, MA 02536
(full name) (address)

1. Location of Property: Map 32 Section 04 Parcel 008 Lot 77

Street Name and House Number 50 Muskegat Road

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

3. Description of property and project site: Fully developed residential neighborhood. Property is improved with a single-family dwelling. The shoreline consists of an existing concrete bulkhead that surrounds an existing man-made canal.

a. Dimensions, Acreage of total parcel: 11,499 square feet

b. Length of water marsh frontage: n/a - no marsh at site

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

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

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

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

Disposition of Spoil: n/a

f. Describe proposed riprap or bulkheading, if any: Existing bulkhead.

g. Other (docks, piers and etc.) 4' x 25' float

h. Method (equipment to be used) for proposed work: float to be brought in by boat

4. Purpose of proposed work: non-commercial recreational boating/access to navigable waters

5. Zoning which governs area: AGB

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

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

8. Remarks Order of Conditions SE 25-4577 issued by Conservation Commission on
12/21/20 approving proposed 4' x 25' float.

9. Project Summary for legal notice: The applicant proposes to maintain an existing
concrete bulkhead and to construct and maintain a 4' x 25' float adjacent to the bulkhead.

Owner: S. Michael Kachadoorian

50 Muskegat Road

East Falmouth, MA 02536

(Name & Address)

TEL #:

Agent: Brian J. Wall, Esq.

Troy Wall Associates, 90 Route 6A

Sandwich, MA 02563

(Name & Address)

TEL #: (508) 888-5700

Applicant: S. Michael Kachadoorian

50 Muskegat Road, East Falmouth, MA 02536

(Name & Address)

TEL #:

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

EXHIBIT A

DEPARTMENT OF NATURAL RESOURCES

100 CAMBRIDGE STREET
BOSTON, MASSACHUSETTS 02202

BOOK 1524 PAGE 1096

PERMIT UNDER

G.L. c.130 s.27A

FILE NUMBER: DF-588 PROJECT LOCATION: Falmouth
 TO: Robert B. Pacheco, 136 Acapesket Road
 Robert H. Moore, 83 Walker Street CERT. MAIL NO.: 332141
 Falmouth, Massachusetts 332142
 John R. Augusta, Susan Lane Their successors 332143
 Teaticket, Massachusetts & assigns.
 RE: NOTICE OF INTENT AND PLANS DATED: October 13, 1970 - Locus, Muriel Lane
Salt Water Shores Trust, Inc.

Pursuant to the authority of G.L. c.130 s.27A, the Director of the Division of Marine Fisheries has considered your notice of intent and plans submitted therewith, and has determined that the proposed project described therein should be approved. However, the Director finds that in order to protect shellfish and other marine fisheries, the following conditions are necessary, and all work must be performed in strict conformance therewith. Therefore, the said Director issues this permit, and upon the recording thereof in the appropriate Registry of Deeds, work may commence.

CONDITIONS

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this permit.
2. The provisions of G.L. cc.91 and 111, and any regulations adopted thereunder, must be fully complied with.
3. This permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
4. This permit does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws and/or regulations.
5. The work authorized hereunder shall be completed within one (1) year from the date of this permit. A one (1) year extension of this period may be obtained by the submission of plans to the Director of the Division of Marine Fisheries which indicate the remaining work to be performed.
6. Any fill used in connection with this project shall be clean fill containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. All septic systems of dwellings adjacent to the proposed canal should be placed at a minimum distance of one hundred (100') feet away from the edge of the canal.
8. In order to improve circulation within the proposed canal a cut will be made connecting the canal with the existing brook near the head of Eel Pond. This cut will be approximately ten (10') feet wide and six (6') feet deep.
9. The minimum distance between the canal and the brook will be ten (10') feet.
10. All construction must conform in every respect with the plan submitted entitled, Subdivision Plan of Land in Falmouth, Massachusetts, for Salt Water Shores Trust, by John P. Doyle, R.L.S., dated April 28, 1971, revised May 25, 1971.

See Plan Book 2 47 page 146

FILE NUMBER: DF-588

PERMITTEE: Robert B. Pacheco
Robert H. Moore
John R. Augusta
Their successors & assigns

In the event that the permittee is aggrieved by the terms and conditions of this permit, he is entitled pursuant to G.L. C.30A, to file a petition for Judicial Review in the Superior Court within thirty (30) days after the receipt thereof or, if a petition for rehearing has been timely filed with the Department, within (30) days after the receipt of any notice from the Department denying such petition for rehearing.

PRIOR TO COMMENCEMENT OF WORK HEREUNDER, THIS PERMIT MUST BE RECORDED AND/OR REGISTERED IN THE APPROPRIATE REGISTRY OF DEEDS IN THE NAME OF THE OWNER OF THE PROPERTY UPON WHICH THE WORK IS TO BE PERFORMED.

PREPARED BY:

ISSUED BY:

George R. Sprague
Director George R. Sprague
Div. of Conservation Services

Frank Grice
Director Frank Grice
Div. of Marine Fisheries

APPROVED:

Arthur W. Brownell
Arthur W. Brownell, Commissioner

10750

On this 22nd day of July 1971, **FRANK GRICE**, before me personally appeared to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

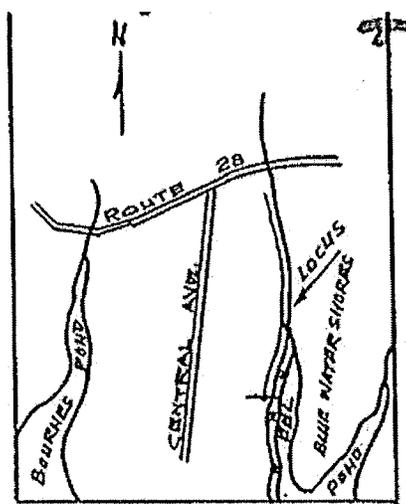
Silvia Ferrante
Notary Public

My commission expires: Aug. 6, 1976

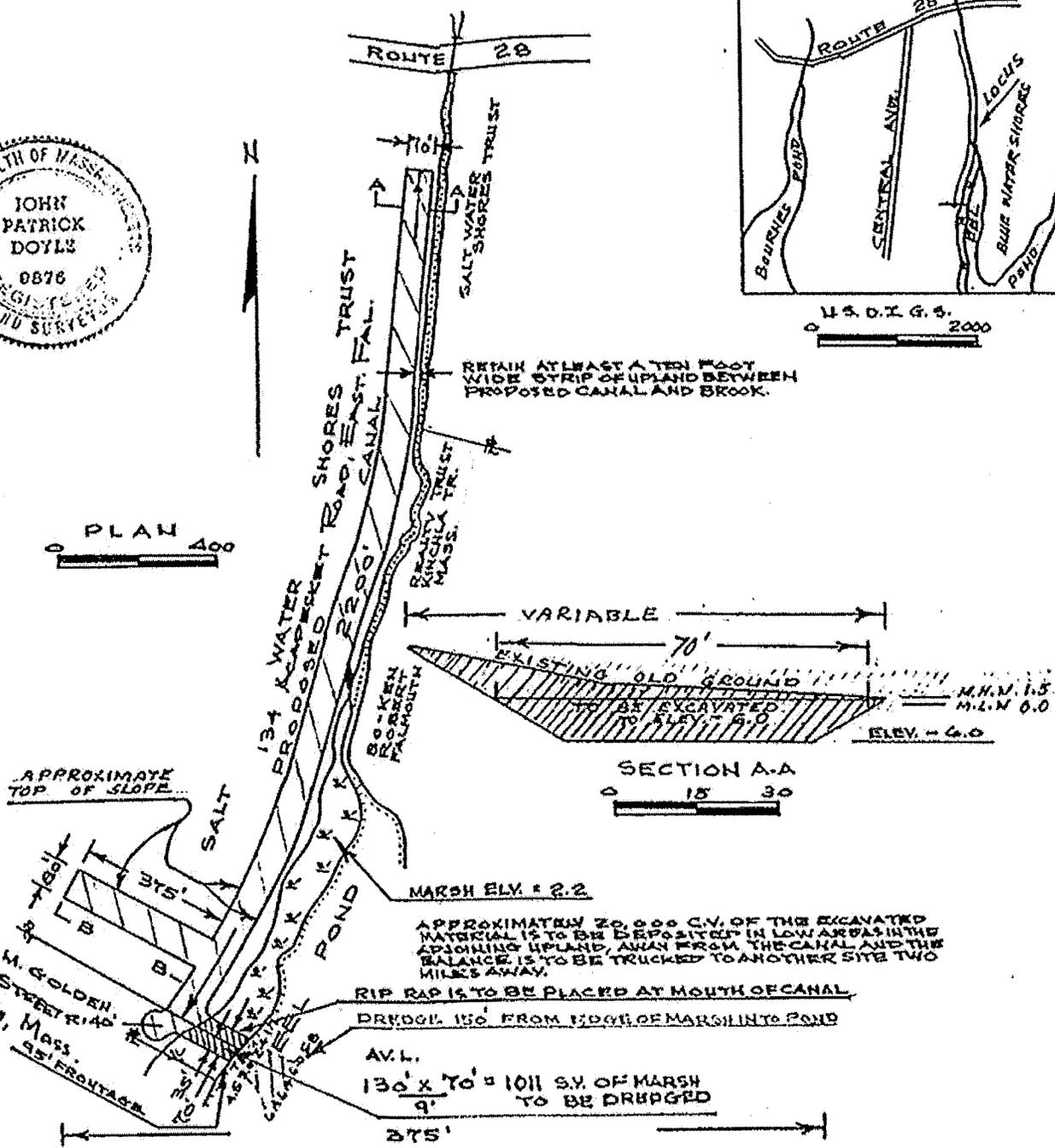
REC'D AUG 26 1971

BOOK 1524 PAGE 1097

297-196



U.S.O.I.G.S. 2000



PLAN 400

SECTION A-A 0 15 30

FARNSTABLE
REGISTRY OF DEEDS
AUG 26 1971
2 45 PM
RECORDED

PLAN ACCOMPANYING PETITION
OF
SALT WATER SHORES TRUST
AND
IRWIN M. GOLDEN
TO DREDGE A CANAL AND EXTEND
EEL POND BY DREDGING OF MARSH
IN FALMOUTH
DECEMBER 1970

LICENSE PLAN NO. 5852
APPROVED BY DEPARTMENT OF PUBLIC WORKS OF MASSACHUSETTS MARCH-10-1971
COMMISSIONER DEPT. OF PUBLIC WORKS
ASSOCIATE COMMISSIONER
John P. Doyle
Robert S. Foster
Pete Donadio

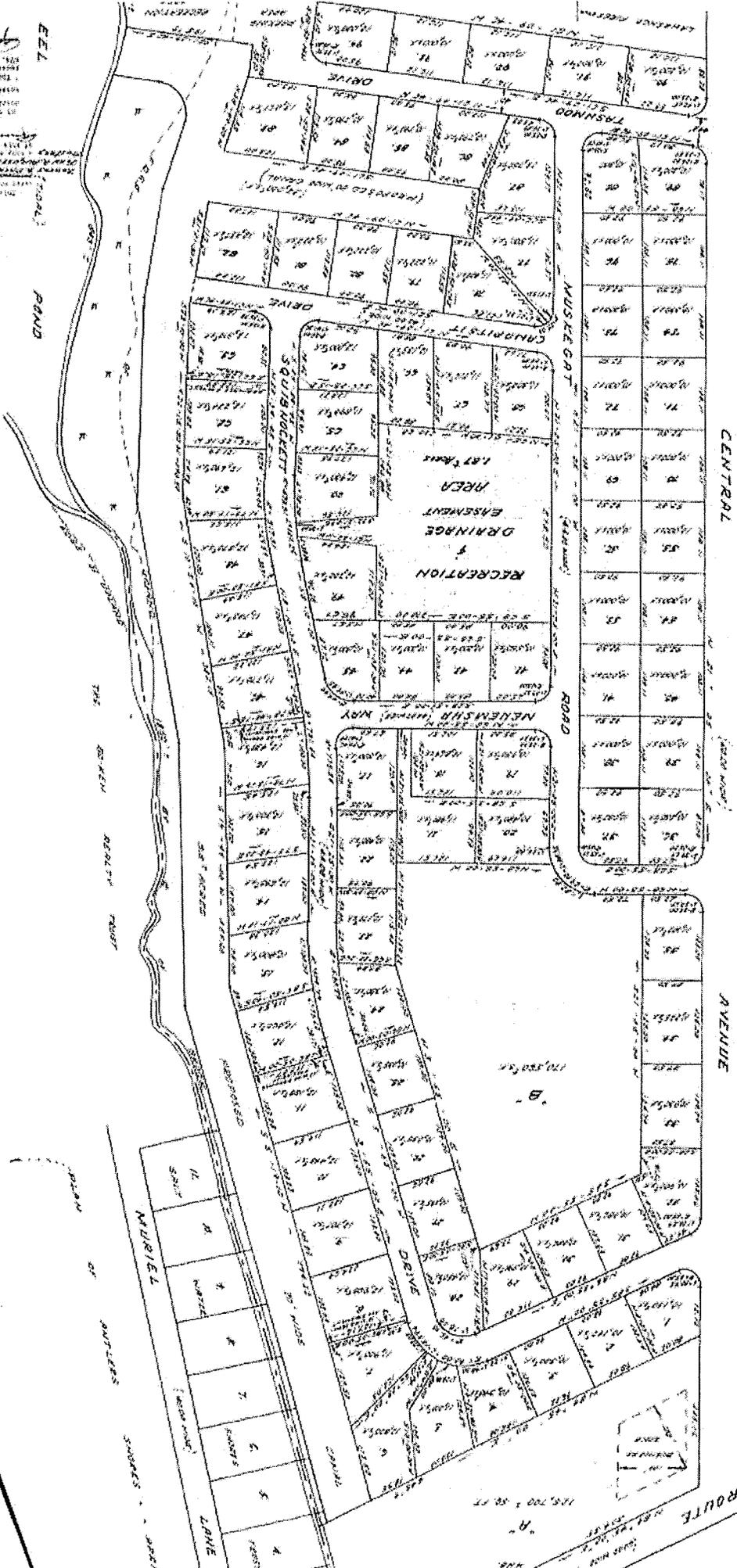
115852

EXHIBIT B

247-145

1. THAT THE WATER BEING TO BE USED FOR THE PURPOSES OF THE PROJECT BEING HEREIN DESCRIBED IS TO BE TAKEN FROM THE SOURCE HEREIN SPECIFIED AND THAT THE WATER BEING TAKEN FROM SAID SOURCE SHALL BE KEPT SEPARATE FROM ALL OTHER WATER AND SHALL BE KEPT PURE AND UNCONTAMINATED AND THAT THE WATER BEING TAKEN FROM SAID SOURCE SHALL BE KEPT SEPARATE FROM ALL OTHER WATER AND SHALL BE KEPT PURE AND UNCONTAMINATED

2. THAT THE PROJECT BEING HEREIN DESCRIBED IS TO BE TAKEN FROM THE SOURCE HEREIN SPECIFIED AND THAT THE WATER BEING TAKEN FROM SAID SOURCE SHALL BE KEPT SEPARATE FROM ALL OTHER WATER AND SHALL BE KEPT PURE AND UNCONTAMINATED



CENTRAL AVENUE

MURIEL DRIVE

ROUTE

RECREATION & DRAINAGE AREA

MUSKEGAT ROAD

MURIEL DRIVE

THE GREEN BELTWAY PROJECT

EEL POND

EXHIBIT C



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

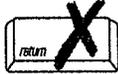
Provided by MassDEP:
25-4577
 MassDEP File #

 eDEP Transaction #
Falmouth
 City/Town

A. General Information

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

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



1. From: Falmouth
 Conservation Commission

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

3. To: Applicant:
 a. Michael b. Kachadoorian
 First Name Last Name

c. Organization
PO Box 751
 d. Mailing Address
E. Falmouth MA 02536
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
 a. _____ b. _____
 First Name Last Name
 c. _____
 Organization
 d. _____
 Mailing Address
 e. _____ f. _____ g. _____
 City/Town State Zip Code

5. Project Location:
50 Muskegat Rd E. Falmouth
 a. Street Address b. City/Town
32 04 008 077
 c. Assessor's Map/Plat Number d. Parcel/Lot Number

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



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

Provided by MassDEP:
25-4577
 MassDEP File #

 eDEP Transaction #
Falmouth
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable
 a. County Barnstable b. Certificate Number (if registered land) 185
 30303
 c. Book _____ d. Page _____
7. Dates: 09/09/2020 11/18/2020 12/21/2020
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Plan- Proposed Float for #50 Muskegat Rd, Prepared for Michael Kachadoorian in Falmouth
Falmouth Engineering, Inc. Michael J. Borselli, P.E., Gary S. Labrie,
 b. Prepared By P.L.S.
10/19/2020 1"=10'
 d. Final Revision Date e. Scale _____
- f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4577
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4577

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4577

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

Provided by MassDEP:
25-4577
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4577 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4577

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4577

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4577
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4577

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Falmouth Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

Falmouth Wetlands Bylaw

10.00

1. Municipal Ordinance or Bylaw

2. Citation

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

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

see attached



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

Provided by MassDEP:
 25-4577
 MassDEP File #

 eDEP Transaction #
 Falmouth
 City/Town

E. Signatures

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

1. Date of Issuance

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

4
 2. Number of Signers

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

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

Signatures:

Jamie Mathews, Chair *by Jennifer Lincoln*
 Conservation Administrator
 Courtney Bird *by Jennifer Lincoln*
 Kevin O'Brien *by Jennifer Lincoln*
 Elizabeth Gladfetter *by Jennifer Lincoln*
 by hand delivery on _____
 by certified mail, return receipt requested, on _____
Eileen Baselli
 Date 12-21-20 FALMOUTH Date # 7012047000136177934
ENGINEERING, INC.

F. Appeals

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

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

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



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

Provided by MassDEP:
 25-4577
 MassDEP File #

 eDEP Transaction #
 Falmouth
 City/Town

G. Recording Information

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

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 MassDEP File Number

Has been recorded at the Registry of Deeds of:

 County

 Book

 Page

for: _____
 Property Owner

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

 Book

 Page

In accordance with the Order of Conditions issued on:

 Date

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

 Instrument Number

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

 Document Number

 Signature of Applicant



Falmouth Conservation Commission

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

Name: Michael Kachadoorian
Address: PO Box 751
DEP: E. Falmouth, MA 02536

FINDINGS:

1. The applicant proposes to install a 4' x 25' float with float stops to the existing licensed bulkhead.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Salt Pond, Land Subject to Tidal Action, Land Subject to Coastal Storm Flowage (LSCSF) and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Michael Kachadorian, to install a 4' x 25' float at 50 Muskegat Drive, Falmouth MA according to the plans by Falmouth Engineering, Inc., dated July 17, 2020 and revised October 19, 2020, entitled "Site Plan- Proposed Float" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property

interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

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

11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
13. All work shall be done by hand or from a barge-supported crane during high tide.
14. Any barge used for this project must float at all times.
15. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
16. The street number and address and the DEP number of the float approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
17. Water lines and attached hoses shall have nozzles attached.
18. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
19. Boats at the float shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
20. Motorboats shall not be run in gear while tied to the float, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
21. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
22. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
23. If this float is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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

**VOTE AUTHORIZING SIGNATURES OF
COMMISSIONERS**

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

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

Vote: Unanimous

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

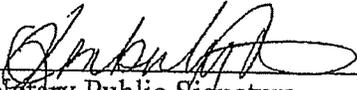
The above is a true and accurate account of the proceedings of the Falmouth Conservation Commission.

James C Mathews
3-27-20
James Mathews, Chairman
Date

The Commonwealth of Massachusetts
County of Barnstable

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

purpose.



Notary Public Signature

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

EXHIBIT D



**MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH**
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 457-2525
TOWN MARINA TEL: (508) 457-2551

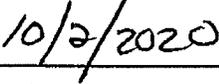
**Falmouth Wetlands – Chapter 235
Wetlands Protection Act MGL 131:40
Harbormaster Inspection Report**

Applicant: Michael Kachadoorian
Date on Plan: July 17, 2020
Property: 50 Muskegat Rd
Assessors Map: 32 04 008 077
Area of Impact: Eel River West

**Date of Inspection
and/or Review:** Plan review October 2, 2020
Project Staking: No
Navigational Issues: None
Mooring Issues: None
Comments: I prefer this plan to the one dated 3/5/2008
Recommendation: None



Gregg Fraser,
MES Director/Harbormaster

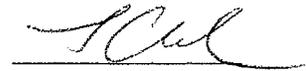


Date

EXHIBIT E

50 MUSKEGAT RD

CERTIFIED

A handwritten signature in black ink, appearing to read 'Bruce Cabral', written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth
February 3, 2021

46 MUSKEGAT RD ANDERSON TRUSTEE CHARLENE V CHARLENE V ANDERSON IVEST TR 122 8 LOTS RD SUTTON, MA 01580-1022	32 04 008 068 LUC: 101	18 CANAPITSIT DR FERHANI MALEK FERHANI NACHIDA 55 ALPENA AVE DEDHAM, MA 02026	32 04 008 064 LUC: 101	13 CANAPITSIT DR MATTA TRUSTEE EDWARD MATTA TRUSTEE SHIRLEY R 311 N WARREN AVE BROCKTON, MA 02301-2823	32 04 008 079 LUC: 101
47 MUSKEGAT RD AUGUSTA RE MGMT LLC 870 TEATICKET HWY E FALMOUTH, MA 02536	32 04 008 072 LUC: 130	76 CENTRAL AVE FORNIER JR ANDREW C CRESSY WENDY 519 HARRISON AVE APT D 312 BOSTON, MA 02118	32 04 008 070 LUC: 101	88 CENTRAL AVE NELSON MARY E 3 CLEMENT PL MERRIMAC, MA 01860	32 04 008 074 LUC: 101
64 MUSKEGAT RD BALAS STEVEN M 64 MUSKEGAT RD EAST FALMOUTH, MA 02536	32 04 008 087 LUC: 101	82 CENTRAL AVE FROMM GREGORY P 82 CENTRAL AVE EAST FALMOUTH, MA 02536	32 04 008 071 LUC: 101	0 SQUIBNOCKETT DR PACHECO ROBERT B 25 CANAPITSIT DR E FALMOUTH, MA 02536	32 04 008 000 LUC: 201
53 MUSKEGAT RD CHAPMAN SHARON L CHAPMAN KENNETH S 57 MUSKEGAT RD E FALMOUTH, MA 02536-6243	32 04 008 073 LUC: 130	35 MUSKEGAT RD GILDEA TRUSTEE MARK C CUNHA TRUSTEE RICHARD C PO BOX 853 SACKETS HARBOR, NY 13685	32 04 008 056 LUC: 130	0 CANAPITSIT DR OFF PACHECO ROBERT B 25 CANAPITSIT DR E FALMOUTH, MA 02536	32 04 008E 000 LUC: 210
57 MUSKEGAT RD CHAPMAN SHARON L CHAPMAN KENNETH S 57 MUSKEGAT RD E FALMOUTH, MA 02536-6243	32 04 008 075A LUC: 101	11 TASHMOO DR GOLDMAN TRUSTEE ALAN I GOLDMAN TRUSTEE MARILYNNE A 11 HOLLY WAY FRAMINGHAM, MA 01701-4854	32 04 008B 000A LUC: 101	5 CANAPITSIT DR PENTIKIS ANTHONY P PO BOX 901 E FALMOUTH, MA 02536	32 04 008 078 LUC: 101
63 MUSKEGAT RD CHAPMAN STEPHEN CHAPMAN DAWN 83 MUSKEGAT RD EAST FALMOUTH, MA 02536	32 04 008 088 LUC: 101	4 SCALLOP COVE GOMATOS THEOPHILOS S GOMATOS SANDRA C 5 LANTERN LN LEXINGTON, MA 02421	32 04 005 002 LUC: 101	32 TASHMOO DR SAUNDERS TRUSTEE SHIRLEY R GOSNOLD REALTY TRUST 933 CENTRE ST NEWTON, MA 02459-1235	32 04 008 083 LUC: 101
21 TASHMOO DR COLAGIOVANNI MARIO COLAGIOVANNI ELAINE 21 TASHMOO DR EAST FALMOUTH, MA 02536	32 04 008B 000B LUC: 101	93 SQUIBNOCKETT DR HAUPTMANN JAY M HAUPTMANN SUZANNE K 93 SQUIBNOCKETT DR E FALMOUTH, MA 02536	32 04 008 065 LUC: 101	28 TASHMOO DR SAUNDERS TRUSTEE SHIRLEY R 28 TASHMOO NOMINEE TRUST 933 CENTRE ST NEWTON, MA 02459-1235	32 04 008 084 LUC: 101
39 MUSKEGAT RD CURTIS TRUSTEE MICHAEL P CURTIS TRUSTEE PAULINE 19 HALE ST HAVERHILL, MA 01830	32 04 008 069 LUC: 101	8 CANAPITSIT DR HYNES JOHN N HYNES JEANNE A 8 CANAPITSIT DR E FALMOUTH, MA 02536	32 04 008 067 LUC: 101	110 CENTRAL AVE SHAW DIANE 110 CENTRAL AVE EAST FALMOUTH, MA 02536	32 04 006 000 LUC: 101
18 TASHMOO DR DUNDULIS FRANK DUNDULIS PATRICIA E 18 TASHMOO DR E FALMOUTH, MA 02536	32 04 008 086 LUC: 101	2 SCALLOP COVE JONES ROSEMARY A PO BOX 86 E FALMOUTH, MA 02536-0086	32 04 005 001 LUC: 101	98 CENTRAL AVE SPIVEY GEORGE R SPIVEY RUTH B 98 CENTRAL AVE EAST FALMOUTH, MA 02536	32 04 008 089 LUC: 101
12 CANAPITSIT DR FAY III JOHN J 12 CANAPITSIT DR E FALMOUTH, MA 02536-8211	32 04 008 066 LUC: 101	50 MUSKEGAT RD KACHADOORIAN S MICHAEL PO BOX 751 E FALMOUTH, MA 02536	32 04 008 077 LUC: 101	19 CANAPITSIT DR WALKER JAMES R WALKER SANDRA L 22 VILLAGE GREEN LN HOLDEN, MA 01520	32 04 008 081 LUC: 101

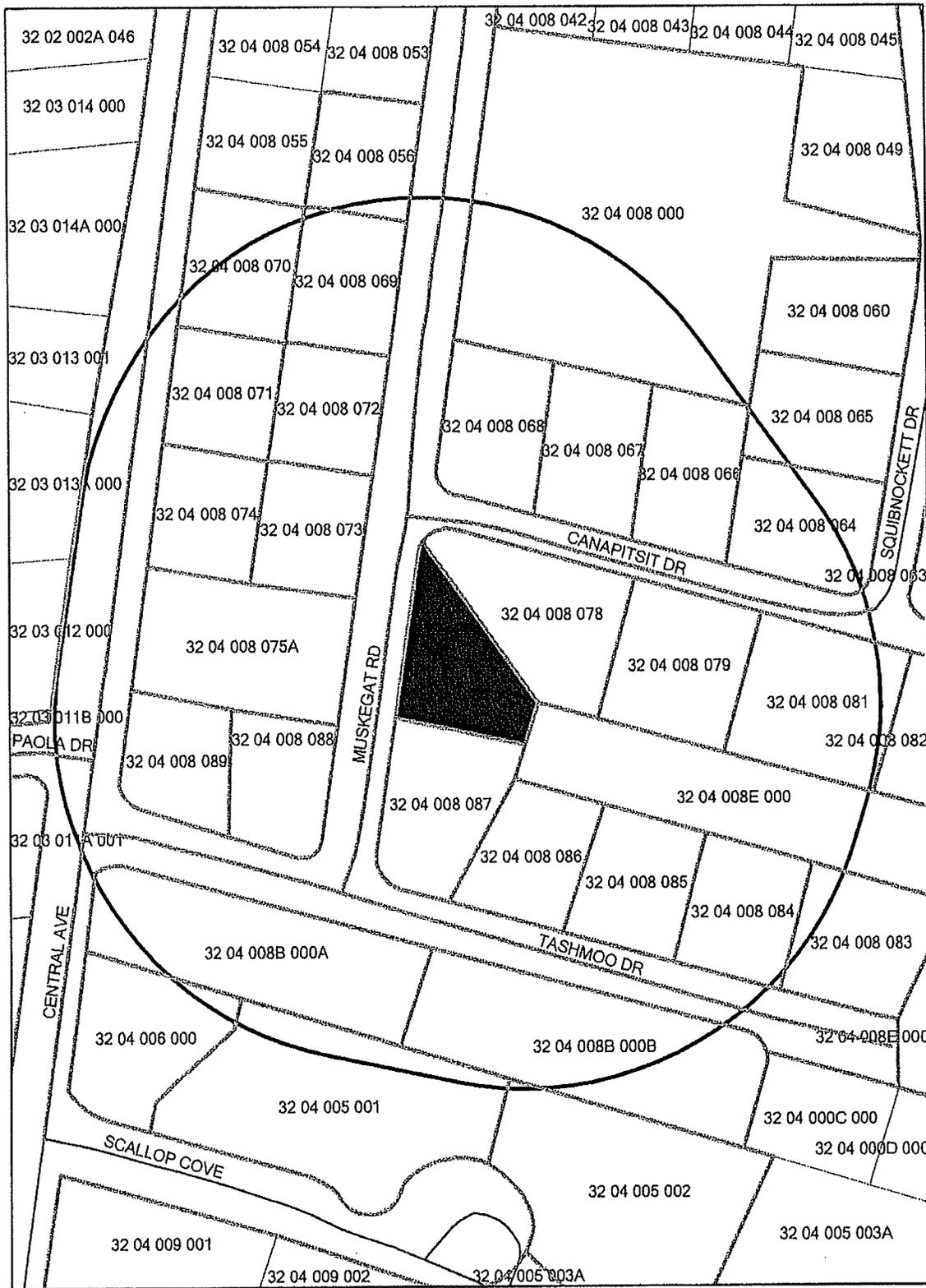
22 TASHMOO DR

32 04 008 085

WENTWORTH TRUSTEE JASON
KUTTASHIMOO REALTY TRUST
1 MONTCLAIR DR
AUBURN, MA 01501

LUC: 101

50 MUSKEGAT RD



Diane Davidson

From: Diane Davidson
Sent: Wednesday, February 3, 2021 1:01 PM
To: Jennifer Lincoln; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen
Cc: Amy Coughlin
Subject: Wetlands/Dock Hearings
Attachments: Wetlands-Dock - Pentikis - 5 Canapitsit Drive - 2-22-21.pdf; Wetlands-Dock - Balas - 64 Muskegat Road - 2-22-21.pdf; Wetlands-Dock - Kachadoorian - 50 Muskegat Road - 2-22-21.pdf; Wetlands-Dock - Dundulis - 18 Tashmoo Drive - 2-22-21.pdf

To all,

On Monday, February 22, 2021 the Select Board will hear four wetlands/dock special permit applications, all located in Eel Pond Canal.

Attached are copies of the following applications for your review:

1. Pentikis – 5 Canapitsit Drive, East Falmouth
2. Balas – 64 Muskegat Road, East Falmouth
3. Kachadoorian – 50 Muskegat Road, East Falmouth
4. Dundulis – 18 Tashmoo Drive, East Falmouth

If you have any additional materials or comments you would like to included in the meeting packet for the Select Board, please email to me by Wednesday, February 17, 2021.

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*

#4. Wetland/Dock Hearing – Frank & Patricia Dundulis for permission to relocate the existing licensed floats. There is no construction that will take place. The floats will be detached from the bulkhead, relocated by floating them a few feet to the east and then reattaching them to the bulkhead. There is an existing Waterways License for the bulkhead and floats, No. 6715, located at 18 Tashmoo Drive, East Falmouth, MA, in and over the waters of Eel Pond Canal.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, February 22, 2021 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall* on the application of Frank and Patricia Dundulis for permission to relocate the existing licensed floats. There is no construction that will take place. The floats will be detached from the bulkhead, relocated by floating them a few feet to the east and then reattaching them to the bulkhead. There is an existing Waterways License for the bulkhead and floats, No. 6715 at 18 Tashmoo Drive, East Falmouth, MA in and over the waters of Eel Pond Canal. Interested parties may review the file on this hearing in the Town Manager/Select Board Office at Town Hall.

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 February 22, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation; the Select Board will meet remotely via Zoom virtual meeting software. **See Select Board NOTICE of MEETING for February 22, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on February 18, 2021 at 4:00 PM for detailed participation information.*****

Per Order of the Falmouth Select Board

Publication dates: Friday, February 5, 2021 and Friday, February 12, 2021; Falmouth Enterprise.

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

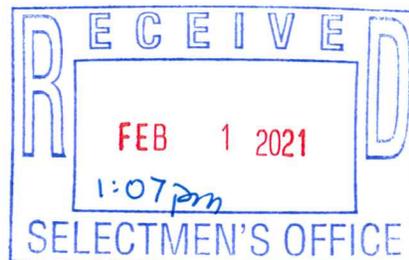
Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

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

February 1, 2021

VIA HAND DELIVERY

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



Re: Frank & Patricia Dundulis, 18 Tashmoo Drive, E. Falmouth
Application for Special Permit - §240-77 -- §240-79



PAID
\$75.00
CK # 4681

Dear Chair Braga and Members of the Board:

Enclosed please find an Application for Special Permit under §240-77 -- §240-79 seeking permission to maintain an existing concrete bulkhead and to approve a new location for two existing floats (a 6' x 16' float and a 6' x 20' float, both licensed under DEP license #6715) in the waters of a man-made canal with respect to 18 Tashmoo Drive, E. Falmouth (the "Property").

The enclosed application includes the Select Board Application form, a check for \$75.00 for the filing fee, a reduced and two full sized copies of the Proposed Float Layout Plan prepared by Cape & Islands Engineering dated September 1, 2020, Assessor's Map 32 showing the Property and a locus map showing the Property.

The enclosed application also includes copies of the current and historical permits and approvals for the existing bulkhead and floats. As this application represents a portion of a larger settlement agreement between the applicants and three other Falmouth residents who have filed applications before the Board, I respectfully request that this application be scheduled to be heard alongside the other applications on Monday, February 22nd, 2021. I believe hearing all four applications on the same evening would be in the best interests of all applicants and would make the most efficient use of the Board's valuable time.

Should you have any questions, please do not hesitate to call.

Very truly yours,

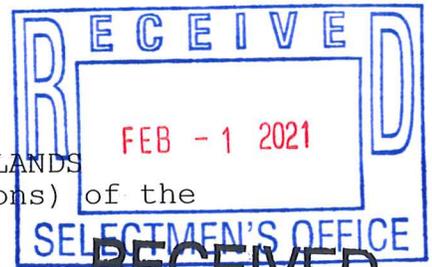
Matthew M. Terry, Esquire

MMT/gmb
Enclosures

CC: Frank & Patricia Dundulis; Brian J. Wall, Esq., Drew Hoyt, Esq., Irie Mullin, Associate
Town Counsel

Town Of Falmouth
BOARD OF SELECTMEN

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



To the Board of Selectmen
Falmouth, Mass.

Date: February 1, 2021

RECEIVED
FEB - 2 2021

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

Owner: Frank & Patricia Dundulis, 18 Tashmoo Dr., E. Falmouth, MA
(Full name) (Address)

Agent: Matthew M. Terry, Ament Klauer, LLP, 39 Town Hall Sq.,
(Full name) (address) Falmouth, MA

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

1. **Location of Property:** Map 32 Section 04 Parcel 008 Lot 086

Street Name and House Number: 18 Tashmoo Drive, East Falmouth

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

3. **Description of property and project site:** The project site is located at 18 Tashmoo Drive, East Falmouth, MA, a private residential waterfront property with frontage on Eel Pond Canal, a tidal coastal embayment that flows into the waters of Vineyard Sound. The subject parcel consists of 10,790 (+/-) sq. ft. area and is on the southern shore of Eel Pond Canal. The property has been a lot on record since on or about July 14, 1971 and has been developed as a legal single-family residence as of 1982, per the Town Assessors records. The property includes a single-family dwelling, deck outdoor bar area, gravel walks, stone steps, and stone walls. The property also includes licensed bulkhead and floats (DEP License No. 6715), an existing pathway, fences, concrete walk, a chain link gate, manicured lawn and landscaped areas.

a. **Dimensions, Acreage of total parcel:** 10,790 +/- sq. ft.

b. **Length of water marsh frontage:** N/A

c. **Dimensions of area to be dredged:** N/A **Depth:** N/A

d. **Dimensions of area to be filled:** N/A

e. **Volume of dredging spoil to be moved:** N/A
Disposition of Spoil: N/A

FALMOUTH TOWN CLERK

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

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

Other (docks, piers and etc.): Approval of new location for existing licensed floats. A Chapter 91 Waterways License for a minor modification to relocate the floats will be obtained from the Department of Environmental Protection. There is an existing Waterways License for the bulkhead and floats (License No. 6715), at 18 Tashmoo Drive, East Falmouth, MA.

h. Method (equipment to be used) for proposed work: There is no construction that will take place. The floats will be detached from the bulkhead, relocated by floating them a few feet to the east and then reattaching them to the bulkhead.

4. Purpose of proposed work: PRIVATE FLOAT SYSTEM RELOCATION

5. Zoning which governs area: RESIDENTIAL

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

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

8. Remarks: 1) Army Corps permit No. MA-FALM-76-26; 2) Conservation Commission Determination of Eligibility dated 10/6/93 finding that an NOI is not required; 3) Board of Selectmen approval dated 12/21/95; 4) Chapter 91 License No. 6715 and 5) Order of Condition SE 25-4576 issued by the Conservation Commission dated 12/18/20 approving relocation.

9. Project Summary for legal notice:

For permission to relocate the existing licensed floats. There is no construction that will take place. The floats will be detached from the bulkhead, relocated by floating them a few feet to the east and then reattaching them to the bulkhead. There is an existing Waterways License for the bulkhead and floats, No. 6715 at 18 Tashmoo Dr., East Falmouth, MA.

Owner: Frank & Patricia Dundulis
18 Tashmoo Drive,
East Falmouth, MA 02536

Agent: Attorney Matthew M. Terry,
Ament Klauer, LLP
39 Town Hall Square
Falmouth, MA 02540

Applicant: Frank and Patricia Dundulis



(applicant/signature/date) by their attorney Ament Klauer LLP

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

GENERAL NOTES

LOCATIONS ARE BASED ON THE PROXY INSTRUMENT SURVEY AND FLOOD ZONE ELEVATIONS ARE BASED ON THE NAD 83 DATUM. COORDINATE SYSTEM USED IS THE MASSANUSETT COORDINATE SYSTEM DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: A3B

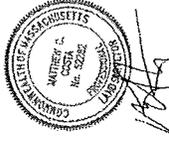
PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF AE (ELEY 19) AND NON-HAZARD X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25090D023, WITH A MAP EFFECTIVE DATE OF JULY 18, 2014.

THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

THIS LOT IS NOT MAPPED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (A.C.E.C.) AREA.

DEED REFERENCE: BOOK 247 PAGE 145 AND BOOK 283 PAGE 62

PLAN REFERENCE: BOOK 247 PAGE 145 AND BOOK 283 PAGE 62



NOTICE: THIS PLAN HAS NOT BEEN RECORDED OR ALTERED IN ANY WAY BY ANY OTHER THAN CAPE & ISLANDS ENGINEERING, INC. UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL RECD STAMP APPEARS ON THIS PLAN TO THE EXTENT OR PLAN BEING THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC. ALL RIGHTS RESERVED. COPYRIGHT © BY CAPE & ISLANDS ENGINEERING, INC.

DATE: 10/20/20
ADDED SOUNDINGS AND REVISED LICENSE NOTES: MC BY: MC
OWNER OF RECORD: DESCRIPTION: MC BY: CHK

OWNER OF RECORD:
FRANK & PATRICIA E. DUNDULIS
18 TASHMOO DRIVE
EAST FALMOUTH, MA 02536

APPLICANT:
FRANK & PATRICIA E. DUNDULIS
18 TASHMOO DRIVE
EAST FALMOUTH, MA 02536

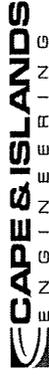
PROJECT:
18 TASHMOO DRIVE
IN
EAST FALMOUTH, MASSACHUSETTS

SHEET NO.: 1 OF 1
DATE: SEPTEMBER 1, 2020

DRAWING FILE NAME: TASHMOO_18_DUNDULIS_DOCKS

DRAWN BY: JVB
CHECKED BY: MC

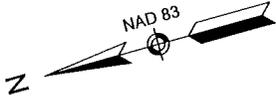
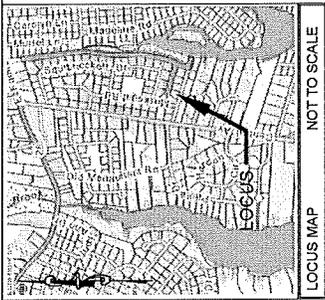
PREPARED BY:



SUMMERFIELD PARK
1000 WASHINGTON STREET
MASSAPEQUET, MA 02648
508.477.7272 PHONE info@CapeEng.com
508.477.9072 FAX www.CapeEng.com

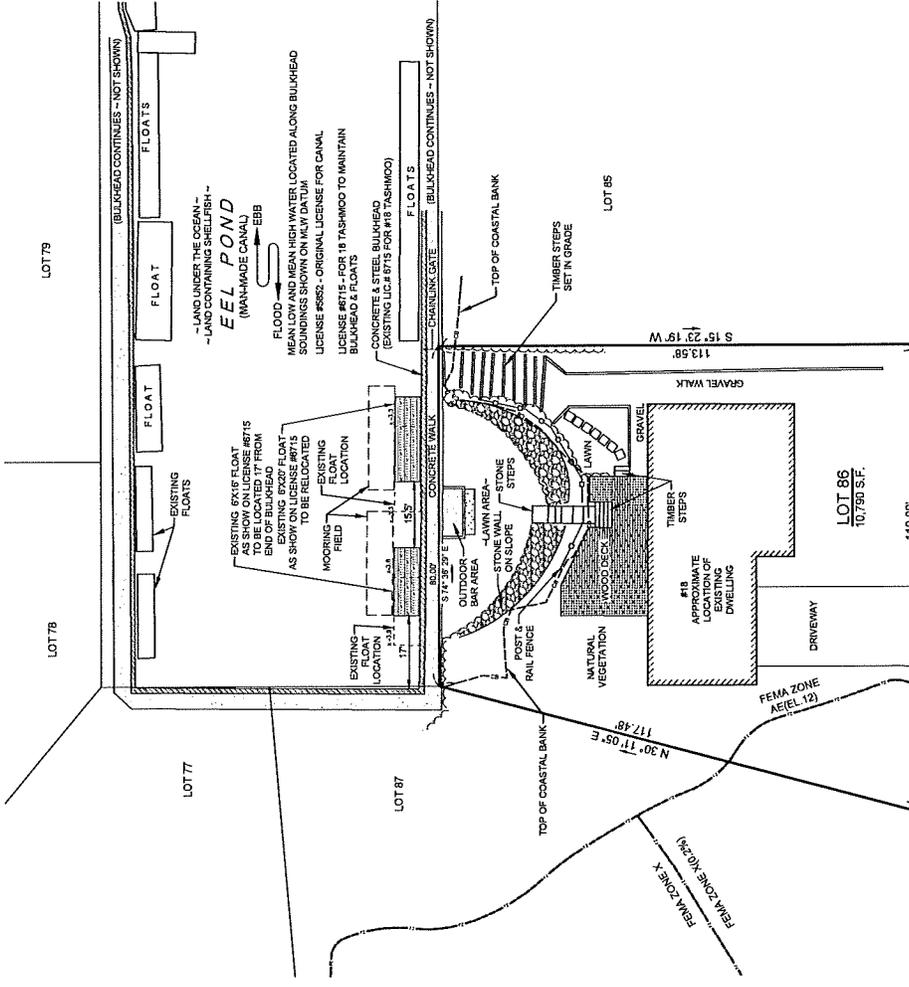
DRAWING TITLE:
PROPOSED FLOAT LAYOUT PLAN

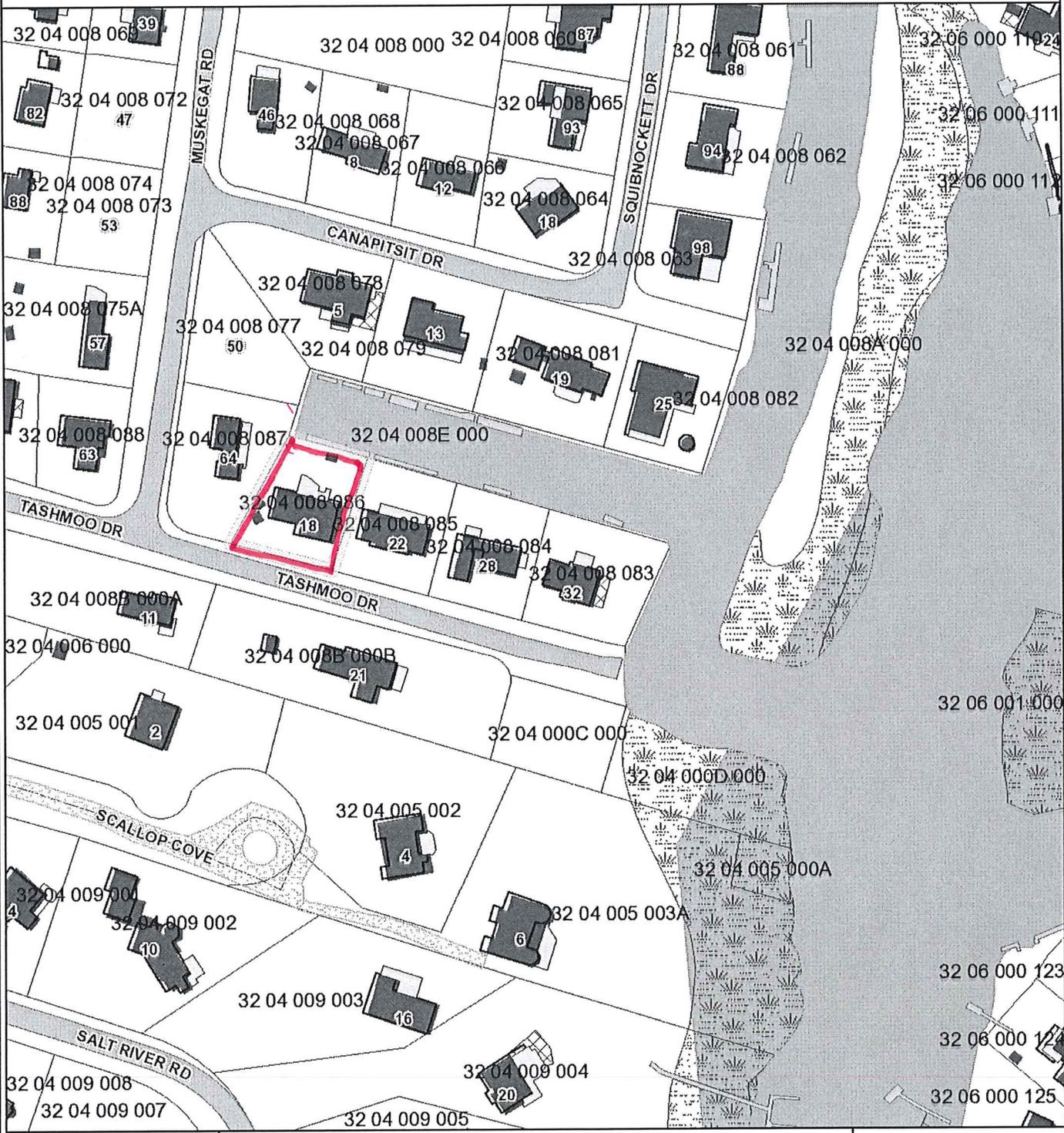
ASSESSORS INFORMATION: MAP 32-04-02B-056



LEGEND

- CS CONCRETE BOUND
- CB CONCRETE BOUND
- RP ROD CAP
- IP IRON PIPE FOUND
- HYDRANT
- WATER MAIN
- WATER SERVICE
- UTILITY POLE
- GUY POLE
- LIGHT POLE
- CONFEROUS TREE
- DECIDUOUS TREE
- TREE STUMP
- SHRUB
- CONFEROUS SHRUB
- TRELLINE
- OVERHEAD WIRES
- STONE WALL
- POST & RAIL FENCE
- CHAINLINK FENCE
- PKTSET ROW
- AREA OF STRUCTURE INCLUDED IN EXISTING LOT COVERAGE



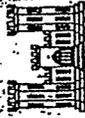


1" = 141 ft



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

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



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS**

NOTICE OF AUTHORIZATION

2 February 1976

A PERMIT TO construct and maintain 1,835 linear feet of reinforced concrete slab bulkhead and maintain 1,100 linear feet of bulkheading and existing boat ramp, 48' by 18'. Approximately 20,000 cubic yards of sand will be used as fill shoreward of the bulkhead.

AT Falmouth, Massachusetts

HAS BEEN ISSUED TO Salt Water Shores, Inc. ON 2 February 1976

ADDRESS OF PERMITTEE 89 Spring Bars Road,
Falmouth, Mass. 02540

PERMIT NUMBER

MA-FALM-76-26

John Raymond R. Lee
District Engineer

ENG. FORM 4336
JUL 70

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.



Commonwealth of Massachusetts

DEP File No.

[Redacted box]

(To be provided by DEP)

City/Town

FALMOUTH

Applicant

John R. & Susan E. Aug

Date Request Filed

9/16/93

Determination of Applicability
Massachusetts Wetlands Protection Act, G.L. c. 131, §40

TOWN OF FALMOUTH WETLANDS PROTECTION BYLAW

From TOWN OF FALMOUTH CONSERVATION COMMISSION Issuing Authority

To John R. Augusta, III

(Name of person making request)

John R. & Susan E. Augusta, III

(Name of property owner)

Address 18 Tashmoo Dr., E. Falmouth, MA Address SAME
02536

This determination is issued and delivered as follows:

- by hand delivery to person making request on _____ (date)
- by certified mail, return receipt requested on October 7, 1993 (date)

Pursuant to the authority of G.L. c. 131, §40, the FALMOUTH CONSERVATION COMMISSION has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination (check whichever is applicable):

Location: Street Address 18 Tashmoo Dr., E. Falmouth

Lot Number: 86

1. The area described below, which includes all/part of the area described in your request, is an Area Subject to Protection Under the Act. Therefore, any removing, filling, dredging or altering of that area requires the filing of a Notice of Intent.
2. The work described below, which includes all/part of the work described in your request, is within an Area Subject to Protection Under the Act and will remove, fill, dredge or alter that area. Therefore, said work requires the filing of a Notice of Intent.

- 3. The work described below, which includes all/part of the work described in your request, is within the Buffer Zone as defined in the regulations, and will alter an Area Subject to Protection Under the Act. Therefore, said work requires the filing of a Notice of Intent.

Any work or maintenance requires the filing of a Notice of Intent.

This Determination is negative:

- 1. The area described in your request is not an Area Subject to Protection Under the Act.
- 2. The work described in your request is within an Area Subject to Protection Under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- 3. The work described in your request is within the Buffer Zone, as defined in the regulations, but will not alter an Area Subject to Protection Under the Act. Therefore, said work does not require the filing of a Notice of Intent.
- 4. The area described in your request is Subject to Protection Under the Act, but since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: _____

Issued by TOWN OF FALMOUTH Conservation Commission

Signature(s) _____

Maurice Harlow-Hewitt

Charles L. Lundy

Jo C. Verrill

Julia Weston

Judith Fields

Thomas R. Peterson

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

On this 6th day of October 19 93, before me personally appeared FALMOUTH CONSERVATION COMMISSION, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Cheryl Ann Haunser

December 21, 1995

Notary Public
D. F. R.
D. N. R.

My commission expires

This Determination does not relieve the applicant from complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations. This Determination shall be valid for three years from the date of issuance.

The applicant, the owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Determination of Applicability, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

310 CMR 10.99

Form 1

Commonwealth
of Massachusetts

DEF File No.

[Redacted Box]
(To be provided by DEP)

City/Town FALMOUTH

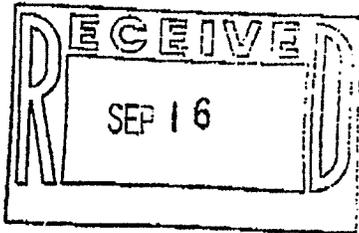
Applicant John R. Augusto III

Request for a Determination of Applicability Massachusetts Wetlands Protection Act, G.L. c. 131, §40

1. I, the undersigned, hereby request that the FALMOUTH Conservation Commission make a determination as to whether the area, described below, or work to be performed on said area, also described below, is subject to the jurisdiction of the Wetlands Protection Act, G.L. c. 131, §40.

2. The area is described as follows. (Use maps or plans, if necessary, to provide a description and the location of the area subject to this request.)

Location: street address 18 Tashwood Drive East Falmouth
Lot Number: lot 86 Tashwood Dr.



3. The work in said area is described below. (Use additional paper, if necessary, to describe the proposed work.)

*No work proposed. I am pursuing
amnesty under chapter 91.*

- 4. The owner(s) of the area, if not the person making this request, has been given written notification of this request on _____ (date)

The name(s) and address(es) of the owner(s):

John R. Augusta III
Bessie E. Augusta
 18 Toshmas Dr.
 East Falmouth, Mass.
 02536

- 5. I have filed a complete copy of this request with the appropriate regional office of the Massachusetts Department of Environmental Protection 5/16/93 (date)

DEP Northeast Regional office
 10 Commerce Way
 Weburn, MA 01801

DEP southeast Regional office
 20 Riverside Drive
 Lakeville, MA 02347

DEP Central Regional office
 75 Grove Street
 Worcester, MA 01605

DEP Western Regional office
 State House West, 4th Floor
 436 Dwight Street
 Springfield, MA 01103

- 6. I understand that notification of this request will be placed in a local newspaper at my expense in accordance with section 10.5(3)(b) 1 of the regulations by the conservation commission and that I will be billed accordingly.

Signature *John R. Augusta III* Name John R. AUGUSTA III
 Address 18 Toshmas Dr. Tel. 508-540-3121
E. Falmouth, Mass.
02536



TOWN OF FALMOUTH
59 TOWN HALL SQUARE
FALMOUTH, MA 02540

December 21, 1995

Mr. John R. Augusta III
18 Tashmoo Drive
East Falmouth, MA 02536

Dear Mr. Augusta:

After a public hearing duly advertised and held on December 18, 1995 at 8:40 P.M., in accordance with Section 4300 (Wetland Regulations) of the Zoning Bylaws, to license and maintain an existing bulkhead, located at 18 Tashmoo Drive, East Falmouth, the Board of Selectmen has voted approval subject to the following:

PRE-EXISTING STRUCTURE

1. That all work has been done in accordance with the plan dated December 18, 1995, submitted at the hearing, and drawn by Christopher Costa and Associates.
2. Structure is authorized for private non-commercial use of home occupant and guests. The structure may not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change of use requires an amended application and appropriate hearing. This decision does not authorize the holder of this permit to violate any appropriate deed restrictions or property rights of others.

Book 4317, Page 90

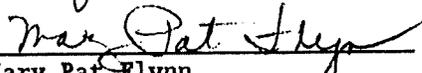
A TRUE COPY ATTEST
Michael Palmer
TOWN CLERK OF
FALMOUTH, MASS.

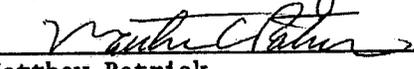
John R. Augusta III
Page 2
December 21, 1995

Notice is hereby given that any appeal of this decision shall be made pursuant to Section 17 of Mass. 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.

Sincerely,


Virginia Valiela


Mary Pat Flynn


Matthew Patrick


Edward Marks, Jr.


Troy B. G. Clarkson

BOARD OF SELECTMEN

B/lca

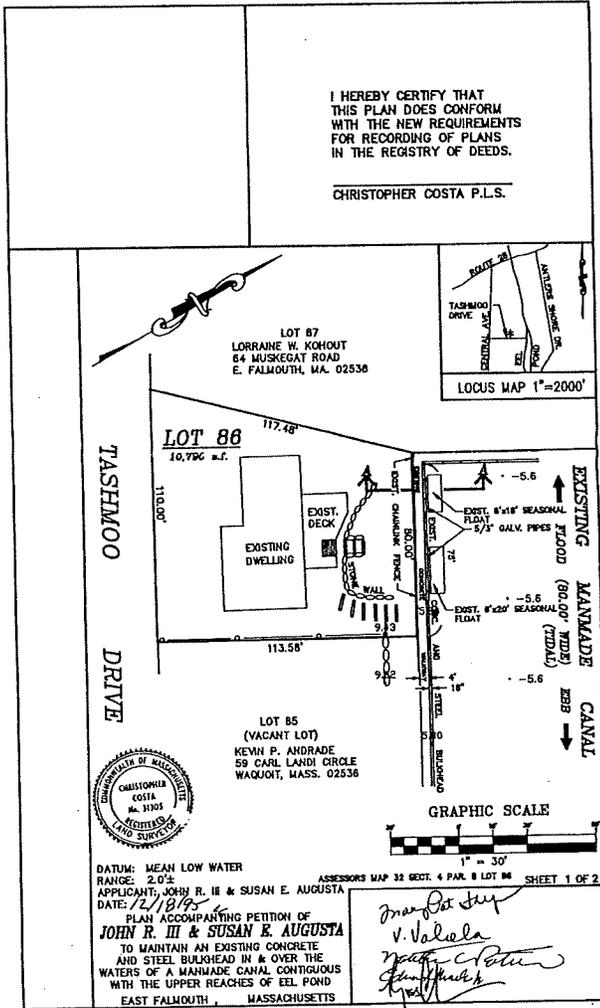
cc: Conservation Commission
Shellfish Warden
Department of Natural Resources
Harbor Master
Town Clerk
Planning Board
Building Department
Health Department
Christopher Costa and Associates
Abutters

For title of John R. Augusta III,
see deed recorded in Barnstable
County Registry of Deeds in
Book 4317, Page 90.

TOWN CLERK'S OFFICE
Falmouth, MA 1/3/96
Received for Record at 11³⁰ O'Clock A M
And Recorded in Vol 22 on Page 162
 Town Clerk

I HEREBY CERTIFY THAT
THIS PLAN DOES CONFORM
WITH THE NEW REQUIREMENTS
FOR RECORDING OF PLANS
IN THE REGISTRY OF DEEDS.

CHRISTOPHER COSTA P.L.S.



DATUM: MEAN LOW WATER
RANGE: 2.0'±
APPLICANT: JOHN R. III & SUSAN E. AUGUSTA
DATE: 12/18/2012
ASSASSORS MAP 32 SECT. 4 PAR. 8 LOT 88 SHEET 1 OF 2

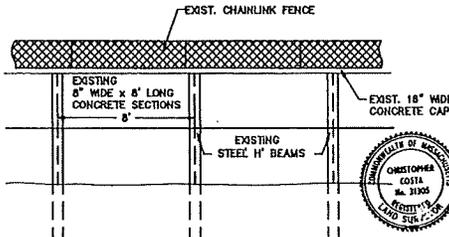
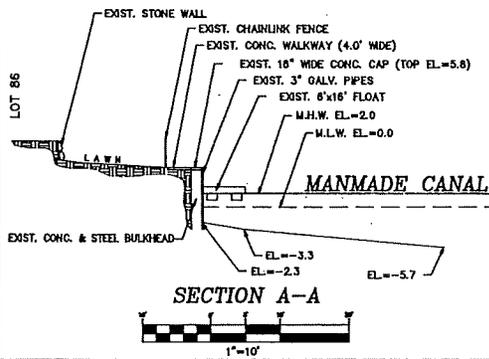
PLAN ACCOMPANYING PETITION OF
JOHN R. III & SUSAN E. AUGUSTA
TO MAINTAIN AN EXISTING CONCRETE
AND STEEL BULKHEAD IN & OVER THE
WATERS OF A MANMADE CANAL CONTIGUOUS
WITH THE UPPER REACHES OF EEL POND
EAST FALMOUTH, MASSACHUSETTS

Manoel P. Silva
v. Valada
Christopher Costa
John R. III
Susan E. Augusta

A TRUE COPY ATTEST
Debra J. Palmer
TOWN CLERK OF
FALMOUTH, MASS.

I HEREBY CERTIFY THAT
THIS PLAN DOES CONFORM
WITH THE NEW REQUIREMENTS
FOR RECORDING OF PLANS
IN THE REGISTRY OF DEEDS.

CHRISTOPHER COSTA P.L.S.



SHEET 2 OF 2

FRONT DETAIL
NOT TO SCALE
PLAN ACCOMPANYING PETITION OF
JOHN R. III & SUSAN E. AUGUSTA
TO MAINTAIN AN EXISTING CONCRETE
AND STEEL BULKHEAD IN & OVER THE
WATERS OF A MANMADE CANAL CONTIGUOUS
WITH THE UPPER REACHES OF EEL POND
EAST FALMOUTH, MASSACHUSETTS

A TRUE COPY ATTEST
 TOWN CLERK OF
 FALMOUTH, MASS.

BARNSTABLE REGISTRY OF DEEDS
 John F. Meade, Registrar

The Commonwealth of Massachusetts

No. 6715



Whereas,

John R. III & Susan E. Augusta

of -- Falmouth, -- in the County of -- Barnstable -- and
Commonwealth aforesaid, has applied to the Department of
Environmental Protection for license to -- maintain a bulkhead
and floats -----

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

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

John R. III & Susan E. Augusta --, subject to the provisions of the
ninety-first chapter of the General Laws, and of all laws which are
or may be in force applicable thereto, to -- maintain a bulkhead
and floats -----

in and over the waters of -- Eel Pond -- in the -- Town -- of --
Falmouth -- and in accordance with the locations shown and details
indicated on the accompanying DEP License Plan No. 6715, (2 sheets)

18 TASHMDO DRIVE, EAST FALMOUTH

Plan 536/50/51
Book

6

License No. 6715

Page 2

The structures hereby authorized shall be limited to the following uses: to provide shoreline stabilization for the protection of existing structures and noncommercial docking and boating access to navigable waters. -----

This license will expire ninety-nine(99) years from the date of the license issuance. -----

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

Please see page 3 for additional conditions to this license. -----

Duplicate of said plan, number 6715 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

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

License No. 6715

Page 4

~~The amount of tide water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said Commonwealth by paying into the treasury of the Commonwealth for each cubic yard so displaced, being the amount hereby assessed by said Department~~

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this eighth day of August in the year nineteen hundred and ninety-seven.

Program Chief Elizabeth A. Koalsheras Department of Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Commonwealth by the said~~

of the further sum of

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

~~Approved by the Governor~~

~~Governor~~

BARNSTABLE REGISTRY OF DEEDS

8

I HEREBY CERTIFY THAT
THIS PLAN DOES CONFORM
WITH THE NEW REQUIREMENTS
FOR RECORDING OF PLANS
IN THE REGISTRY OF DEEDS.

Christopher Costa
CHRISTOPHER COSTA P.L.S.

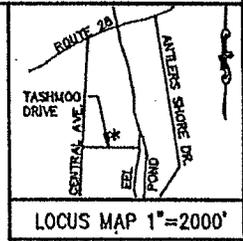
536-50

BARNSTABLE SS. RECEIVED
2:37pm Oct 7 1997
AND IS RECORDED

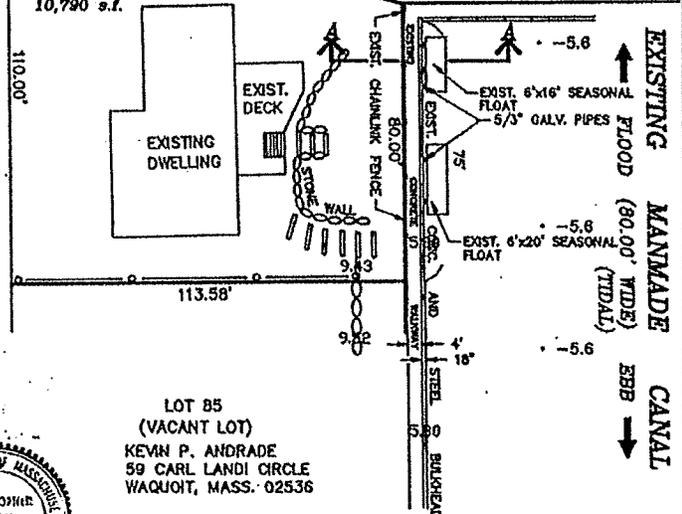
TASHMOO DRIVE



LOT 87
LORRAINE W. KOHOUT
64 MUSKOGAT ROAD
E. FALMOUTH, MA. 02536

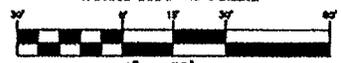


LOT 86
10,790 s.f.



LOT 85
(VACANT LOT)
KEVIN P. ANDRADE
99 CARL LANDI CIRCLE
WAUJOIT, MASS. 02536

GRAPHIC SCALE



DATUM: MEAN LOW WATER
RANGE: 2.0'±
APPLICANT: JOHN R. III & SUSAN E. AUGUSTA
DATE:
ASSESSORS MAP 32 SECT. 4 PAR. 8 LOT 86 SHEET 1 OF 2

PLAN ACCOMPANYING PETITION OF
JOHN R. III & SUSAN E. AUGUSTA
TO MAINTAIN AN EXISTING CONCRETE AND
STEEL BULKHEAD AND FLOATS IN & OVER THE
WATERS OF A MANMADE CANAL CONTIGUOUS
WITH THE UPPER REACHES OF EEL POND
EAST FALMOUTH, MASSACHUSETTS

LICENSE PLAN NO. 6715
Approved by Department of Environmental Protection
of Massachusetts

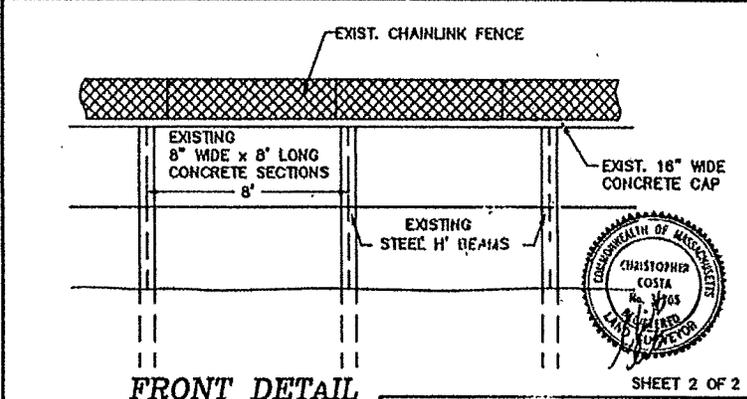
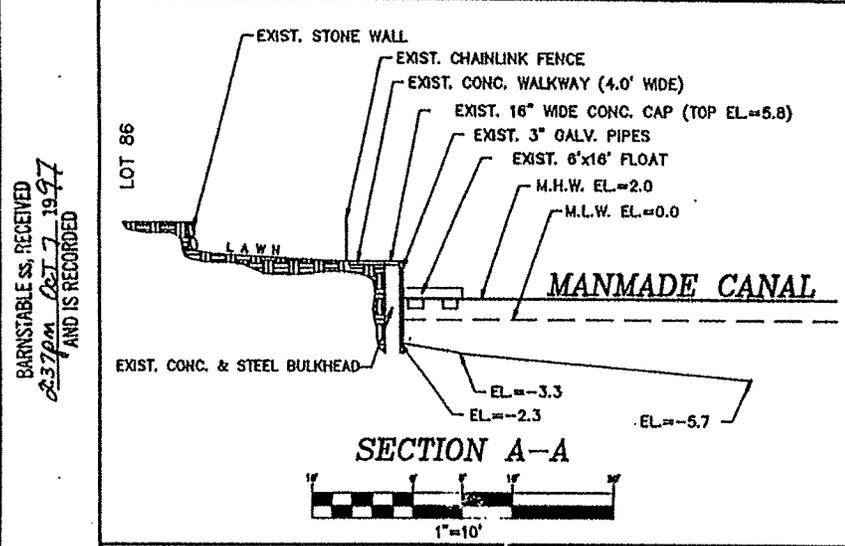
Elizabeth A. Kaulstner

AUG 08 1997

1045-5-26/1

I HEREBY CERTIFY THAT
THIS PLAN DOES CONFORM
WITH THE NEW REQUIREMENTS
FOR RECORDING OF PLANS
IN THE REGISTRY OF DEEDS.

Christopher Costa
CHRISTOPHER COSTA P.L.S.



PLAN ACCOMPANYING PETITION OF
JOHN R. III & SUSAN E. AUGUSTA
TO MAINTAIN AN EXISTING CONCRETE AND
STEEL BULKHEAD AND FLOATS IN & OVER THE
WATERS OF A MANMADE CANAL CONTIGUOUS
WITH THE UPPER REACHES OF EEL POND
EAST FALMOUTH, MASSACHUSETTS

LICENSE PLAN NO. 6715
Approved by Department of Environmental Protection
Date: AUG 08 1997

02545-26M



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 20073 | 185 |
| c. Book | d. Page |
| | 12/18/2020 |
7. Dates: 09/04/2020 10/07/2020 12/18/2020
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Proposed Float Layout Plan
- | | | |
|----------------------------------|----------------|--------------------------------|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| Cape & Islands Engineering, Inc. | 9/01/20 | Matthew C. Costa, P.L.S., R.S. |
| d. Final Revision Date | e. Scale | |
| | 1"=20' | |
- | | |
|--------------------------------------|---------|
| f. Additional Plan or Document Title | g. Date |
| | |

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--|---|--|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input type="checkbox"/> Storm Damage Prevention | i. <input type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4576

MassDEP File # _____

eDEP Transaction # _____

Falmouth

City/Town

B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 -- Order of Conditions

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

Provided by MassDEP:

25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

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

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4576

MassDEP File #

aDEP Transaction #

Falmouth

City/Town

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

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

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



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

Provided by MassDEP:
25-4576
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

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

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

<u>Falmouth Wetlands Bylaw</u>	<u>10.00</u>
1. Municipal Ordinance or Bylaw	2. Citation

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

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



Falmouth Conservation Commission

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

Frank & Patricia Dundulis
Address: 18 Tashmoo Dr, Falmouth, MA
DEP #: 25-4576

FINDINGS:

1. The applicant proposes to shift the location of two existing floats in a man made canal.

STANDARD CONDITIONS

1. Permission is granted to Frank and Patricia Dundulis, 18 Tashmoo Drive, Falmouth MA to shift the location of two existing floats according to the plans and narrative prepared by Cape and Islands Engineering, Inc., dated September 1, 2020 and revised September 9, 2020, subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.

6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken **prior to construction** within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall also be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.
12. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with

such work.

13. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
14. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
15. Water lines and attached hoses shall have nozzles attached.
16. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
17. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
18. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
19. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
20. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by an Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4576
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

E. Signatures

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

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

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

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

12/18/2020
1. Date of Issuance
4
2. Number of Signers

Signatures:

Jamie Mathews, Chair
Courtney Bird
Kevin O'Brien
Elizabeth Gladfelter
by Jennifer L Lynch
Conservation Administrator
by Jennifer L Lynch
by Jennifer L Lynch
by Jennifer L Lynch

by hand delivery on

by certified mail, return receipt requested, on

Date

12/18/20

Date # 7012 0470 0001 3617 7743

F. Appeals

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4576

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

G. Recording Information

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 457-2525
TOWN MARINA TEL: (508) 457-2551

Falmouth Wetlands – Chapter 235
Wetlands Protection Act MGL 131:40
Harbormaster Inspection Report

Applicant: Fran k & Patricia Dundulls
Date on Plan: May 12, 2020
Property: 18 Tashmoo Drive
Assessors Map: 32-04-008-086
Area of Impact: Eel River West

**Date of Inspection
and/or Review:**

Plan review August 28, 2020

Project Staking: No

Navigational Issues: No

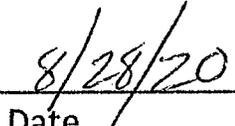
Mooring Issues: None

Comments No expansion of existing conditions. Floats being moved easterly only.

Recommendation: None



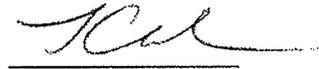
Gregg Fraser,
MES Director/Harbormaster



Date

18 TASHMOO DR

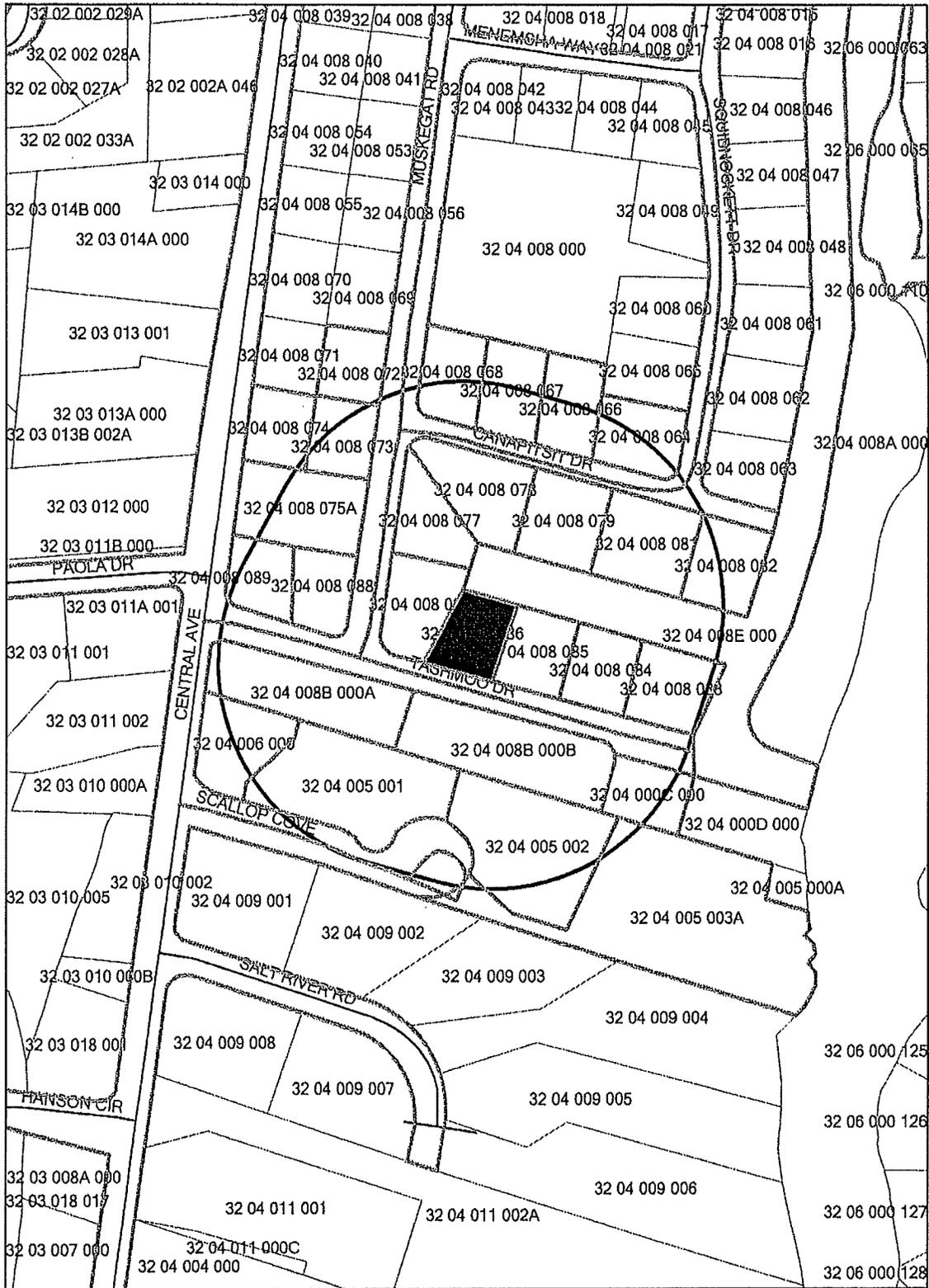
CERTIFIED

A handwritten signature in black ink, appearing to read 'Bruce Cabral', is written over a horizontal line.

**Bruce Cabral
Assistant Assessor
Town of Falmouth
February 3, 2021**

46 MUSKEGAT RD ANDERSON TRUSTEE CHARLENE V CHARLENE V ANDERSON IVEST TR 122 8 LOTS RD SUTTON, MA 01590-1022	32 04 008 068 LUC: 101	18 CANAPITSIT DR FERHANI MALEK FERHANI NACHIDA 55 ALPENA AVE DEDHAM, MA 02026	32 04 008 064 LUC: 101	0 TASHMOO DR SALT WATER SHORES TRUST 25 CANAPITSIT DR C/O ROBERT PACHECO E FALMOUTH, MA 02536	32 04 000C 000 LUC: 132
47 MUSKEGAT RD AUGUSTA RE MGMT LLC 670 TEATICKET HWY E FALMOUTH, MA 02536	32 04 008 072 LUC: 130	11 TASHMOO DR GOLDMAN TRUSTEE ALAN I GOLDMAN TRUSTEE MARILYNNE A 11 HOLLY WAY FRAMINGHAM, MA 01701-4854	32 04 008B 000A LUC: 101	32 TASHMOO DR SAUNDERS TRUSTEE SHIRLEY R GOSNOLD REALTY TRUST 933 CENTRE ST NEWTON, MA 02459-1235	32 04 008 083 LUC: 101
64 MUSKEGAT RD BALAS STEVEN M 64 MUSKEGAT RD EAST FALMOUTH, MA 02536	32 04 008 087 LUC: 101	4 SCALLOP COVE GOMATOS THEOPHILOS S GOMATOS SANDRA C 5 LANTERN LN LEXINGTON, MA 02421	32 04 005 002 LUC: 101	28 TASHMOO DR SAUNDERS TRUSTEE SHIRLEY R 28 TASHMOO NOMINEE TRUST 933 CENTRE ST NEWTON, MA 02459-1235	32 04 008 084 LUC: 101
53 MUSKEGAT RD CHAPMAN SHARON L CHAPMAN KENNETH S 57 MUSKEGAT RD E FALMOUTH, MA 02536-6243	32 04 008 073 LUC: 130	8 CANAPITSIT DR HYNES JOHN N HYNES JEANNE A 8 CANAPITSIT DR E FALMOUTH, MA 02536	32 04 008 067 LUC: 101	25 CANAPITSIT DR SHARP MARK W SHARP MARILYN A 25 CANAPITSIT DR EAST FALMOUTH, MA 02536	32 04 008 082 LUC: 101
57 MUSKEGAT RD CHAPMAN SHARON L CHAPMAN KENNETH S 57 MUSKEGAT RD E FALMOUTH, MA 02536-6243	32 04 008 075A LUC: 101	2 SCALLOP COVE JONES ROSEMARY A PO BOX 86 E FALMOUTH, MA 02536-0086	32 04 005 001 LUC: 101	110 CENTRAL AVE SHAW DIANE 110 CENTRAL AVE EAST FALMOUTH, MA 02536	32 04 006 000 LUC: 101
63 MUSKEGAT RD CHAPMAN STEPHEN CHAPMAN DAWN 63 MUSKEGAT RD EAST FALMOUTH, MA 02536	32 04 008 088 LUC: 101	50 MUSKEGAT RD KACHADOORIAN S MICHAEL PO BOX 751 E FALMOUTH, MA 02536	32 04 008 077 LUC: 101	98 CENTRAL AVE SPIVEY GEORGE R SPIVEY RUTH B 98 CENTRAL AVE EAST FALMOUTH, MA 02536	32 04 008 089 LUC: 101
21 TASHMOO DR COLAGIOVANNI MARIO COLAGIOVANNI ELAINE 21 TASHMOO DR EAST FALMOUTH, MA 02536	32 04 008B 000B LUC: 101	13 CANAPITSIT DR MATTA TRUSTEE EDWARD MATTA TRUSTEE SHIRLEY R 311 N WARREN AVE BROCKTON, MA 02301-2623	32 04 008 079 LUC: 101	19 CANAPITSIT DR WALKER JAMES R WALKER SANDRA L 22 VILLAGE GREEN LN HOLDEN, MA 01520	32 04 008 081 LUC: 101
6 SCALLOP COVE DOWLING JR TRUSTEE WILLIAM T VENUS REALTY TRUST 6 SCALLOP COVE EAST FALMOUTH, MA 02536	32 04 005 003A LUC: 101	88 CENTRAL AVE NELSON MARY E 3 CLEMENT PL MERRIMAC, MA 01860	32 04 008 074 LUC: 101	22 TASHMOO DR WENTWORTH TRUSTEE JASON KUTTASHIMOO REALTY TRUST 1 MONTCLAIR DR AUBURN, MA 01501	32 04 008 086 LUC: 101
18 TASHMOO DR DUNDULIS FRANK DUNDULIS PATRICIA E 18 TASHMOO DR E FALMOUTH, MA 02536	32 04 008 086 LUC: 101	0 CANAPITSIT DR OFF PACHECO ROBERT B 25 CANAPITSIT DR E FALMOUTH, MA 02536	32 04 008E 000 LUC: 210		
12 CANAPITSIT DR FAY III JOHN J 12 CANAPITSIT DR E FALMOUTH, MA 02536-6211	32 04 008 066 LUC: 101	5 CANAPITSIT DR PENTIKIS ANTHONY P PO BOX 901 E FALMOUTH, MA 02536	32 04 008 078 LUC: 101		

18 TASHMOO DR



Diane Davidson

From: Diane Davidson
Sent: Wednesday, February 3, 2021 1:01 PM
To: Jennifer Lincoln; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen
Cc: Amy Coughlin
Subject: Wetlands/Dock Hearings
Attachments: Wetlands-Dock - Pentikis - 5 Canapitsit Drive - 2-22-21.pdf; Wetlands-Dock - Balas - 64 Muskegat Road - 2-22-21.pdf; Wetlands-Dock - Kachadoorian - 50 Muskegat Road - 2-22-21.pdf; Wetlands-Dock - Dundulis - 18 Tashmoo Drive - 2-22-21.pdf

To all,

On Monday, February 22, 2021 the Select Board will hear four wetlands/dock special permit applications, all located in Eel Pond Canal.

Attached are copies of the following applications for your review:

1. Pentikis – 5 Canapitsit Drive, East Falmouth
2. Balas – 64 Muskegat Road, East Falmouth
3. Kachadoorian – 50 Muskegat Road, East Falmouth
4. Dundulis – 18 Tashmoo Drive, East Falmouth

If you have any additional materials or comments you would like to included in the meeting packet for the Select Board, please email to me by Wednesday, February 17, 2021.

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*

#5. Application for a New Seasonal All Alcoholic Beverages Common Victualler License – 71 Water Street, Inc. dba The Woods Hole Wharf, 71 Water Street, Woods Hole. Application has also been made for Entertainment and Sunday Entertainment Licenses.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that 71 Water Street, Inc. dba The Woods Hole Wharf has applied for a New Seasonal All Alcohol Common Victualler License located at 71 Water Street, Woods Hole, MA. Applications have also been made for Entertainment and Sunday Entertainment Licenses.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 22, 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 February 22, 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 February 22, 2021 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on February 18, 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, February 12, 2021; Falmouth Enterprise
Account #2056*



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

Type (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

The premises contains 2 floors and an outdoor deck that wraps 2 sides of the building. The restaurant will be operated on the first floor. The first floor is one room with an open kitchen. The second floor is office space and includes 2 restrooms. The deck including, seating is wrapped around the northern and eastern sides of the building overlooking Eel Pond. Total Square Footage is approximately 968 feet

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

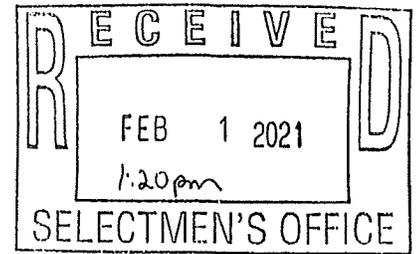
Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

MICHAEL L. MAHONEY PC
45 BRAINTREE HILL OFFICE PARK
SUITE 202
BRAINTREE, MA 02184
781 843 2354
781 843 2355
MICHAEL@MLMESQ.COM



February 1, 2021

VIA IN HAND DELIVERY

Town of Falmouth
Board of Selectmen
59 Town Hall Square
Falmouth, MA 02540
Attn: Phyllis Downey

Re: ALL ALCOHOLIC BEVERAGE LIQUOR LICENSE APPLICATION
71 Water Street, Woods Hole
71 Water Street, Inc.

Dear Ms. Downey:

Enclosed please find the Liquor License Application for 71 Water Street, Inc. As you may know, through my inadvertence the old license was not transferred to my client, prior to year-end, 2020. The transaction was closed, and the business was sold on September 28, 2020.

Yours very truly,

Michael L. Mahoney

Michael L. Mahoney PC

Cc: Barry T. Hannon
Lilly T. Strout



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Seasonal"/>

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.

The applicant is applying for an All Alcoholic Beverage license, to operate a restaurant in an pre existing restaurant space at 71 Water Street, Woods Hole. The restaurant will provide causal fare, such as appetizers, raw bar, pizza, burgers, sandwiches, serving lunch and dinner.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

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

Entity Name	<input type="text" value="71 Water St., Inc."/>	FEIN	<input type="text" value="REDACTED"/>
DBA	<input type="text" value="The Woods Hole Wharf"/>	Manager of Record	<input type="text" value="Lillian T. Strout"/>
Street Address	<input type="text" value="71 Water St. Woods Hole"/>		
Phone	<input type="text" value="508 566 0076"/>	Email	<input type="text" value="lilly.shuckers@gmail.com"/>
Alternative Phone	<input type="text" value="508 566 0076"/>	Website	<input type="text" value="N/A"/>

3. 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. You must also submit a floor plan.

The premises contains two floors and an outdoor deck that wraps two sides of the building. The restaurant will be operated on the first floor. The first floor is one room with an open kitchen. The second floor is office space and includes two restrooms. The deck including, seating, is wrapped around the northern and eastern sides of the building overlooking Eel Pond. Total Square Footage is approximately 968 feet.

Total Square Footage:	<input type="text" value="968"/>	Number of Entrances:	<input type="text" value="2"/>	Seating Capacity:	<input type="text" value="88"/>
Number of Floors	<input type="text" value="2"/>	Number of Exits:	<input type="text" value="3"/>	Occupancy Number:	<input type="text" value="88 (42 out 46 in)"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:	<input type="text" value="Michael L. Mahoney"/>	Phone:	<input type="text" value="617 851 7532"/>
Title:	<input type="text" value="Attorney for Applicant"/>	Email:	<input type="text" value="michael@mlmesq.com"/>

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="Corporation"/>	Date of Incorporation	<input type="text" value="09/25/20"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Barry T. Hannon"/>	<input type="text" value="17 Glendale Rd. Braintree, MA 02184 USA"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="President"/>	<input type="text" value="90"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
		MA Resident	
		<input checked="" type="radio"/> Yes <input type="radio"/> No	

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Lillian T. Strout"/>	<input type="text" value="141 Main St., Unit 2, Falmouth, MA 02540"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="Manager"/>	<input type="text" value="10"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
		MA Resident	
		<input checked="" type="radio"/> Yes <input type="radio"/> No	

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		MA Resident	
		<input type="radio"/> Yes <input type="radio"/> No	

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		MA Resident	
		<input type="radio"/> Yes <input type="radio"/> No	

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
		MA Resident	
		<input type="radio"/> Yes <input type="radio"/> No	

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Barry T. Hannon	All Alcoholic	The Dogwood Cafe	Boston
Barry T. Hannon	All Alcoholic	Shuckers	Falmouth
Lilly Strout	All Alcoholic	Shuckers	Falmouth

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Barry T. Hannon	All Alcoholic	The Vault	Boston

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

10. 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
04/2017	N/A	Manager (seasonal)	Shuckers	Barry T. Hannon
10/2015	N/A	Mgr/Bartender (seasonal)	Caribou Club, Aspen, CO	Louie Velasquez
10/2010	03/2013	Asst. Mgr.	The Vault	Barry Hannon/Michael Olson

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. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
 If yes, please fill out section 11.

Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

NOT APPLICABLE

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
 If yes, attach an affidavit providing the details of any and all convictions.

Yes No

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

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):

- 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

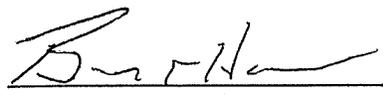
"VOTED: To authorize
Name of Person

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."

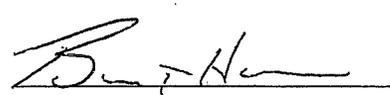
A true copy attest,


Corporate Officer /LLC Manager Signature

Barry T Hannon
(Print Name)

For Corporations ONLY

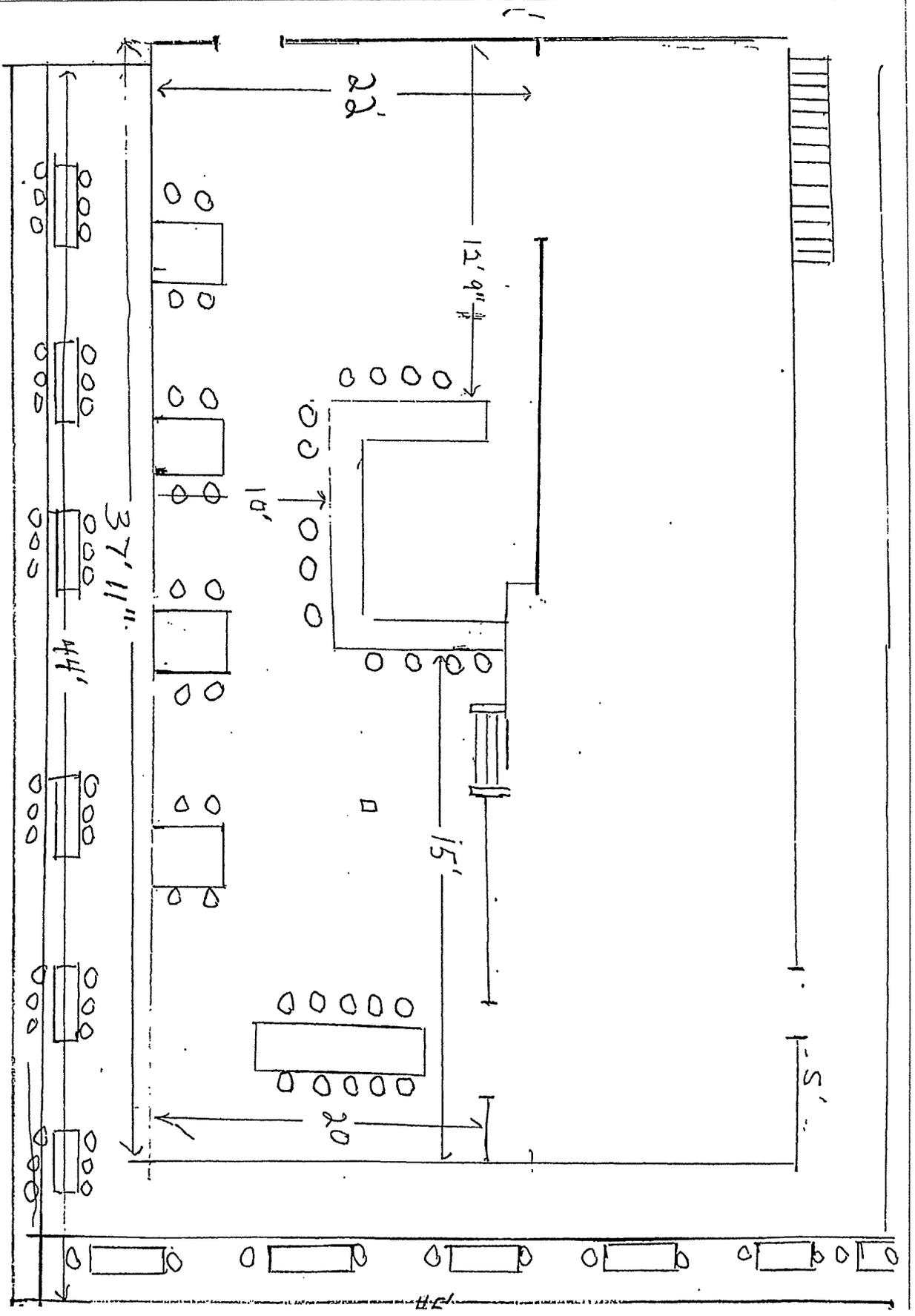
A true copy attest,


Corporation Clerk's Signature

Barry T Hannon
(Print Name)

Bar 14
 Inside Tables 26
 Outside Tables 48

88 Total Seats



Phyllis Downey

From: Thomas Bott
Sent: Wednesday, February 3, 2021 11:21 AM
To: Phyllis Downey; Brian Reid; Sean Doyle; Timothy Smith; Rod Palmer; Scott McGann; Noreen Stockman; Patty O'Connell
Cc: Melinda Rebelo; Pamela Marshall; Linda Kinchla; Diane Davidson; Maryellen Lopes
Subject: RE: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

Dear Phyllis:

With no physical changes proposed to the facility the Planning Office doesn't have any current concerns with the new liquor license.

TBott

From: Phyllis Downey
Sent: Wednesday, February 3, 2021 9:10 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Maryellen Lopes <maryellen.lopes@falmouthma.gov>
Subject: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

To all,

Attached please find an application for a new Seasonal All Alcohol Common Victualler license for 71 Water Street, Inc. dba The Woods Hole Wharf, located at 71 Water Street, Woods Hole. Applications have also been submitted for Entertainment and Sunday Entertainment Licenses. Please provide your comments/recommendations to the Select Board on this application to me by Tuesday, February 16th.

If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 22, 2021.

Thank you

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.

Phyllis Downey

From: Noreen Stockman
Sent: Wednesday, February 3, 2021 12:58 PM
To: Phyllis Downey
Subject: RE: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

All set with Zoning.

Thank you,

Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, February 3, 2021 9:10 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Maryellen Lopes <maryellen.lopes@falmouthma.gov>
Subject: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

To all,

Attached please find an application for a new Seasonal All Alcohol Common Victualler license for 71 Water Street, Inc. dba The Woods Hole Wharf, located at 71 Water Street, Woods Hole. Applications have also been submitted for Entertainment and Sunday Entertainment Licenses. Please provide your comments/recommendations to the Select Board on this application to me by Tuesday, February 16th.

If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 22, 2021.

Thank you

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Phyllis Downey

From: Maryellen Lopes
Sent: Tuesday, February 16, 2021 3:47 PM
To: Phyllis Downey
Subject: RE: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

They are all set with the Tax Collectors Office.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, February 16, 2021 3:38 PM
To: Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Maryellen Lopes <maryellen.lopes@falmouthma.gov>
Subject: FW: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

Good afternoon,

This is a reminder to please forward any comments or recommendations you may have for the Select Board regarding the application for a New Seasonal All Alcohol Common Victualler License by The Woods Hole Wharf at 71 Water Street, Woods Hole.

Thank you
Phyllis

Phyllis Downey
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.

From: Phyllis Downey
Sent: Wednesday, February 3, 2021 9:10 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle (sean.doyle@falmouthpolicema.gov) <sean.doyle@falmouthpolicema.gov>; Timothy Smith (timothy.smith@falmouthfirema.gov) <timothy.smith@falmouthfirema.gov>; Rod Palmer (rod.palmer@falmouthma.gov) <rod.palmer@falmouthma.gov>; Scott McGann (scott.mcgann@falmouthma.gov) <scott.mcgann@falmouthma.gov>; Thomas Bott (thomas.bott@falmouthma.gov) <thomas.bott@falmouthma.gov>; Noreen Stockman (noreen.stockman@falmouthma.gov) <noreen.stockman@falmouthma.gov>; Patty O'Connell (patricia.oconnell@falmouthma.gov) <patricia.oconnell@falmouthma.gov>
Cc: Melinda Rebelo (melinda.rebelo@falmouthpolicema.gov) <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall (pamela.marshall@falmouthma.gov) <pamela.marshall@falmouthma.gov>; Linda Kinchla (linda.kinchla@falmouthma.gov) <linda.kinchla@falmouthma.gov>; Diane Davidson (diane.davidson@falmouthma.gov) <diane.davidson@falmouthma.gov>; Maryellen Lopes <maryellen.lopes@falmouthma.gov>
Subject: Application for all Alcoholic Common Victualler License - The Woods Hole Wharf -

To all,

Attached please find an application for a new Seasonal All Alcohol Common Victualler license for 71 Water Street, Inc. dba The Woods Hole Wharf, located at 71 Water Street, Woods Hole. Applications have also been submitted for Entertainment and Sunday Entertainment Licenses. Please provide your comments/recommendations to the Select Board on this application to me by Tuesday, February 16th.

If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 22, 2021.

Thank you

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.

Public
Comment

Phyllis Downey

From: Lillian Strout <lilly.shuckers@gmail.com>
Sent: Wednesday, February 3, 2021 8:49 AM
To: Phyllis Downey
Subject: Letter to select board
Attachments: letter to select board - eric, buzzy.pdf; Letter from Beth Colt.pdf

Good morning Phyllis,

I was able to get a few signatures in favor of us obtaining a new liquor license from some of our neighbors. I didn't know if that would help with our application process and getting in the February 22 meeting. I have attached them to this email. Let me know if you think this will help. I have attached signed letters from:

Arthur Harvey, president of Eel Pond Place

Eric Kruas, manager of operations for the Woods Hole Marina

Beth Colt, Owner of Quickhole Taquaria, Quickshole Tavern, Woods Hole Inn, Jimmys, Treehouse Lodge

I am waiting on a couple more but I think there are a decent amount of Woods Hole business owners out of town due to the lack of people.

Thank you again for all your help!

Lilly

February 2, 2021

DEAR SELECT BOARD,

59 TOWN HALL SQUARE FALMOUTH, MA 02540

I write in support of the liquor license application for 71 Water St., Inc.

I have come to know Barry Hannon and Lilly Strout as the owners and operators of Shuckers since they purchased the business four (4) years ago. In my opinion, they have improved the quality of that restaurant and enhanced the vitality of our village. Therefore, I believe that the restaurant they propose at 71 Water St., will be a great addition to our neighborhood.

SINCERELY,

Eric Kranz



Woods Hole Marine 69 Water St

February 2, 2021

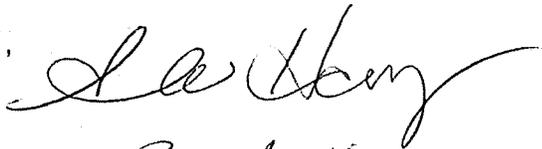
DEAR SELECT BOARD,

59 TOWN HALL SQUARE FALMOUTH, MA 02540

I write in support of the liquor license application for 71 Water St., Inc.

I have come to know Barry Hannon and Lilly Strout as the owners and operators of Shuckers since they purchased the business four (4) years ago. In my opinion, they have improved the quality of that restaurant and enhanced the vitality of our village. Therefore, I believe that the restaurant they propose at 71 Water St., will be a great addition to our neighborhood.

SINCERELY,




February 2, 2021

DEAR SELECT BOARD,

59 TOWN HALL SQUARE FALMOUTH, MA 02540

I write in support of the liquor license application for 71 Water St., Inc.

I have come to know Barry Hannon and Lilly Strout as the owners and operators of Shuckers since they purchased the business four (4) years ago. In my opinion, they have improved the quality of that restaurant and enhanced the vitality of our village.

Therefore, I believe that the restaurant they propose at 71 Water St. will be a great addition to our neighborhood.

SINCERELY,

A handwritten signature in black ink that reads "Beth Colt". The signature is written in a cursive style with a long horizontal flourish at the end.

BETH COLT

February 2, 2021

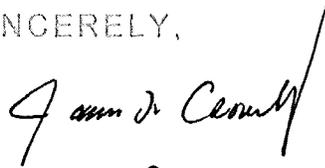
DEAR SELECT BOARD,

59 TOWN HALL SQUARE FALMOUTH, MA 02540

I write in support of the liquor license application for 71 Water St., Inc.

I am writing to inform you that as an abutting neighbor, I have no objection to the liquor license application being made by 71 Water St., Inc.

SINCERELY,


JAMES CROWLEY