

BUSINESS

- #2. Interview, vote and appoint committee member: Council on Aging
– Elizabeth (Betsy) Hike

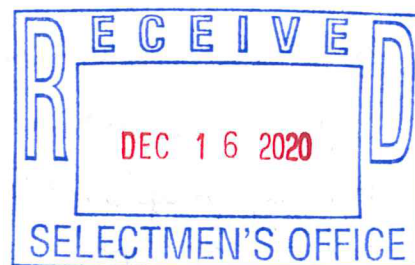
Council on Aging

1 vacancy

- Unexpired term until 6/30/22

1 applicant:

- Elizabeth (Betsy) Hike



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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

Name: Elizabeth Huke (Betsy)

Address: 153 COLONIAL WAY Village: West Falmouth ZIP: 02574

Mailing Address: 153 COLONIAL WAY Village: FALMOUTH ZIP: 02540

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 04 (date: 1987) / Taxpayer (date: 4/87)

Amount of time you are available to give: as needed - retired

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

1. Council on Aging
2. _____
3. _____

Seeking: Permanent Position ☒ Alternate Position ☐

Have you attended any meetings of the committee for which you are applying? no due to Covid

Relevant affiliation and work and personal experiences Retired Teacher, volunteer VIPs, Falmouth Service Center, Falmouth Public Schools, President of Pine Bay Association, Falmouth Road Race, Falmouth Track Club

Town offices held in Falmouth or elsewhere and dates of years served: _____

School Building Needs, Falmouth High School Renovation

Briefly describe the particular skills you feel you will add to the committee or board: I have used my
Psychology and Medical experiences to help advocate
many people, Family members as well as friends and
their parents.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Brenda Swain</u>	<u>Vice Chair Council on Aging</u>	
2.	<u>Jo Ann Fishbein</u>	<u>Bicycle + Pedestrian</u>	
3.	<u>Debbie Netto</u>		

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

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

12/8/20
DATE

Elizabeth L Hike (BETSY)
APPLICANT'S SIGNATURE

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

- #4. Acting as Trustees of the Falmouth Affordable Housing Fund,
Presentation and Vote on application from Falmouth Housing Trust
for \$260,000 to construct four affordable, single-family houses on
Lewis Neck Road

MEMORANDUM

TO: Select Board
FROM: Julian M. Suso, Town Manager



CC: Community Preservation Committee
Carla Feroni, Housing Coordinator
Frank Duffy, Town Counsel

SUBJECT: Falmouth Housing Trust – Lewis Neck Road Parcel C2 Application to
Falmouth Affordable Housing Fund
DATE: January 11, 2021

Board Members may recall that the Falmouth Housing Trust, a private, non-profit housing developer, submitted an application for a comprehensive permit under MGL C. 40B for 4 affordable single-family homes on a 1.16 acre parcel on Lewis Neck Road. This proposal was reviewed by the Board at a meeting with the applicants on 07/14/2020 at which the Board authorized me to send the attached project eligibility letter to Mass Housing. Increasing the supply of housing to meet the needs of the entire community continues to be a priority for the Board and is referenced in the Strategic Plan. The project eligibility letter of 07/15/2020 outlines the proposal and notes some concerns raised by staff and the Planning Board with regard to access. The Planning Board has placed a covenant on the parcel which Town Counsel has opined limits potential development of the parcel to one single-family residential structure. The project eligibility letter of 07/15/2020 asks the FHT to work with abutters to have Lewis Neck Road widened and improved to facilitate safe access for the 4 proposed single family houses as well as those already present.

The Falmouth Housing Trust (FHT) has applied for funding in the amount of \$260,000 for 4 affordable housing units from the Falmouth Affordable Housing Fund (FAHF) of which the Select Board are the Trustees. The attached application package provides full details of the proposal. The proposed unit summary appears in the table which follows.

Unit Summary Table

Two 2-Bedroom Units	Two 3-Bedroom Units
1,071 Sq. Ft.	1,551
1 Unit 80% AMI*	1 Unit 80% AMI
1 Unit 100% AMI	1 Unit 100% AMI

*AMI: Area Median Income

On 12/1/2020, a meeting was held with FHT representatives, the FAHF Working Group and myself to review the application for funds. FHT and the Town both had legal counsel present so the questions regarding access and the implications of the covenant could be addressed. It was noted that the Planning Board recently issued an access determination for a parcel abutting the FHT property on Lewis Neck Road which requires that the full length of the road be paved with drainage improvements in order to develop one single-family house on this abutting parcel. The FHT representatives were aware of this access determination and stated that FHT has agreed to contribute to the cost of these roadway improvements if they are undertaken. Town Counsel indicated that such roadway improvements may effectively render the restrictions of the covenant moot.

We note that the unit mix is well targeted to the needs identified in the Housing Production Plan which calls for 50% of single-family houses to be 3-bedroom and 50% 1- or 2-bedroom. In light of the urgent housing needs of the Falmouth community and consistent with the recommendation of the FAHF Working Group, I recommend that the Board approve the full amount of the FHT request of \$65,000 per unit for 4 affordable units and that this award of funds be conditioned on completion of the roadway improvements detailed in the Planning Board access determination voted 11/10/2020 for the abutting parcel – Assessor's Map #40 03 001B 000B and subject to any further terms which will be detailed in a commitment letter from the Town Manager following Select Board consideration and action.

Attachments:

- Project Eligibility Letter, Suso 07/15/2020
- FHT Application for Funding

FALMOUTH AFFORDABLE HOUSING FUND

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

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

AFFORDABLE HOUSING FUND APPLICATION Calendar Year 2019

General Information

Project Name: Lewis Neck Road Affordable Workforce Project

Project Location and Parcel ID#: Lewis Neck Road 40 03 001C 002C

Type of Project: 4 single family affordable deed restricted homes

Applicant(s) name/ Organization: Falmouth Housing Trust, Inc.

Contact Person: Karen Bissonnette

Mailing Address: P.O. Box 465, Falmouth, MA 02541

Telephone Number: 508 274-1651

Email Address: kb@falmouthhousingtrust.org

Property Ownership

Legal Property Owner of Record: Falmouth Housing Trust, Inc.

Is the owner the applicant? yes

If not, does the applicant have site control or written consent of the property owner to submit an application? If yes, attach documentation. Without this documentation the project will be ineligible for funding for this applicant.

For projects that have an acquisition expense the applicant must provide an appraisal from an independent party that justifies the acquisition cost.

Development Team

Please submit as attachments the resumes of the development team and a list and description of affordable housing projects completed by the applicant. Karen Bissonnette, Joanne O' Sullivan, Addie Drolette, David Garrison, Troy Clarkson, Tom Manchester

Project Information

Describe the proposed project including:

Project Style:

Type of Units (condo ownership, fee simple ownership, rental, etc.): 4
Single-Family Owner-Occupied
Homes with fee simple ownership
with a permanent affordable
deed restriction

Total Number of Units: <u>4</u>	Number of BRs <u>Two 2-</u>	
Number of Market Units: _____	<u>bedroom, Two 3-bedroom</u>	
Number of Affordable Units: <u>4</u>	Number of BRs:	80% :2 bed, \$175,000
Proposed Sale Prices/Rents: _____	100%:2-bed,\$210,000	80% :3 bed, \$215,000
Proposed Condo Fees: _____	100%: 3- bed, \$258,000	

Proposed % of AMI target beneficiaries: 80% and 100%

Describe how this project addresses the unmet affordable housing needs of the community as identified in the Town of Falmouth *Housing Demand Study & Needs Analysis (2014)* and the Town of Falmouth *Local Comprehensive Plan (2016)*.

Falmouth Housing Trust purchased, at a discount, a 1.1 acre lots on Lewis Neck Road in December 2019. Our intention is to build two 3-bedroom and two 2-bedroom homes on this property. Our plan is to sell one 3-bedroom at 80% of AMI and one at 100% of AMI. In addition, we will sell one 2-bedroom home at 80% of AMI and one 2-bedroom at 100% of AMI. All four houses will be deed restricted affordable homes.

The discounted sale of the land to FHT for this development is a critical part of this project.

The 3-bedroom homes will be 1,551 square feet in size and the two-bedroom homes will be 1,071 square feet in size. The 3 bedrooms will be a Cape Cod Saltbox style home and the 2-bedrooms will be a Colonial style. All of the homes will be built with Photovoltaic technology which will run the electricity in the homes. Consequently, there will be significant saving to the homeowners on utility bills.

We are applying for a municipal subsidy to make it possible to build these homes and include the two at 80% of AMI on the Town's Subsidized Housing Inventory.

The proposed development is in keeping with approved planning for affordable housing within the Town of Falmouth. The development meets adopted LIP guidelines by the Town of Falmouth for recommended density at 4 units per acre outside Village Center. The proposed development creates 2- and 3-bedroom homes in furtherance of the approved objectives of the Town of Falmouth Affordable Housing Action Plan, which recommends 79 new home ownership affordable-restricted homes per year. The development supports the

implementation of local and regional housing plans.

This project addresses the affordable needs of the Town in accordance with the Falmouth Affordable Housing Fund Board of Trustees' 2019 Funding Priorities by creating affordable housing that is consistent with many of the Commonwealth's Sustainable Development Principles

- by creating affordable housing with an increased density that is compatible with surrounding homes and neighborhoods
- by meeting criteria of the Target Populations by providing housing for low-income households
- by providing housing for larger families needing 3+bedrooms
- by creating homes for first time buyers
- by providing workforce housing with income up to 100% of AMI for units in excess of the 25% required by a comprehensive permit
- by creating more affordable units than proposed and required through Comprehensive Permit Applications

Also, this project is in line with the Housing Production Plan's stated need for 70+ housing units per year and Governor Baker's Housing Choice goal of 135,000 new housing units in the Commonwealth over the next five years.

Clearly, the demand for housing continues to increase and according to the Housing Needs and Demand Analysis Falmouth needs more than 500 homes over the next five years to meet this demand. Our mission is to build workforce housing for young people and families. The lack of affordable housing contributes to the loss of our young workforce—many of whom are low-to-moderate income people who provide essential services to our community. As Falmouth's young workforce has decreased, our population continues to grow older; the number of age dependent people (children and those 65 and older) is larger than our working population. This is an unhealthy ratio for any community; all communities need a diverse, productive workforce to thrive.

The recent closure of the Falmouth Hospital Maternity and Pediatric units is a harsh reminder of the lack of people in Falmouth and the surrounding areas of child bearing age. No community can survive without this group of people.

By losing or not attracting this demographic, our community is losing the diversity, vibrancy, and contributions that this population brings which effects our local economy and threatens our quality of life. Falmouth's lack of affordable housing is an obstacle to attracting and retaining a young and talented workforce. To retain this population, our low-to-moderate income residents must have housing they can afford. Because Falmouth Housing Trust

recognizes the value of this demographic to the health and composition of our town, creating affordable housing for this population is our sole priority. By providing affordable workforce housing, FHT helps to retain this valuable populace that makes our community vital, healthy and economically strong.

Site Information

Please provide a description of the surrounding area and community profile including a description of the current site characteristics, zoning, environmental, and any regulatory requirements or constraints. Attach a map and photos of the project site and neighborhood along with any zoning/permitting relief required.

Lewis Neck Road is a private road with single family homes. It is accessed off of Acapesket Road onto Irene Avenue and is at the end of Irene Avenue. There are currently six homes on Lewis Neck Road ranging in house size from 754 square feet to 3,500 square feet, lot size at about an acre a piece and built between 1930 and 1997. Irene Avenue, which is the only road available to access Lewis Neck Road, also has six houses on it, all of which have .30 acre lots and range in size from 884 square feet to 1,700 square feet. On Harborview Drive which is directly behind this property, there are 8 houses that sit on lots under .20 acres of land.

Building: The project requires a Comprehensive Permit from the ZBA.

Zoning: Residential C

Health: Perc test was done with favorable results. A conventional septic system will be done for each house lot.

Conservation: Building will not impact any area subject to Con Com jurisdiction

Infrastructure: There is Town water on the street as well as electricity

Amount of FAHF Request: \$260,000

Project Feasibility

Attach project budget information on the included Attachment A – OneStop 2000 Affordable Housing Finance Application Sections 3: Sources and Uses and Section 4: Budget Pro Forma together with at least one bank letter of reference. Attached

Community Outreach

Provide a description of the applicant efforts to engage the community members through outreach, meetings, and other educational initiatives.

There have been several emails with neighbors of this property where questions were answered about the project and a phone conversation with an abutter.

Falmouth Housing Trust will work with Housing Assistance Corporation to do the Affirmative Marketing and lottery for this house and at that time will promote these opportunities to Real Estate Agents as well as to Housing Advocates.

We have also approached philanthropic members of our community to help FHT secure the funds to complete this project. Donors like the idea of a public private partnership to provide more housing and only through the generosity of community members and FAHF/CPC funds will this and future projects be feasible. At the March 12, 2020 Annual CPC Needs Assessment Hearing, the CPC Committee concurred that affordable house was their priority.

As the demand for affordable housing increases it will be crucial for generous community members to be involved.

We continue to raise money for this project because, in addition to the proposed FAHF request of \$260,000 FHT needs approximately \$250,000 to complete the project. This means that FHT is asking the Town for 19% of the cost of the entire project to acquire the land and build the 4 affordable deed restricted homes.

Also, we are working with several very community minded vendors with the hope that they will provide some of their services as Gift-in-Kind donations.

Development Schedule

Describe the timeframe for the proposed project and how it will be implemented. Provide a timeline for all project milestones included as Attachment B – Project Schedule.

List of Attachments

Attachement B-Project Schedule

List of affordable housing projects completed by Falmouth Housing Trust, Inc.

Resumes of Development Team

One Stop Affordable Housing Finance Application

Builder's quote and specs

Bank Reference

Site Plan

Maps

Pictures property

House Plans

If you have any questions, please do not hesitate to contact Carla Feroni at 508 495-7344 or at the email address below.

Submit one electronic copy to Carla.Feroni@falmouthma.gov

and (6) hard copies to:

Carla Feroni, Housing Coordinator, Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540

Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone "NA." *Note: Implementation Schedules must be realistic. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project's application review. Project implementation delay may be considered in recommendation for grant award.*

Milestones (Month/Year):

- A. Project Start (Month/Year): **June 2019 met with Planning Board-Received Access Determination November 2019**
- B. Procurement Documents Submitted to FAHF (Month/Year): **N/A**
- C. Project Construction/Professional Contract Submitted FAHF (Month/Year): **est. Sept. 2020-subject to FAHF commitment and ZBA approval**
- D. Project/Construction Start (Month/Year): **September 2020**
- E. 50% Project Completion (Month/Year): **February 2021**
- F. 100% Project Completion (Month/Year): **May 2021**
- G. Close-Out Complete (Month/Year): **June 2021**

Comments:

ATTACHMENT B PROJECT SCHEDULE



Falmouth Housing Trust, Inc.
List of Affordable Housing Projects

1995	Esker Place	17 houses
2000	East Ridge	6 houses
2015	St. Mark's	3 houses
2017	Odd Fellows Hall/ One Chancery Lane	4 apartments
2019	72 Deer Pond Road	1 house

JOANNE M. O'SULLIVAN

ATTORNEY AT LAW

197 PALMER AVENUE

FALMOUTH, MA 02540

(774) 763-5804

1(508) 437-6485 fax

joanne@attorneyosullivan.com

EDUCATION:

1990-1994 **Boston College School of Law; Newton, MA, Juris Doctor, 1994;**
1982-1986 **University of Chicago; Chicago, IL**
Bachelor of Arts with Honors, Behavioral Sciences, 1986;
1976-1982 **Boston Latin School, Boston, MA;**

Sole practitioners handling residential real estate conveyancing, including buyers, sellers and lenders, in purchases and refinance transactions; estate planning and small business law.

LEGAL EXPERIENCE:

April 2019- **Sole practitioner focusing on residential real estate (buyers, sellers, lenders)**
Present **estate planning, and small business law (formation of business entities, purchase and sale of businesses)**

Aug 2015- **CAPE COD TITLE & ESCROW PC: Associate Attorney/Manager, Falmouth**
3/31/2019 **Office; residential real estate, representing buyers, sellers and lenders in all aspects of real estate conveyancing.**

Jan. 2006 **JOANNE M. O'SULLIVAN, ATTORNEY AT LAW**
July 2015 **Sole Practitioner, focusing on Residential Real Estate, Estate Planning and Administration and Small Business.**

Jan. 2001 **LAW OFFICE OF CATHERINE HERRITY, Falmouth, MA**
Jan 2006 **Associate; Residential & Commercial Real Estate Transactions, Lender Representation, Estate Planning/Administration, Business Formation**

Sept. 1997- **WYNN & WYNN, PC; Falmouth & Hyannis, MA**
Nov. 2000 **Associate; Residential & Commercial Real Estate, Estate Planning and Administration, Business Formation and Litigation**

1995-1997 **GLYNN LAW OFFICES; Falmouth, MA**
Associate; Real Estate Conveyancing and Title Attorney, Civil & Criminal Litigation, Domestic Relations Matters,

1993-1995 **O'SULLIVAN & ASSOCIATES, P.C.; Norwell, MA**
Associate; General Practice including Real Estate, Civil Trials, Domestic

Relations, Debt Collection, Elder Law, Corporations; Bankruptcy

Summer
1993

TEDESCHI REALTY CORP./ TEDESCHI FOOD SHOPS; Rockland, MA
Law Clerk to General Counsel who handled Commercial Real Estate
Development; Acquisition, Financing and Leasing; Permitting and Zoning

ASSOCIATIONS/BOARDS: President, Board of Directors, Falmouth Housing Trust, Inc.
(board member 2009-present; President, 2017- present); Falmouth Clippers
Sailing Team Boosters Corp., President, 2015-2017; Cape Business Women's
Roundtable (2008-2012); Business Networking International, (1998-2002, 2008-
2012);

ACTIVITIES: Falmouth Area Chamber of Commerce; Volunteers in Public Schools (VIPS)

Addie Vaccaro Drolette

56 Meadow View Drive
East Falmouth, MA 02536
508.360.3274

Professional Experience

Senior Residential Mortgage Loan Officer 1988-Present
Currently Employed by Martha's Vineyard Savings Bank

- * Perform credit analysis and risk rate prospective borrowers to ensure appropriate asset quality
 - * Analyze financial statements, projections and cash flows for residential construction developments
 - * Conduct on site construction inspections to verify completeness of scope of work for loan disbursement requests
-

Community Involvement

Immediate Past President of Falmouth Housing Trust
Actively serving on the board of directors since 1995 facilitating the planning, permitting, development, and affirmative marketing of the following projects:

Esker Place Formally Known as Longshank
17 single family homes completed between from 1998-1999

East Ridge Road
6 single family 3 bedroom 2 bath homes completed from 2006-2007

St. Marks
3 single family homes completed in 2015

One Chancery Lane
Adaptive reuse of Odd Fellows Hall into 4 studio apartments completed in 2016

TROY B.G. CLARKSON

95 Bay Road
North Falmouth, MA 02556

508-232-1244

tbgc71@gmail.com

Professional Profile

An experienced public manager and finance professional with more than twenty five years in public management and oversight. A creative thinker with the ability to communicate effectively with the written and spoken word through varied media. A successful capital project manager with a record of accomplishment in high-demand and multi-faceted environments.

- Leadership – Experienced motivator, collaborator, and organizer well versed in the value of human capital.
- Financial Management - Solid background in managing high-volume and complex operations. Successful management of public operations with multi-faceted budgets exceeding \$400 million per year.
- Labor Relations – Experienced mediator and negotiator with a firm track record of dispute resolution and collaboration.

Professional Experience

CITY OF BROCKTON, MA

February 2019 – Present

Chief Financial Officer

- Oversight and Management of \$450M budget
- Supervision of \$75M Health Insurance Program
- Statutory responsibility for all contracts and transactions for city and schools
- Administrative responsibility for all financial operations
- Responsible for capital planning

CLARKSON CONSULTING, LLC

December 2017 – Present

Principal

- Owner and Principal of Full Service Consultancy

Founder and Principal of consultancy offering expertise in government relations, labor & employment, and strategic planning & communications. Clients include public and private sector entities.

Work includes representation of clients before local and state regulatory boards, development of strategic plans and communication strategies, mediation and arbitration of disputes, and engagement and outreach plan development.

TOWN OF HANOVER, MA

April 2012 – November 2017

Town Manager

- Chief Executive Officer for Municipality
- Chief Procurement Officer
- Appointing Authority

Led Hanover through seminal transparency effort, including distinction as the only Plymouth County Community to be awarded 'Distinguished Budget Award' from Government Finance Officers Association. Successfully led revival of Hanover's commercial corridor attracting more than \$100 million in private investment. Oversaw and implemented town's first ever strategic planning efforts, resulting in ongoing goals & objectives guiding community. Led development of town's first capital plan, overseeing financing & construction of multiple public projects. Developed relationships with business & non-profit leaders resulting in partnerships and progress.

TOWN OF BRIDGEWATER, MA

Town Manager

2010 – 2012

- Chief Executive Officer for Municipality
- Responsible for all financial and administrative operations
- Originator of "Bridgewater 2020" vision and strategic plan including establishment of long-range financial plan

PLYMOUTH COUNTY, MA

County Administrator

2008 – 2010

- Chief Administrative Officer for Regional Government
- Responsible for creation and implementation of internal controls
- Responsible for budget preparation and implementation
- Chief Procurement Officer
- Responsible for all collective bargaining

TOWN OF BOURNE, MA

Director of Business Services

2002 – 2006

- Overall financial management of municipal department with enterprise fund revenues exceeding \$13 million
- Supervision of financial and human resources staff – management of all accounts receivable and payable
- Instituted financial controls resulting in greater efficiency and accountability
- Fiscal Year 2004 first in department history with \$2 million in retained earnings
- Devised DOR approved plan for providing additional \$1.2 million to general fund
- Approval of all spending and developed long-range capital plan
- Management of all communications with financial auditors

TOWN OF FALMOUTH

1993 - 2005

Selectman

- Oversight and policy management of municipality with budget exceeding \$100 million
- Responsible for approval and oversight of annual budget and long-term capital plan
- Responsible for hiring and supervision of Town Manager

Education

Bridgewater State University
Master of Public Administration

2017

Boston College - Chestnut Hill, MA
Bachelor of Arts in Political Science

1990

American Arbitration Association
Essential Skills in Mediation (32 Hour Course)

2015

Affiliations

Sober Living Foundation, Inc. – President, Board of Directors
Non-Profit Organization dedicated to providing support to people in early recovery

Carousel of Light, Inc. – President, Board of Directors
Non-Profit Organization dedicated to preservation of hand-carved carousel

MA Department of Labor Relations, Joint Labor Management Committee –
Management member alternate

Publications

“Succanessett Snapshot: The People and Places That Make Falmouth a Community.” Falmouth Publishing, 2014.

“Troy’s Take.” Weekly Newspaper Column published in the *Falmouth Enterprise* Newspaper.

“Out of the Woods – 365 Ways to Not Be A Dung Beetle.” Troy Clarkson, 2017.

RESUME
(Summary)

David F. Garrison

1 Southview Way
Falmouth, MA 02536
774-763-6160
email:davegarrison@mac.com

EDUCATION

1970	LLM	George Washington University National Law Center (urban law)
1968	JD	George Washington University National Law Center
1965	BA	Amherst College (political science)

Falmouth, MA: arrived 2014

EMPLOYMENT

Washington, DC

2010: Retired

2009 – 2010: **Non-Resident Senior Fellow, Greater Washington Research,
Brookings**

2002 - 2009: **Senior Fellow and Deputy Director, Greater Washington Research,
Brookings**

2001 to 2002: **Vice President, National Academy of Public Administration**

1993-2001: **U.S. Department of Health and Human Services**

1999-2001: **Counselor to the Deputy Secretary**

1998-1999: **Acting Director, Office for Civil Rights**

1996-1998: **Principal Deputy Assistant Secretary for Planning and
Evaluation**

1993-1996: **Deputy Director/Senior Advisor, Intergovernmental Affairs**

Cleveland, Ohio

1981-1993: **Director, The Urban Center, Levin College of Urban Affairs,
Cleveland State University**

Washington, DC

- 1977-1980: **U.S. Department of Housing and Urban Development**
 1980-1981: **General Deputy Assistant Secretary, Office of Policy Development and Research**
 1977-1980: **Deputy Assistant Secretary, Office of Policy Development and Research**
- 1975-1977: **Budget Analyst, Budget Priorities Staff, Committee on the Budget, U.S. House of Representatives**
- 1970-1975: **Legislative Counsel, Office of Federal Relations, National League of Cities and U.S. Conference of Mayors** (last few months with the affiliated **National Community Development Association**)
- 1969-1970: **Assistant Director, Center City Community Corporation** (OEO Community Action Program-funded neighborhood center)
- 1968-1969: **VISTA Volunteer** (Neighborhood Legal Services, Washington, DC)
- 1965-1968: **Staff Assistant to Congressman F. Bradford Morse** (5th District - Massachusetts), U.S. House of Representatives

CIVIC ACTIVITY

- Falmouth Service Center volunteer, 2017 (ongoing)
 Cape Cod Curling Club, member 2014 – present
 Upper Cape Camera Club, member 2015 - present
 District of Columbia Advisory Neighborhood Commissioner (ANC 6B01), elected 2006, Re-elected 2008, 2010, and 2012; Secretary 2007–2008, Chair 2009-2010
Fellow, National Academy of Public Administration, elected 1998
 Member of the Board, National Academy of Public Administration, 2009 - 2015
 Museum of African-American History (Boston), Board, 2006 - 2012, 2014 present;
 Member of the Board's Executive Committee
 Trustee Nominating Committee, Amherst College, 2006 - 2008
 National Capital Club de Petanque (joined 2000); Treasurer, 2006-2009, President 2009 - 2014
 Potomac Curling Club, member 2003 - 2014
 Wellfleet Non-Resident Taxpayers Association, Board, 2001-2007
 William Lloyd Garrison 2005 Bicentennial Planning Committee, 2003 - 2005, Chair
 Board of Trustees, FHC Housing Corporation, Cleveland Heights, 1982 - 1993
 Member, Cleveland Heights City Planning Commission, 1985 - 1993;
 Chairperson, 1990 and 1991
 Cleveland Heights Citizens Advisory Committee, 1983 to 1985 (chair, 1985)

Leadership Cleveland, 1983 Class

Federation for Community Planning (Cleveland)

- * Board of Trustees, 1987 to 1993 (Executive Committee, 1991 - 1993)
- * Commission on Social Concerns, 1984 - 1989
- * Government Affairs Committee, 1982 to 1993 (chair, 1984 - 1993)

BAR District of Columbia (inactive)

PUBLICATIONS

"DHS Headquarters at St. Elizabeths: Economic Impact in Ward 8," pages 158-169, "East of the River: Continuity and Change," Smithsonian Anacostia Community Museum, November 2010

"Interagency Collaborators", Chapter 11, "Getting It Done: A Guide for Government Executives", The IBM Center for the Business of Government, November 2009
(<http://www.businessofgovernment.org/book/getting-it-done-guide-government-executives>)

"The Prospects (Revisited) for the St. Elizabeths Hospital Complex," Greater Washington Research, Brookings, November 2007

"DC Public School and Public Charter School Capital Budgeting: Task 3 Report," with Alice Rivlin and Carol O'Cleireacain, Brookings, and Mary Filardo, 21st Century School Fund, Greater Washington Research, Brookings, April 2005

"A New Federal Contribution to the District of Columbia? The Need, Likely Impact, and Some Options," with Ed Lazere, Executive Director, DC Fiscal Policy Institute, Brookings, November 2005

"Redeveloping the St. Elizabeths Hospital Campus: Opportunity and Complexity on a Hill," Brookings, September 2003

"Interagency Collaborations: Are There Best Practices or Just Good Practice?" (A report to the President's Management Council via the National Partnership for Reinventing Government), 2001

"The Community Development Block Grant Program", *Nation's Cities Magazine* (The National League of Cities), 1974

4/21/17

TOM MANCHESTER

tmanchester3@gmail.com | 508-942-2894 | www.linkedin.com/in/tom-manchester

Holistic Brand Marketing Innovative Approaches Leader of Leaders

Results-driven Marketing Executive with an entrepreneurial mindset. Proven success in leading teams and brands into the next phase of growth. Combines bold, creative ideas with disciplined planning and execution. Excels in highly competitive CPG and QSR categories. Demonstrated skills in leadership and communication with senior management, franchisees, retailers, and internal and external (food, beverage, agency, sports, and media) partners.

PROFESSIONAL EXPERIENCE

DUNKIN' BRANDS INC, Dunkin' U.S., Canton, MA

Senior Vice President, Integrated Marketing

2018-2020

Achieve annual brand and sales goals of a system that includes \$8.5 billion in sales, 9,500 stores, and 1,100 franchisees. Empower a team of 85+ members. Create and implement core marketing and menu components of 5-year growth plan. In 2019, delivered best comp sales results since 2013 and best transaction results since 2015. Generated record AWS growth in 2019 for both the beverage category and the food category.

National Brand Marketing:

- Develop annual marketing plans to evolve food and beverage platforms. Increased relevance with key consumer targets in breakfast and PM snacking dayparts.
- Spearhead menu innovation, value, and digital/loyalty initiatives on national integrated marketing calendar. Calendar includes 30-35 comp and traffic-driving initiatives annually. Notable launches include Espresso, Cold Brew, "Beyond Meat" plant-based sausage Breakfast Sandwich, and PM Snacking platforms.

Field Marketing:

- Redesigned local team organization; resulted in accelerated 5-year blueprint for growth and stronger alignment of national and local media strategy and investments
- Support 500+ new and remodeled store grand openings annually, combined with Local Store Marketing (LSM)
- Expanded digital sales and transactions through loyalty marketing, mobile ordering, catering and delivery; activated 35+ sports and music partnerships

Marketing Innovation:

- Lead innovation-to-market process consisting of 125-150 new items tested annually
- Designed innovation testing model consisting of rapid prototyping, consumer (panel, concept screening) testing, and full market (operational, consumer) testing

Culinary Innovation:

- Lead menu team. Transformed coffee, espresso, bakery, proteins, and dairy portfolios in 2019.
- Launched value-engineered snacking platforms with minimal operational complexity (SKU's, storage, prep)

Marketing Services:

- Manage marketing budget (\$450 million national and local combined); advise Marketing Leadership team on aligning and allocating budgets with growth strategies, business drivers, and brand transformation initiatives
- Sports and Event Marketing
 - Lead strategy, negotiations, and activation of 40+ sports partnerships and 200+ events annually
- Consumer and Crew Promotions
 - Lead strategy and execution of sales-driving consumer promotions (including "Sip-Peel-Win" promotion)
- Retail Merchandise
 - Lead strategy, planning, sourcing, and execution of all in-store retail merchandise (\$35 million in sales)
- Franchisee Advisory Councils
 - Lead 24 key national and local franchisee advisory councils

TOM MANCHESTER

tmanchester3@gmail.com | 508-942-2894 | www.linkedin.com/in/tom-manchester

Vice President, Marketing, Dunkin' U.S.

2016-2018

Led essential marketing components of 5-year Brand Vision and Transformation Initiative. Delivered on long-term branding and short-term sales and traffic goals.

Advertising and Media:

- Revamped brand strategy to reach younger, female-skewing consumers
- Leveraged partnerships and influencers in creative platforms and executions, including: USA Hockey and Women's US Olympic Ice Hockey Team; Girl Scouts of America; and athletes such as Rob Gronkowski, Odell Beckham Jr., and David, Ortiz. Creative received 3 Clio Awards.
- Streamlined media spending strategy (\$200 million combined national and local) to drive efficiencies and effectiveness across the system
- Increased brand relevance; earned Brand Keys #1 Brand for Customer Loyalty for 13 consecutive years.
- Key member of comprehensive agency review and evolution to "kitchen-table" agency approach

Field Marketing:

- Motivated team of 35 field marketing managers and 21 local agencies to fulfill sales and traffic goals
- Expanded brand footprint in west and southwest region DMA's with LSM and Local Marketing support
- Led market and store level execution of all marketing programs (9,500 stores, 1,100 franchisee networks)

Marketing Services:

- Led functional departments: sports and event marketing, multicultural, LSM, and consumer promotions

Vice President, Field Marketing; U.S., Canada, Caribbean

2011-2015

Promoted to lead field marketing. Accountable for multicultural marketing and retail merchandising strategies, as well as implementation for an 8,000-restaurant system with an annual marketing budget of \$150 million. Led brand differentiation and brand building initiatives at the DMA level. Leveraged analytics, market, and consumer research.

Director of Field Marketing, Northeast U.S.

2008-2011

Led all Dunkin' Donuts brand marketing throughout the Northeastern United States.

Director of Field Marketing Services

2006-2008

Promoted to lead all regional marketing programs, sports marketing, and entertainment marketing for the Dunkin' Donuts brand throughout the U.S. Responsible for all aspects of pricing. Formulated national and regional consumer promotions, including Hispanic marketing, local store marketing, and sampling.

Field Marketing Manager – Northeast U.S. Zone

2001-2006

Led local consumer and franchisee marketing (1,500 shops, \$1.6 billion in sales, \$28 million marketing budget)

THE GILLETTE COMPANY, Boston, Massachusetts

1999-2001

Manager, Promotions, Sponsorships, Sports and Event Marketing, U.S.

Selected, negotiated, and managed relations of all U.S. sponsorships for the Gillette Company's 14 brands, including MACH3, Right Guard, Duracell, and OralB. Managed and executed over 110 events and 40 account-specific promotions.

OCEAN SPRAY CRANBERRIES, INC., Lakeville, Massachusetts

1987-1999

Business Operations Manager, Consumer Marketing

Held five roles of increasing responsibility. Managed the cranberry and citrus foodservice business consisting of 200+ SKU's (P&L, packaging, product portfolio, marketing) across eight distribution channels. Oversaw a joint venture distribution agreement with the Pepsi-Cola Co. (all consumer and trade functions). Led consumer functions (sports, event marketing, consumer promotions) for the overall business.

EDUCATION

UNIVERSITY OF MASSACHUSETTS at DARTMOUTH, Bachelor of Science in Marketing

Continued business education at University of Michigan at Ann Arbor and University of North Carolina at Chapel Hill

Karen L. Bissonnette, CFRE

7 Coleridge Drive
Falmouth, MA 02540

klbissonnette@gmail.com
(508) 274-1651 (c)

PROFESSIONAL EXPERIENCE

Falmouth Housing Trust, Falmouth, MA
Executive Director

4/17-present

- Develops and maintains workforce housing for low-moderate residents of Falmouth
- Provides programs, services, advocacy and assistance to encourage affordable housing
- Monitors deed restricted affordable homes annually to certify affordable housing regulations
- Leads comprehensive fundraising program to ensure success of organization mission

Outer Cape Health Services, Wellfleet MA
Chief Development Officer

8/16-3/17

- Oversaw and revitalized a comprehensive development program
- Worked with organization leadership and Board of Directors to initiate a capital campaign

Community Health Center of Cape Cod, Mashpee MA
Chief Development Officer

12/04-7/16

A federally qualified community health center that provides comprehensive quality care to those in our community regardless of their ability to pay. Began as Falmouth Free Clinic in 1998.

- Built and managed a Development department's day-to-day operations and strategy which included major giving; planned and legacy giving, foundation, government and corporate giving, donor stewardship and recognition, annual fund, special events and prospect research that over raises over \$1.6 million annually. Grew the revenue by 1000% in first three years.
- Executed an annual comprehensive development program through leadership, strategic direction, management and coordination that supported the strategic initiatives of the Health Center.
- Identified, cultivated, solicited and provided stewardship for high-wealth individuals, foundations and government representatives.
- Developed strategic and annual plans and budgets. Tested new strategies and managed implementation of redesigned processes.
- Worked closely with the CEO in identifying, recruiting and soliciting Board members and top prospects.
- Worked closely with Senior Staff and Medical and Dental staff to identify funding opportunities and provided strategy for donor visits, events and solicitation of individuals and foundations.
- Trained and motivated key volunteers in identifying, cultivating and soliciting major donors.
- Aced as liaison with local, state, and federal government and media representatives.
- Successfully completed a \$5.6 million capital campaign, including a \$500,000 Kresge Foundation Challenge Grant, to build a new 10,000-sq/ft facility and a \$9.3 million campaign to fund a 22,000-sq/ft addition.
- Member, Senior Management Team and Development liaison to the Board of Directors.
- Oversees marketing efforts including production of newsletters, annual report, and informational brochures and branding collaterals.

Copley Harris Company, Danvers, MA
Senior Associate

4/04-11/04

Copley Harris Company provides strategic consulting to strengthen non-profit organizations and build philanthropic capacity to support mission, programs and services. This is based on a thorough understanding of the community whose support is being sought.

- Conducted and analyzed feasibility studies and made recommendations to client.
- Provided campaign services including identification, cultivation, solicitation and relationship building strategies.
- Worked with client to development case statement.
- Assisted with recruitment of campaign leadership and steering committee.
- Worked with campaign committee on prospect qualification, rating and screening.
- Provided solicitation training to staff and volunteers.
- Offered charitable gift planning expertise and advice.

The Healthcare Foundation of Cape Cod, Hyannis, MA
Executive Director-The Healthcare Foundation for Falmouth Hospital

8/96-3/04

The Healthcare Foundation of Cape Cod (now Cape Cod Healthcare Foundation), the philanthropic organization for Cape Cod Healthcare, an \$800+ million system serving Cape Cod and the surrounding regions. The Foundation was created to support fundraising for Falmouth Hospital, Cape Cod Hospital and The Visiting Nurse Association of Cape Cod, the three major entities of Cape Cod Healthcare.

- Led comprehensive fundraising program including identification, cultivation and management of all major gift solicitations.
- Managed portfolio of 150 prospects.
- Raised \$24 million in annual, capital and endowment gifts.
- Secured largest outright gift in history of Falmouth Hospital - \$2.5 million.
- Directed \$8 million campaign, motivating and training trustees, committee members, physicians and staff; campaign exceeded goal.
- Played a significant role in shaping the initial structure and organization for The Healthcare Foundation of Cape Cod, now Cape Cod Healthcare Foundation.
- Member, Foundation's senior management team that initiated strategic planning and campaign development for Cape Cod Healthcare.

Thayer Academy, Braintree, MA
Director of Development/Campaign Director

9/92-8/96

- Directed the development department including annual fund, major gifts, planned giving, alumni and parent relations and reunion giving; responsibilities included budget development for department and campaign.
- Initiated first capital campaign to raise \$12.5 million; \$7.5 raised prior to departure.
- Developed campaign strategy including cultivation activities, screenings, prospect research and coordination of events.
- Created campaign cabinet of alumni and community leaders.
- Managed volunteer network of over 200 alumni and parents.
- Served on Board of Trustee development, nominating, planning and campaign committees.
- Managed production of development publications including Alumni Magazine, Annual Report, solicitation appeals and campaign case statement.

Wheaton College, Norton, MA
Associate Director of Development for Annual Support

9/90-9/92

- Planned, organized and implemented all phases of the annual fund program, consisting of direct mail, phonathons, personal leadership solicitations and parent's program.
- Managed volunteer network of over 200, including recruitment and training.
- Coordinated creation of all constituency appeals and analyzed effectiveness.
- Developed programs for leadership circle giving.

Wall Street Games, Inc., Wellesley, MA
Director of Operations

5/87-9/90

- Assisted in start-up, development, funding and marketing of \$8 million promotion company
- Developed and directed all day-to-day operations.
- Researched, negotiated, selected and managed vendor contracts for all communications, printing, mailing and billings systems.
- Selected and implemented employee payroll/accounting system and benefits program.
- Organized recruitment, training and management of 100-150 employees.

Baybank Brokerage Services, Inc., Burlington, MA
Registered Options Principal-Registered Representative/Securities Trader

5/86-5/87

- Interfaced with clients, street firms, correspondent brokers and settlement firms in executing trades for brokerage clients.

Donaldson, Lufkin & Jenrette, Boston, MA
Assistant to Senior Vice President/Regional Office Manager

2/84-4/86

- Marketed equities and new financial products to client base.
- Administered client accounts including several multimillion-dollar pension, profit sharing and 401(k) plans.
- Served as liaison between sales force and corporate office for compliance issues.

Kidder, Peabody & Co., Boston, MA
Registered Sales Assistant, Series 7

11/82-2/84

EDUCATION

Northwestern University, Evanston, IL
B.A. Political Science and Sociology
Awarded Track and Field Scholarship

PROFESSIONAL CERTIFICATIONS and AFFILIATIONS

- Certified Fundraising Executive (CFRE)
- Philanthropic Partners of the Cape & Islands-President 2001 and 2002, member 1996-present
- Philanthropy Day on Cape Cod Committee (founding member)-Chair, 2000-2002, member 1997-present

COMMUNITY ACTIVITIES

Board of Directors

- Edward Bangs Kelley and Elza Kelley Foundation, 2006-present
- Scholarship Association of Falmouth, 2014-present
- Cape Cod Community College Educational Foundation, 2017-present
- Boys and Girls Club of Cape Cod, 1999-2018
- Falmouth Road Race, Inc., 2008-2018

Corporator

- Cape Cod Five Cents Savings Bank, 2005-present

Other

- Falmouth High School Athletic Hall of Fame inductee and committee member
- Town of Falmouth, Town Meeting Member (elected position), 1999-present
- Town of Falmouth, Affordable Housing Committee (appointed position), 2019-present

Section 3 SOURCES AND USES OF FUNDS

Sources of Funds

Private Equity:

81. Developer's Cash Equity	\$250,000
82. Tax Credit Equity (net amount) <i>(See line 360, Section 5, page 18.)</i>	\$
83. Developer's Fee/Overhead, Contributed or Loaned	
84. Other Source: Gift portion of the land purchased-Land was appr	\$71,000

Optional user calculations

Public Equity:

85. HOME Funds, as Grant	\$
86. Grant:	\$260,000
87. Grant:	\$
88. Total Public Equity	\$260,000

Subordinate Debt (see definition):

	Amount	Rate	Amortiz.	Term
89. Home Funds-DHCD, as Subordinate Debt	\$0	%	yrs.	yrs.
Source:				
90. Home Funds-Local, as Subordinate Debt	\$0	%	yrs.	yrs.
Source:				
91. Subordinate Debt	\$0	%	yrs.	yrs.
Source:				
92. Subordinate Debt	\$0	%	yrs.	yrs.
Source:				
93. Subordinate Debt	\$0	%	yrs.	yrs.
Source:				
94. Total Subordinate Debt	\$0			

Permanent Debt (Senior):

	Amount	Rate	Override	Amortiz.	Term	MIP
95. MHFA MHFA Program 1	\$	%	%	yrs.	yrs.	%
96. MHFA MHFA Program 2	\$	%	%	yrs.	yrs.	%
97. MHP Fund Permanent Loan	\$	%		yrs.	yrs.	%
98. Other Permanent Senior Mortgage	\$	%		yrs.	yrs.	%
Source:						
99. Other Permanent Senior Mortgage	\$	%		yrs.	yrs.	%
Source:						
100. Total Permanent Senior Debt	\$0					

101. Total Permanent Sources \$581,000

Construction Period Financing:

	Amount	Rate	Term
102. Construction Loan	\$0	%	mos.
Source:			
Repaid at:	(event)		
103. Other Interim Loan	\$0	%	mos.
Source:			
Repaid at:	(event)		
104. Syndication Bridge Loan	\$0	%	mos.
Source:			
Repaid at:	(event)		

#VALUE!

Revised Date: 6/3/2020

Uses of Funds

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Direct Construction:

105 . Who prepared the estimates? Greg Clancy-Clancy Construction

Name

Signature

106 . Basis for estimates?

20 years of professional experience.

MA CSL #:

065247

DI	Trade Item	Amount	Description
107 .	3 Concrete	\$51,000	
108 .	4 Masonry		
109 .	5 Metals		
110 .	6 Rough Carpentry	\$88,400	
111 .	6 Finish Carpentry	\$103,000	
112 .	7 Waterproofing		
113 .	7 Insulation	\$17,900	
114 .	7 Roofing	\$273,100	framing, windows and doors
115 .	7 Sheet Metal and Flashing		
116 .	7 Exterior Siding		
117 .	8 Doors		
118 .	8 Windows		
119 .	8 Glass		
120 .	9 Lath & Plaster	\$32,400	
121 .	9 Drywall		
122 .	9 Tile Work	\$3,800	
123 .	9 Acoustical		
124 .	9 Wood Flooring	\$14,400	
125 .	9 Resilient Flooring		
126 .	9 Carpet	\$14,400	
127 .	9 Paint & Decorating	\$34,000	interior and exterior
128 .	10 Specialties	\$7,200	Mirrors and closets
129 .	11 Special Equipment		
130 .	11 Cabinets	\$29,400	
131 .	11 Appliances	\$12,000	
132 .	12 Blinds & Shades		
133 .	13 Modular/Manufactured		
134 .	13 Special Construction		
135 .	14 Elevators or Conveying Syst.		
136 .	15 Plumbing & Hot Water	\$50,000	
137 .	15 Heat & Ventilation		
138 .	15 Air Conditioning		
139 .	15 Fire Protection		
140 .	16 Electrical	\$46,600	
141 .	Accessory Buildings		
142 .	Other/misc	\$5,350	gutters
143 .	Subtotal Structural	\$782,950	
144 .	2 Earth Work	\$24,000	Clear trees
145 .	2 Site Utilities	\$91,000	Septic, water, utilities, drainage
146 .	2 Roads & Walks	\$112,000	
147 .	2 Site Improvement		
148 .	2 Lawns & Planting	\$28,000	
149 .	2 Geotechnical Conditions		
150 .	2 Environmental Remediation		
151 .	2 Demolition		
152 .	2 Unusual Site Cond		
153 .	Subtotal Site Work	\$255,000	
154 .	Total Improvements	\$1,037,950	
155 .	1 General Conditions	\$0	
156 .	Subtotal	\$1,037,950	
157 .	1 Builders Overhead	\$0	
158 .	1 Builders Profit	\$78,500	
159 .	TOTAL	\$1,116,450	

160

Total Cost/square foot: N/AResidential Cost/s.f.: N/A

Development Budget:

	Total	Residential	Commercial	Comments
161 . Acquisition: Land	\$65,000			
162 . Acquisition: Building	\$0			
163 . Acquisition Subtotal	\$65,000	\$0	\$0	
164 . Direct Construction Budg	\$1,116,450	\$1,116,450		(from line 159)
165 . Construction Contingency	\$55,823	\$55,823		5.0% of construction
166 . Subtotal: Construction	\$1,172,273	\$1,172,273	\$0	

General Development Costs:

167 . Architecture & Engineering	\$5,000	\$5,000		
168 . Survey and Permits	\$25,850	\$25,850		Permits, fees,
169 . Clerk of the Works	\$15,000	\$15,000		
170 . Environmental Engineer	\$8,000	\$8,000		Site Engineering
171 . Bond Premium	\$0			
172 . Legal	\$7,000	\$7,000		
173 . Title and Recording	\$0			
174 . Accounting & Cost Cert.	\$5,000	\$5,000		
175 . Marketing and Rent Up	\$23,000	\$23,000		Includes Lottery with Housing Assistance Corp.
176 . Real Estate Taxes	\$0			
177 . Insurance	\$4,000	\$4,000		
178 . Relocation	\$0			
179 . Appraisal	\$0			
180 . Security	\$0			
181 . Construction Loan Interest	\$12,000	\$12,000		
182 . Inspecting Engineer	\$0			
183 . Fees to: MassHousing	\$1,000	\$1,000		
184 . Fees to:	\$0			
185 . MIP	\$0			
186 . Credit Enhancement Fees	\$0			
187 . Letter of Credit Fees	\$0			
188 . Other Financing Fees	\$0			
189 . Development Consultant	\$0			
190 . Other:	\$0			
191 . Other:	\$0			
192 . Soft Cost Contingency	\$5,293	\$5,293		5.0% of soft costs
193 . Subtotal: Gen. Dev.	\$111,143	\$111,143	\$0	

194 . Subtotal: Acquis., Const and Gen. Dev. \$1,348,416 \$1,283,416 \$0

195 . Capitalized Reserves	\$0			
196 . Developer Overhead	\$20,000	\$20,000		
197 . Developer Fee	\$0			

198 . Total Development Cost \$1,368,416 \$1,303,416 \$0 TDC per unit #DIV/0!

199 . TDC, Net \$1,368,416 \$1,303,416 \$0 TDC, Net per unit #DIV/0!

Additional Detail on Development Pro-Forma:

200. Gross Syndication Investment

Off-Budget Costs:**Syndication Costs:**

201. Syndication Legal

202. Syndication Fees

203. Syndication Consultants

204. Bridge Financing Costs

205. Investor Servicing (capitalized)

206. Other Syndication Expenses

207. Total Syndication Expense

208. Current Reserve Balance

Reserves (capitalized):

209. Development Reserves

210. Initial Rent-Up Reserves

211. Operating Reserves

212. Net Worth Account

213. Other Capitalized Reserves

214. Subtotal: Capitalized Reserves

215. Letter of Credit Requirements

216. Total of the Above

Check: Line 214 is the same as line 195.

Please Answer The Following	Dev. Reserves	Initial Rent-Up	Op. Reserves	Net Worth	Other	Letter of Credit
Who requires the reserves?						
Who administers the reserves?						
When and how are they used?						
Under what circumstances can they be released?						

Unit Sales (For Sale Projects Only):

217. Gross Sales From Units

218. Cost of Sales (Commissions, etc.)

219. Net Receipt from Sales

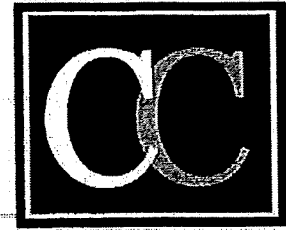
Debt Service Requirements:

220. Minimum Debt Service Coverage

221. Is this Project subject to HUD Subsidy Layering Review?

Optional user comments

Clancy Construction
217 Clinton Ave
Falmouth, MA 02540
Tel 508-265-4911
Gregclancy7@comcast.net
www.ClancyConstruction.org



JUNE 3, 2020

SPECIFICATIONS & ALLOWANCES:

FALMOUTH HOUSING TRUST
55 LEWIS NECK ROAD, EAST FALMOUTH, MA 02536
(3) Bedroom Option (x2)

1) Permitting:

- a. Use building plans and site/septic plan to obtain building permit from the Town of Falmouth (all fees paid for by FHT)

2) Clearing:

- a. The Builder shall prepare site for new dwelling as per plan prepared by D.H. Martin Engineering, Inc. (dated: TBD). All trees to be removed and stumped where house, driveway, septic system are located and 25 feet around house sides and rear. [All site/excavation work by Dalpe for all 4 homes].

3) Excavation:

- a. Strip ~12" of topsoil off cleared areas and truck offsite.
- b. Excavate hole for 7'10" foundation and 10" footings including 4-5' over-dig.
- c. Infill and compact footings with sand from the site.
- d. Backfill around foundation with fill from the hole and install (4) window wells with crushed stone in them and grade all fill away from house.
- e. Install (3) sauno tubes for front porch and rear landing [as per plan details].
- f. Remove 8"-10" of dirt where driveway is to go and install compacted dense grade base layer in prep for driveway.
- g. Trench for underground power and water (conduit and pipe included).

4) Sewerage Disposal System:

- a. Install system designed by D.H. Martin Engineering, Inc. (dated: TBD) and get Certificate of Compliance from Falmouth Board of Health.
- b. Install (1) 1,500-gallon H-10 concrete septic tank with (1) DB-3 H-20 concrete D-box and (2) H-20 flow diffusers with (4) risers to grade total.
- c. An open hole inspection is required by Falmouth Board of Health prior to any leaching field work to determine soil suitability. Any strip out of any kind is not included in this proposal.

5) Foundation: (as per plan by Clancy Construction: 05/21/19)

- a. Foundation wall to be 8" thick poured concrete, 7'10" tall with 16"X10" footings.
- b. Cellar floors slab to be 4" thick concrete, with 6 mil poly vapor barrier.
- c. Foundation Exterior to be coated with tar damp proofing below grade.
- d. Foundation to have (4) basement windows (white vinyl: 36"X16")
- e. Includes one Bilco C bulkhead.

6) Framing: Construct house as per plan, by Clancy Construction: 05/21/19

- a. All 2 x 6 Construction on exterior walls, 2x10 rafters, 2X10 floor joists, 2X12 girts, 2X8 collar ties, 2X12 ridge.
- b. CDX Plywood on roof (5/8") and sidewall (1/2")
- c. Building Code Edition No. 8, including 3 inspections; sheathing, framing, final
- d. All framing followed as per plan exactly.

7) Exterior:

- a. Sidewall to be white cedar shingles: Maibec grade A natural
- b. All exterior trim to be PVC Azek
- c. Front porch landing and rear deck to have Azek slate gray decking (no rails on either).
- d. Front porch to have bead board ceiling with white fiberglass column with base and capital as per plan
- e. All fasteners on exterior trim and decking to be stainless steel
- f. Roof shingles: CertainTeed Landmark (color TBD), including cobra ridge vent.
- g. All roofs to receive 36" of ice and water at eave lines.
- h. 5" white aluminum gutters and 2x4 white aluminum down spouts.
- i. No solar panel work of any kind included.

8) Windows and Doors:

- a. Andersen 200 Series; white vinyl exterior, pre-finished white interior with grills between glass & screens included and white hardware (as per window schedule).
- b. All Exterior doors to be insulated Thermatru fiberglass (as per plan).
- c. Andersen 200-series Sliding Glass Door to rear platform with sliding screen and white handle.

9) Plumbing: (Rough and Final Inspections included)

- a. Basement Laundry: hookup for side by side W/D (builder to install and vent with 4" rigid duct, buyer to supply W/D)
- b. Master Bath: 48" vanity with 21" linen tower and (1) under mount porcelain sink, (1) toilet and 5X3 acrylic white (1) piece shower with single shower head and center drain.
- c. Guest bathroom: 60" vanity w/1 under mount porcelain sink, 1 toilet and 5x3 acrylic white (1) piece tub/shower with single shower head.
- d. 2 toilets included: (style TBD: \$400 Allowance for both with seats)
- e. Kitchen: 18-gauge stainless steel undermount sink with single faucet and hand soap (Allowance of \$300 for sink and \$200 for faucet).
- f. Dishwasher hookup in kitchen.
- g. 2 bath Faucets: (Allowance of \$400)
- h. 2 Shower Heads: (Allowance of \$1,000 (including valve covers/tub spouts)
- i. (2) acrylic units (\$1,400 allowance for both).
- j. Exterior: Two frost free faucets (location: TBD).
- k. Plastic pex tube piping for domestic water piping.
- l. Schedule 40 PVC Waste drains, sink drains, vent piping.
- m. Falmouth Town Water hookup and meter (all fees paid by FHT).

10) Electrical: (Rough and Final Inspections Included)

- a. 100-Amp underground service with 40 circuit breaker panel
- b. Electrical outlets throughout house per code
- c. Smoke detectors, Carbon Monoxide detectors, Heat detectors in laundry to be hard wired and interconnected per code (no alarm system included).
- d. Front door bell and chime included.
- e. All bathrooms to include 110 cfm Panasonic exhaust fan/light combos to be vented to exterior with rigid 4" duct and taped/insulated in attic to roof/wall terminations.

- f. (4) Interior Lights (2 bath vanity lights, (1) kitchen sink light and (1) dining room light: (Allowance \$400)
- g. (20) 5" Recessed lights included.
- h. (4) Cable TV jacks and 1 Phone jack included.
- i. (1) Post Lamp, (2) Wall Mount exterior lanterns, (2) exterior spotlight: (Allowance of \$600).
- j. Basement keyless lights per code.
- k. Eversource account put in FHT name and paid for during construction.

11) Insulation: per Falmouth and Mass state stretch code

- a. R-21 fiberglass in all exterior house walls with poly vapor barrier.
- b. R-49 blown in cellulose in all sloped and flat ceilings
- c. R-30 fiberglass in all basement ceilings
- d. R-11 fiberglass in all interior walls for sound
- e. Rigid Insulation behind tub/shower and in all headers and behind all electrical boxes on exterior walls spray foam in all penetrations and ground windows/doors.
- f. House must pass blower door test and duct test to be considered on energy star home at final inspection.

12) Interior walls and Ceilings:

- a. ½" Blue board and plaster w/smooth walls and ceilings (2 coats applied on all seams/corners).

13) Paint: Exterior

- a. PVC trim as per plan installed with stainless steel screws and bungs. All joints glued with PVC glue and mitered
- b. All trim to be cleaned and all bungs to be sanded and all joints to be caulked with epoxy caulking before being painted with two coats of Benjamin Moore paint.

14) Painting: Interior

- a. All doors and window/door trim primed and painted semi-gloss white (sprayed two coats: Benjamin Moore Advance).
- b. Interior walls primed and painted two coats of Ben Moore eggshell paint (rolled two coats)
- c. Ceilings/closets painted flat white.
- d. (5) Wall colors included (Benjamin Moore Aura)

15) Interior Trim and Doors:

- a. Solid Core doors: MDF 3-panel shaker doors (or similar) with brushed nickel hinges (Allowance of \$125 per 2'6"x6'8" door).
- b. Windows and Doors: 3.5" poplar flat stack casing included.
- c. 5 1/4" baseboards.
- d. 3.5" Crown Moldings in kitchen only onto upper kitchen cabinets.
- e. Schlage "Plymouth" Door Hardware w/ Brushed Nickel finish (**Allowance: \$500 for all interior handles**).
- f. All Exterior doors to have same hinge and hardware finish w/common keyed dead bolts & locks (**Allowance: \$150 total for 2 locksets**)

16) HVAC:

- a. All air source Mitsubishi heat pumps with (1) multi-port exterior condensing unit (16 SEER) with (2) ducted air handlers in basement and bath for all electric heating/cooling.
- b. 2-zones included: (1) first floor, (1) second floor.

17) Hot Water: (Rough and Final Inspections included)

- a. Bradford white hybrid/electric 40-gallon hot water heater with built-in dehumidifier:

18) Flooring/Stairs:

- a. 3 1/4" unfinished white oak with (1) sealer coat and (2) coats satin polyurethane finish.
- b. (\$3.00 Allowance for hardwood material); in kitchen, living, dining only.
- c. Carpet in (3) bedrooms and closet (\$3.00 per sq. ft. installed allowance).
- d. Tile 2 full bathrooms on floors, (\$4.00 Allowance for material).
- e. Basement Stairs to be plywood unfinished treads.
- f. Main staircase to have 3/4" white oak treads, all poplar skirts and risers (painted to match) with (4) open treads with (1) box newel and oak railing and square balusters.

19) Kitchen & Vanities per plan (Custom Design by Clancy Construction)

- a. Kitchen/ (2) Vanities: (Allowance of \$8,000). All custom built with (2) part crown molding on top of kitchen cabinets and light rail on bottom.
- b. All cabinetry sprayed with Sherwin Williams lacquer (Color: TBD).
- c. Granite countertops: Kitchen, (2) vanities: (Allowance of \$3,000).
- d. Tile backsplash included (material/labor: \$1,500 Allowances)

20) Appliances:

- a. Refrigerator, Dishwasher, Microwave, Gas Stove: (Allowance of \$3,000)

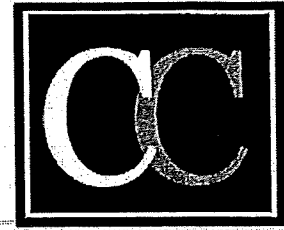
21) Mirrors & Closets:

- a. Bath mirrors with vanity lights over mirror as per plan.
- b. All closets to receive built-in plywood shelves (painted) and chrome poles.
- c. Buyer to supply all toilet paper holder, towel bars, robe hooks etc. and builder to install in desired locations

22) Landscaping: \$7,000 Allowance to include:

- a. Crushed stone driveway and walkway to front door
- b. 10 Foundation shrubs (2 gallon) with 1 front right mulched bed
- c. Grass lawn Front/Sides/Rear: loam and Hydro Seeding (3,000 sq. ft.)
- d. Perimeter of property and disturbed areas to be pine bark mulched

Clancy Construction
217 Clinton Ave
Falmouth, MA 02540
Tel 508-265-4911
Gregclancy7@comcast.net
www.ClancyConstruction.org



JUNE 3, 2020

SPECIFICATIONS & ALLOWANCES:

FALMOUTH HOUSING TRUST
55 LEWIS NECK ROAD, EAST FALMOUTH, MA 02536
(2) Bedroom Option (x2)

1) Permitting:

- a. Use building plans and site/septic plan to obtain building permit from the Town of Falmouth (all fees paid for by FHT)

2) Clearing:

- a. The Builder shall prepare site for new dwelling as per plan prepared by D.H. Martin Engineering, Inc. (dated: TBD). All trees to be removed and stumped where house, driveway, septic system are located and 25 feet around house sides and rear. [All site/excavation work by Dalpe for all 4 homes].

3) Excavation:

- a. Strip ~12" of topsoil off cleared areas and truck offsite.
- b. Excavate hole for 7'10" foundation and 10" footings including 4-5' over-dig.
- c. Infill and compact footings with sand from the site.
- d. Backfill around foundation with fill from the hole and install (4) window wells with crushed stone in them and grade all fill away from house.
- e. Install (5) sauno tubes for front porch and rear landing [as per plan details].
- f. Remove 8"-10" of dirt where driveway is to go and install compacted dense grade base layer in prep for driveway.
- g. Trench for underground power and water (conduit and pipe included).

4) Sewerage Disposal System:

- a. Install system designed by D.H. Martin Engineering, Inc. (dated: TBD) and get Certificate of Compliance from Falmouth Board of Health.
- b. Install (1) 1,500-gallon H-10 concrete septic tank with (1) DB-3 H-20 concrete D-box and (2) H-20 flow diffusers with (4) risers to grade total.
- c. An open hole inspection is required by Falmouth Board of Health prior to any leaching field work to determine soil suitability. Any strip out of any kind is not included in this proposal.

5) Foundation: (as per plan by Clancy Construction: 05/21/19)

- a. Foundation wall to be 8" thick poured concrete, 7'10" tall with 16"X10" footings.
- b. Cellar floors slab to be 4" thick concrete, with 6 mil poly vapor barrier.
- c. Foundation Exterior to be coated with tar damp proofing below grade.
- d. Foundation to have (4) basement windows (white vinyl: 36"X16")
- e. Includes one Bilco C bulkhead.

6) Framing: Construct house as per plan by Clancy Construction: 05/21/19

- a. All 2 x 6 Construction on exterior walls, 2x10 rafters, 2X10 floor joists, 2X12 girts, 2X8 collar ties, 2X12 ridge.
- b. CDX Plywood on roof (5/8") and sidewall (1/2")
- c. Building Code Edition No. 8; including 3 inspections; sheathing, framing, final
- d. All framing followed as per plan exactly.

7) Exterior:

- a. Sidewall to be white cedar shingles: Maibec grade A natural
- b. All exterior trim to be PVC-Azek
- c. Front porch landing and rear deck to have Azek slate gray decking (no rails on either).
- d. Front porch to have bead board ceiling with white fiberglass column with base and capital as per plan
- e. All fasteners on exterior trim and decking to be stainless steel
- f. Roof shingles: CertainTeed Landmark (color TBD), including cobra ridge vent.
- g. All roofs to receive 36" of ice and water at eave lines.
- h. 5" white aluminum gutters and 2x4 white aluminum down spouts.
- i. No solar panel work of any kind included.

8) Windows and Doors:

- a. Andersen 200 Series; white vinyl exterior, pre-finished white interior with grills between glass & screens included and white hardware (as per window schedule).
- b. All Exterior doors to be insulated Thermatru fiberglass (as per plan).

9) Plumbing: (Rough and Final Inspections included)

- a. Basement Laundry: hookup for side by side W/D (builder to install and vent with 4" rigid duct; buyer to supply W/D)
- b. Powder Room: (1) 24" pedestal sink (\$400 Allowance) and (1) toilet.
- c. 2nd Floor bathroom: 36" vanity w/1 under mount porcelain sink, 1 toilet and 5x3 acrylic white (1) piece tub/shower with single shower head.
- d. 2 toilets included: (style TBD; \$400 Allowance for both with seats)
- e. Kitchen: 18-gauge stainless steel undermount sink with single faucet and hand soap (Allowance of \$300 for sink and \$200 for faucet).
- f. Dishwasher hookup in kitchen.
- g. (2) bath Faucets: (Allowance of \$400)
- h. (1) Shower Head: (Allowance of \$1,000 (including valve covers/tub spouts)
- i. (1) acrylic unit (\$800 Allowance).
- j. Exterior: Two frost free faucets (location: TBD).
- k. Plastic pex tube piping for domestic water piping.
- l. Schedule 40 PVC Waste drains, sink drains, vent piping.
- m. Falmouth Town Water hookup and meter (all fees paid by FHT).

10) Electrical: (Rough and Final Inspections Included)

- a. 100-Amp underground service with 40 circuit breaker panel
- b. Electrical outlets throughout house per code
- c. Smoke detectors, Carbon Monoxide detectors, Heat detectors in laundry to be hard wired and interconnected per code (no alarm system included).
- d. Front door bell and chime included.
- e. All bathrooms to include 110 cfm Panasonic exhaust fan/light combos to be vented to exterior with rigid 4" duct and taped/insulated in attic to roof/wall terminations.

- f. (4) Interior Lights (2 bath vanity lights, (1) kitchen sink light and (1) dining room light: (Allowance \$400)
- g. (20) 5" Recessed lights included.
- h. (4) Cable TV jacks and 1 Phone jack included.
- i. (1) Post Lamp, (2) Wall Mount exterior lanterns, (2) exterior spotlight: (Allowance of \$600).
- j. Basement keyless lights per code.
- k. Eversource account put in FHT name and paid for during construction.

11) Insulation: per Falmouth and Mass state stretch code

- a. R-21 fiberglass in all exterior house walls with poly vapor barrier.
- b. R-49 blown in cellulose in all sloped and flat ceilings
- c. R-30 fiberglass in all basement ceilings
- d. R-11 fiberglass in all interior walls for sound
- e. Rigid Insulation behind tub/shower and in all headers and behind all electrical boxes on exterior walls spray foam in all penetrations and ground windows/doors.
- f. House must pass blower door test and duct test to be considered on energy star home at final inspection.

12) Interior walls and Ceilings:

- a. ½" Blue board and plaster w/smooth walls and ceilings (2 coats applied on all seams/corners).

13) Paint: Exterior

- a. PVC trim as per plan installed with stainless steel screws and bungs. All joints glued with PVC glue and mitered
- b. All trim to be cleaned and all bungs to be sanded and all joints to be caulked with epoxy caulking before being painted with two coats of Benjamin Moore paint:

14) Painting: Interior

- a. All doors and window/door trim primed and painted semi-gloss white (sprayed two coats: Benjamin Moore Advance).
- b. Interior walls primed and painted two coats of Ben Moore eggshell paint (rolled two coats)
- c. Ceilings/closets painted flat white.
- d. (5) Wall colors included (Benjamin Moore Aura)

15) Interior Trim and Doors:

- a. Solid Core doors: MDF 3-panel shaker doors (or similar) with brushed nickel hinges (Allowance of \$125 per 2'6"x6'8" door).
- b. Windows and Doors: 3.5" poplar flat stack casing included.
- c. 5 1/4" baseboards.
- d. 3.5" Crown Moldings in kitchen only onto upper kitchen cabinets.
- e. Schlage "Plymouth" Door Hardware w/ Brushed Nickel finish (Allowance: \$500 for all interior handles).
- f. All Exterior doors to have same hinge and hardware finish w/common keyed dead bolts & locks (Allowance: \$150 total for 2 locksets)

16) HVAC:

- a. All air source Mitsubishi heat pumps with (1) multi-port exterior condensing unit (16 SEER) with (2) ducted air handlers in basement and bath for all electric heating/cooling.
- b. 2-zones included: (1) first floor, (1) second floor.

17) Hot Water: (Rough and Final Inspections included)

- a. Bradford white hybrid/electric 40-gallon hot water heater with built-in dehumidifier.

18) Flooring/Stairs:

- a. 3 1/4" unfinished white oak with (1) sealer coat and (2) coats satin polyurethane finish.
- b. (\$3.00 Allowance for hardwood material); in kitchen, living, dining only.
- c. Carpet in (3) bedrooms and closet (\$3.00 per sq. ft. installed allowance).
- d. Tile 2 full bathrooms on floors, (\$4.00 Allowance for material).
- e. Basement Stairs to be plywood unfinished treads.
- f. Main staircase to have 3/4" white oak treads, all poplar skirts and risers (painted to match) with (4) open treads with (1) box newel and oak railing and square balusters and 12' of open balcony with (3) box newels and same railings/balusters..

19) Kitchen & Vanities per plan (Custom Design by Clancy Construction)

- a. Kitchen/ (2) Vanities: (Allowance of \$6,000). All custom built with (2) part crown molding on top of kitchen cabinets and light rail on bottom.
- b. All cabinetry sprayed with Sherwin Williams lacquer (Color: TBD).
- c. Granite countertops: Kitchen, (2) vanities: (Allowance of \$3,000).
- d. Tile backsplash included (material/labor: \$1,500 Allowances)

20) Appliances:

- a. Refrigerator, Dishwasher, Microwave, Gas Stove: (Allowance of \$3,000)

21) Mirrors & Closets:

- a. Bath mirrors with vanity lights over mirror as per plan.
- b. All closets to receive built-in plywood shelves (painted) and chrome poles.
- c. Buyer to supply all toilet paper holder, towel bars, robe hooks etc. and builder to install in desired locations

22) Landscaping: \$7,000 Allowance to include:

- a. Crushed stone driveway and walkway to front door
- b. 10 Foundation shrubs (2-gallon) with (1) front right mulched bed
- c. Grass lawn Front/Sides/Rear: loam and Hydro Seeding (3,000 sq. ft.)
- d. Perimeter of property and disturbed areas to be pine bark mulched



May 11, 2020

Karen L. Bissonnette, CFRE
Executive Director
Falmouth Housing Trust
PO Box 465
Falmouth, MA 02541

Re: Falmouth Housing Trust
Lewis Neck Road, East Falmouth
Four individual home project

This letter is to serve as a Letter of Interest (LOI) to provide construction financing for the planned 4-unit affordable housing project at Lewis Neck Road, East Falmouth. As a Federal Home Loan Bank of Boston (FHLBB) member bank and New England Fund (NEF) member bank, the Cape Cod Five Cents Savings Bank is proud of the work that we have done with the proposed borrowers and are pleased to have this opportunity to work together again on this important project.

We understand that the borrower will create 4 individual homes, to include two 3 bedroom and two 2 bedroom. The Massachusetts 40B law mandates that 25% of the dwelling units will be affordable to those earning no more than 80% of AMI (Annual Median Income). In this case, this project qualifies under 40B regulations with 50% of the houses being sold to those at 80% of AMI.

We are prepared, subject to further due diligence and Board approval, to provide construction financing. We look forward to your success and the opportunity to assist your organization with this project.

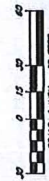
THE PROPOSED TERMS AND CONDITIONS ARE PROVIDED FOR DISCUSSION PURPOSES ONLY AND TO NOT CONSTITUTE A FORMAL OFFER, AGREEMENT, CONTRACT OR COMMITMENT BY THE CAPE COD FIVE CENTS SAVINGS BANK TO LEND. THE ACTUAL TERMS, CONDITIONS AND REQUIREMENTS UNDER WHICH THE BANK MIGHT EXTEND CREDIT TO THE BORROWER ARE SUBJECT TO SATISFACTORY COMPLETION OF DUE DILIGENCE INCLUDING, BUT NOT LIMITED TO, A FORMAL CREDIT APPROVAL AND SATISFACTORY REVIEW OF DOCUMENTATION AND OTHER SUCH TERMS AND CONDITIONS AS DETERMINED BY THE BANK.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen J. Spitz".

Stephen J. Spitz
Vice President and Regional Manager

668 Main Street
Falmouth, MA 02540
www.capecodfive.com

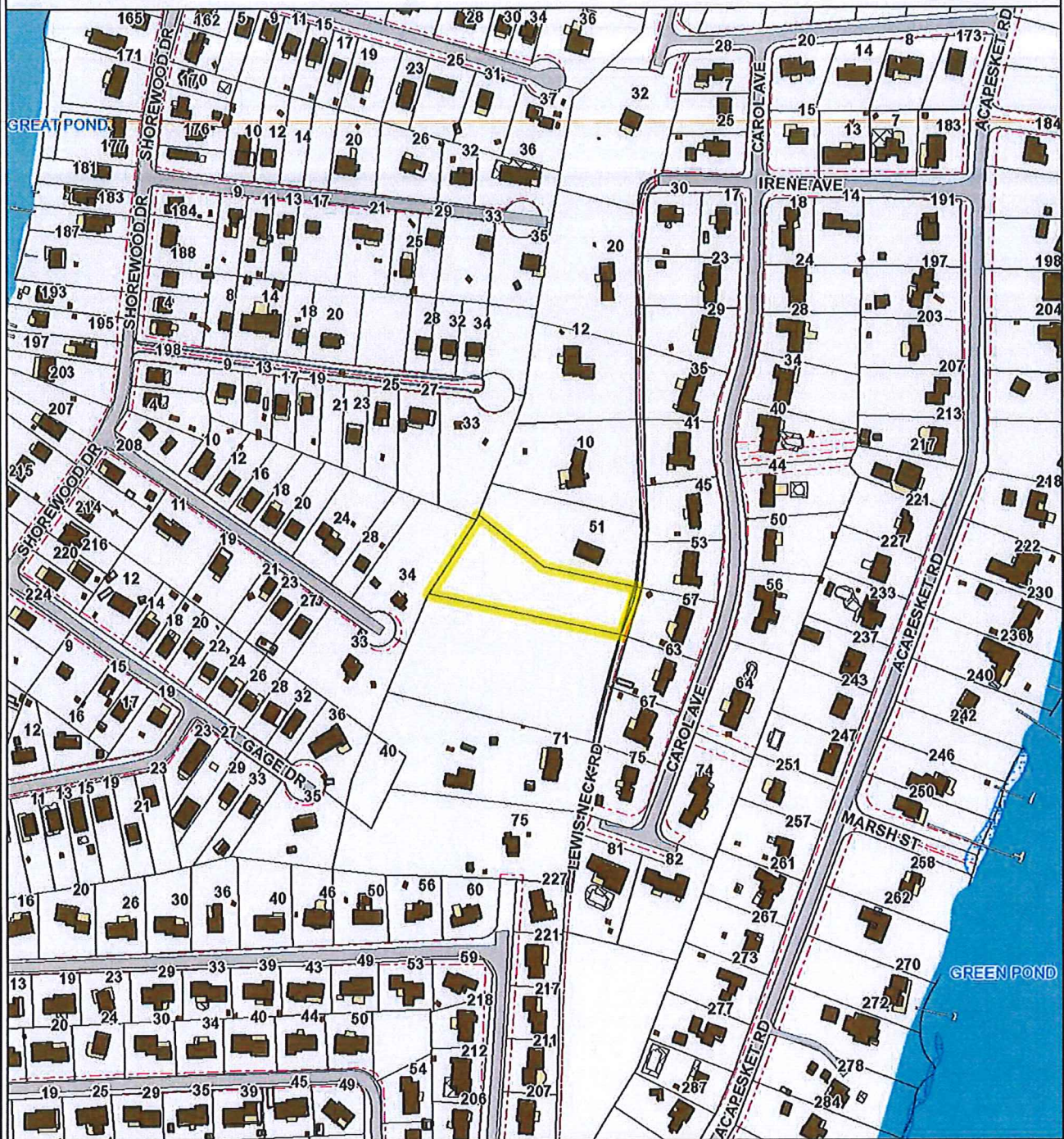


---	DISTING 1' CONTOUR
---	DISTING 3' CONTOUR
---	DISTING SPOT ELEVATION
---+---	DISTING VEGETATION
---	CONCRETE BOUNDARY

3. ASSASSIN'S MURDER, 40-41 2ND ST.
4. FLOOD CONC. 7 FROM MAY 1951 CONC. 4 1/4 IN 1/4 IN
5. JAMES GIBSON, 21
6. JAMES GIBSON, 21
7. JAMES GIBSON, 21
8. JAMES GIBSON, 21
9. JAMES GIBSON, 21
10. JAMES GIBSON, 21
11. JAMES GIBSON, 21
12. JAMES GIBSON, 21
13. JAMES GIBSON, 21
14. JAMES GIBSON, 21
15. JAMES GIBSON, 21
16. JAMES GIBSON, 21
17. JAMES GIBSON, 21
18. JAMES GIBSON, 21
19. JAMES GIBSON, 21
20. JAMES GIBSON, 21
21. JAMES GIBSON, 21
22. JAMES GIBSON, 21
23. JAMES GIBSON, 21
24. JAMES GIBSON, 21
25. JAMES GIBSON, 21
26. JAMES GIBSON, 21
27. JAMES GIBSON, 21
28. JAMES GIBSON, 21
29. JAMES GIBSON, 21
30. JAMES GIBSON, 21
31. JAMES GIBSON, 21
32. JAMES GIBSON, 21
33. JAMES GIBSON, 21
34. JAMES GIBSON, 21
35. JAMES GIBSON, 21
36. JAMES GIBSON, 21
37. JAMES GIBSON, 21
38. JAMES GIBSON, 21
39. JAMES GIBSON, 21
40. JAMES GIBSON, 21
41. JAMES GIBSON, 21
42. JAMES GIBSON, 21
43. JAMES GIBSON, 21
44. JAMES GIBSON, 21
45. JAMES GIBSON, 21
46. JAMES GIBSON, 21
47. JAMES GIBSON, 21
48. JAMES GIBSON, 21
49. JAMES GIBSON, 21
50. JAMES GIBSON, 21
51. JAMES GIBSON, 21
52. JAMES GIBSON, 21
53. JAMES GIBSON, 21
54. JAMES GIBSON, 21
55. JAMES GIBSON, 21
56. JAMES GIBSON, 21
57. JAMES GIBSON, 21
58. JAMES GIBSON, 21
59. JAMES GIBSON, 21
60. JAMES GIBSON, 21
61. JAMES GIBSON, 21
62. JAMES GIBSON, 21
63. JAMES GIBSON, 21
64. JAMES GIBSON, 21
65. JAMES GIBSON, 21
66. JAMES GIBSON, 21
67. JAMES GIBSON, 21
68. JAMES GIBSON, 21
69. JAMES GIBSON, 21
70. JAMES GIBSON, 21
71. JAMES GIBSON, 21
72. JAMES GIBSON, 21
73. JAMES GIBSON, 21
74. JAMES GIBSON, 21
75. JAMES GIBSON, 21
76. JAMES GIBSON, 21
77. JAMES GIBSON, 21
78. JAMES GIBSON, 21
79. JAMES GIBSON, 21
80. JAMES GIBSON, 21
81. JAMES GIBSON, 21
82. JAMES GIBSON, 21
83. JAMES GIBSON, 21
84. JAMES GIBSON, 21
85. JAMES GIBSON, 21
86. JAMES GIBSON, 21
87. JAMES GIBSON, 21
88. JAMES GIBSON, 21
89. JAMES GIBSON, 21
90. JAMES GIBSON, 21
91. JAMES GIBSON, 21
92. JAMES GIBSON, 21
93. JAMES GIBSON, 21
94. JAMES GIBSON, 21
95. JAMES GIBSON, 21
96. JAMES GIBSON, 21
97. JAMES GIBSON, 21
98. JAMES GIBSON, 21
99. JAMES GIBSON, 21
100. JAMES GIBSON, 21

D. H. MARTIN ENGINEERING, INC.
Experimental • Civil • Geotechnical

SCALE: 1"=30'	14 QUINCY AVENUE, BOX 741 WOODS HOLE, MA 02543 Tel. 774-536-0623 dmlong2@gmail.com	DATE: OCTOBER 8, 2019	DWG. NAME: 1910GSTE.DWG
DWG. NUMBER:			SHEET 1 OF 1
APPROVED: D.M.L.			



1" = 281 ft

Places of Interest
 Police
 Fire Stations
 Golf
 Library
 Medical
 Municipal Buildings
 Other
 Schools
 Sports
 BEACHES
 BOAT RAMPS
 CCRTA Bus Stops
 Ferry Routes
 FALMOUTH EDGARTOW
 FALMOUTH-OAK BLUFF
 WOODS HOLE-OAK BLU
 WOODS HOLE-VINEYAR

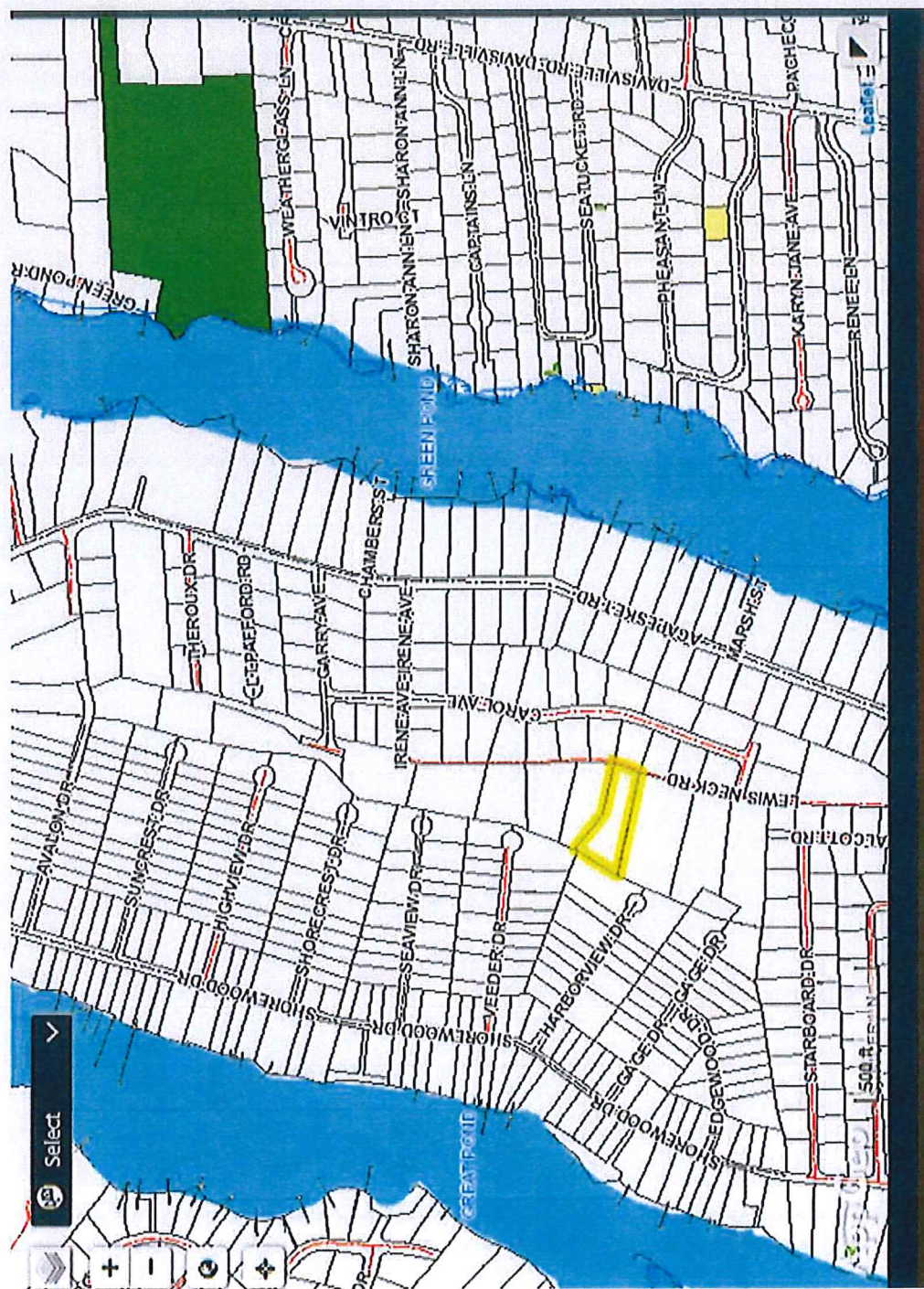
CCRTA Bus Routes
 FAL-VIN-Spr
 WHOOSH
 Summer
 Bike Path
 Bridges
 Road Surfaces
 OTHER
 PAVED
 Cobblestone; Concrete; Oil
 Dirt; Gravel
 Shell

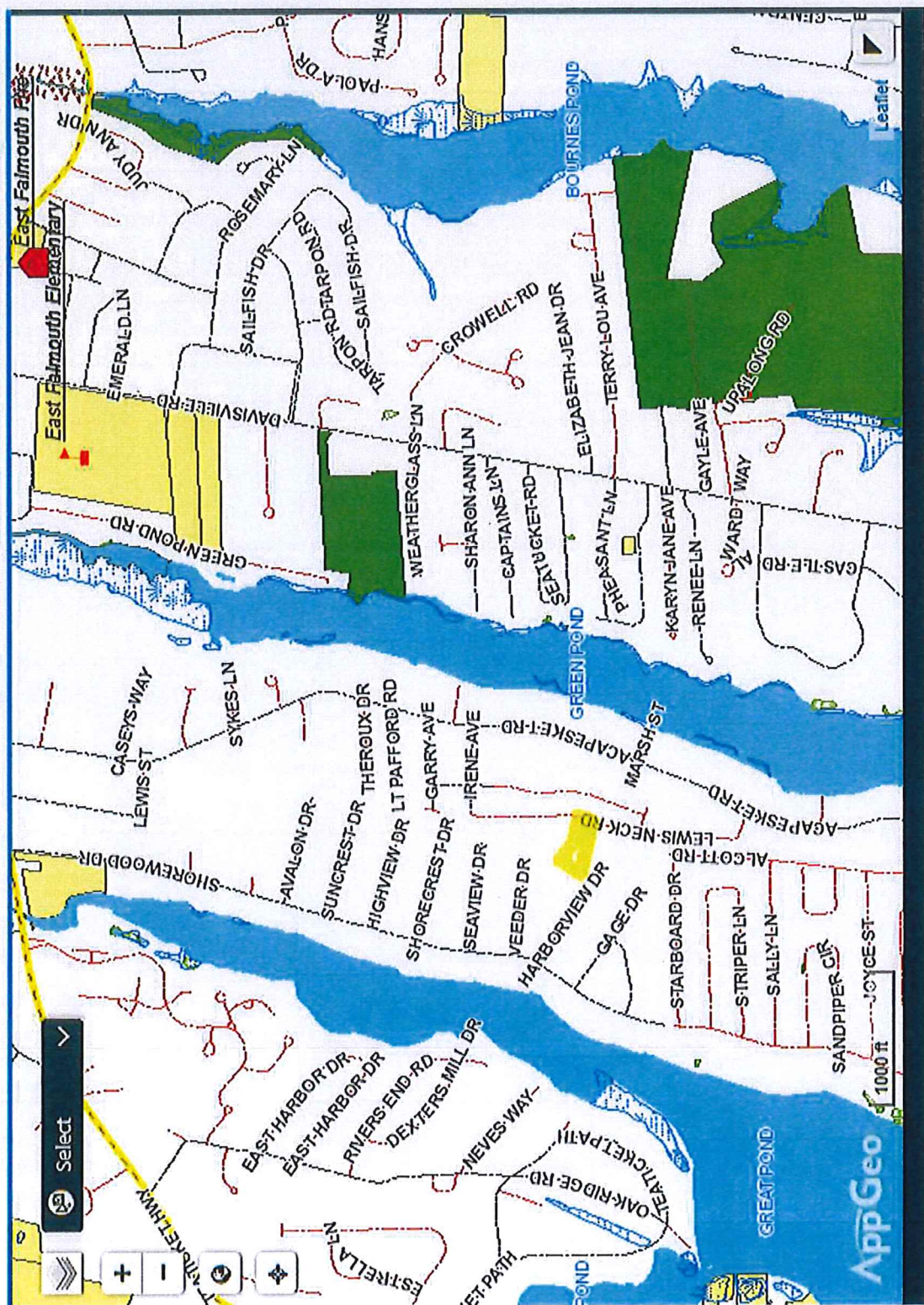
Coastal Structures
 Coastal Wall
 DOCK
 Groins
 Jetty
 PIER
 Revetment
 WHARF
 Water Features
 POND
 STREAM
 WETAREA
 Decks
 Patios
 Parcels

Road Ownership
 COUNTY; TOWN
 PRIVATE
 STATE
 Easements
 Bldg Roof Prints
 Buildings
 Vegetation
 BOG
 FIELD
 ORCHARD

Layers of Interest
 Public Lands
 COMMONWEALTH OF M
 TOWN OF FALMOUTH
 CONSERVATION COMM
 UNITED STATES OF AM
 STEAMSHIP AUTHORITY

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.

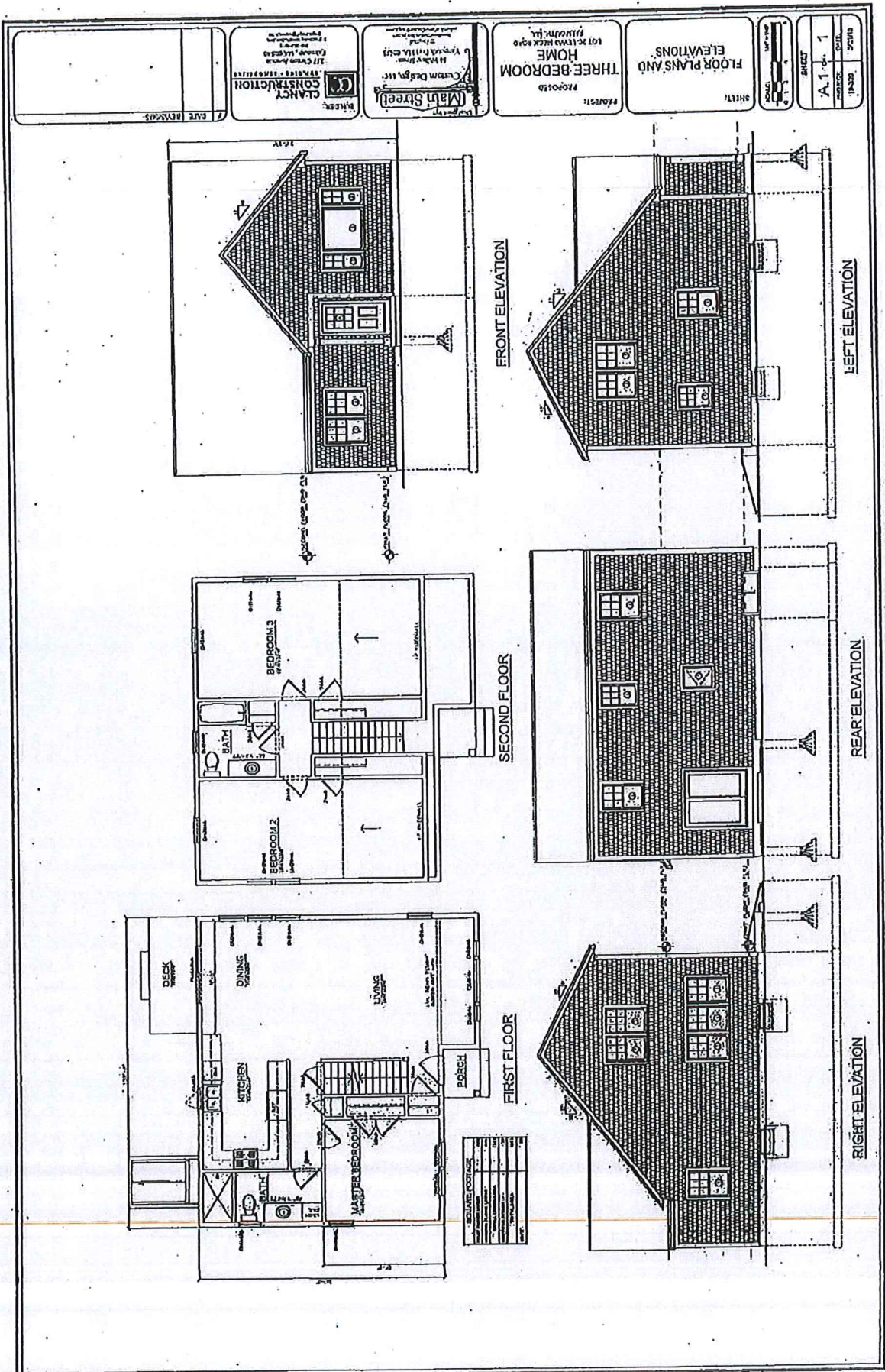












SHEET	DATE
A1-1	1998
PROJECT	DATE
1998	1998

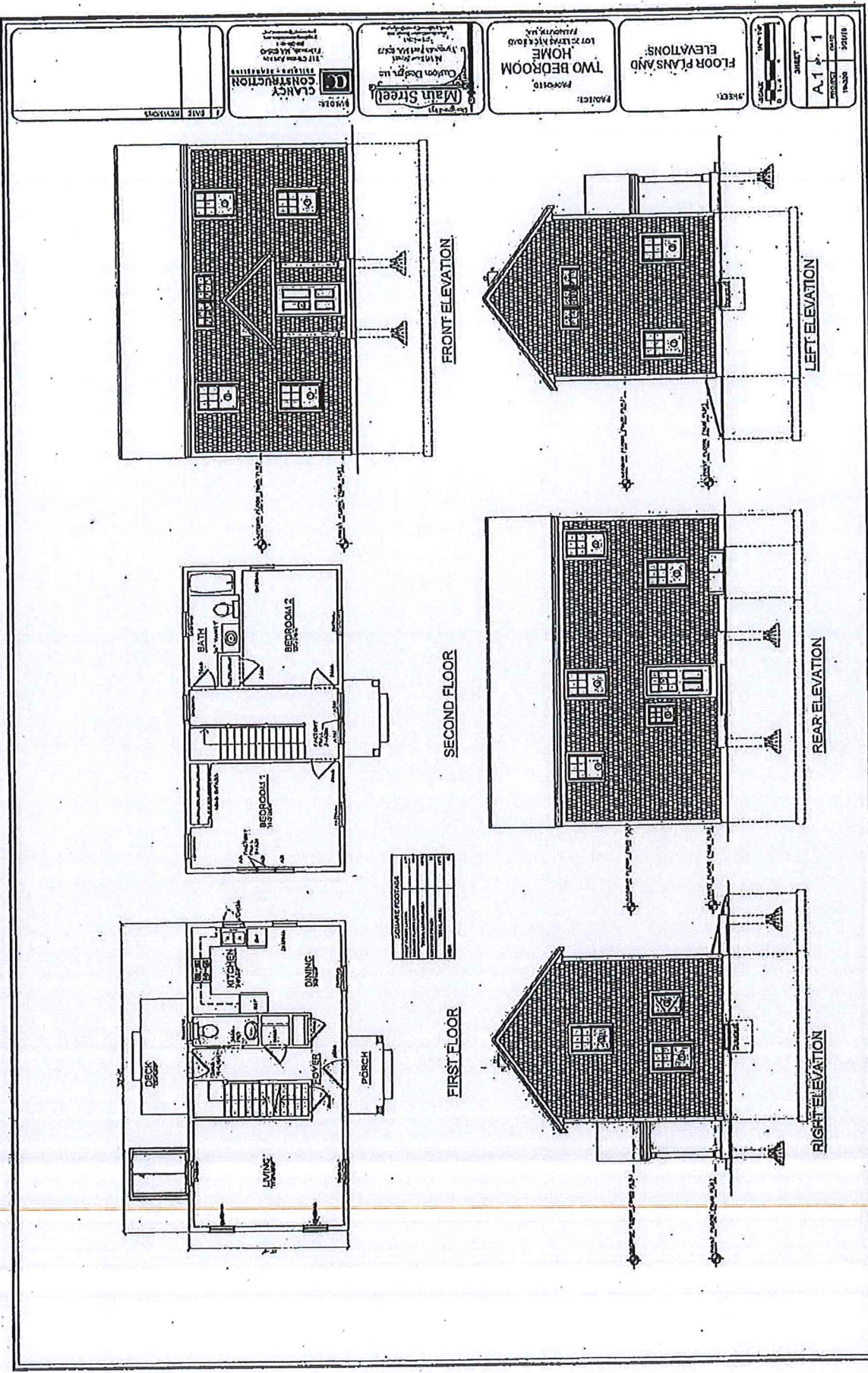
FLOOR PLANS AND
ELEVATIONS

PROPOSED
THREE BEDROOM
HOME
10700 LAKESHORE
MILWAUKEE, WI

Custom Design, Inc.
3140
W. North Ave.
Milwaukee, WI 53212

CLANCY
CONSTRUCTION
2117 Green Avenue
Milwaukee, WI 53212

1/2" = 1'-0"
1/4" = 3'-0"
1/8" = 6'-0"
1/16" = 12'-0"



CLANCY CONSTRUCTION
1175 Main Street
Barnstable, MA 02530
508-263-1111

PROJECT: TWO BEDROOM HOME
1175 Main Street
Barnstable, MA 02530

ARCHITECT: Clancy Construction
1175 Main Street
Barnstable, MA 02530
508-263-1111

DATE: 10/1/18

SHEET: A1 of 1

PROJECT: TWO BEDROOM HOME
1175 Main Street
Barnstable, MA 02530
508-263-1111



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

July 15, 2020

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

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

Dear Michael Busby:

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

The subject property abuts residential properties to the north and west; to the south there is a parcel that is undeveloped at this time. The Local Comprehensive Plan (LCP) calls for "housing for all" with greater infill residential density where appropriate primarily through redevelopment in some areas and discouraging further development in others. The areas for greater density should be determined by available infrastructure, walkability, schools, and services. The Lewis Neck Road location does not meet all of these aspirational goals of the LCP but there is a school, a public library, a pharmacy and other businesses within about a mile and a half and there is a sidewalk along most of these roads. There is water and electricity to the parcel but no sewer at this time. The applicant has been advised that the Town plans to install sewers along Lewis Neck Road and the surrounding area sometime within the next 20 years. While this would be a positive outcome for water quality purposes, future owners should be advised that when sewers are constructed they will face additional costs in the form of betterments and sewer user fees.

The Planning Board is on the record in opposition to construction of 4 units of housing on this parcel due to concerns regarding access – see attached letter from Patricia Kerfoot. Lewis Neck Road is an unpaved, dead end, private road approximately 800 feet long with a traveled way that is approximately 12-feet wide. The road has recently been cleared to a width of 18 feet to meet the requirements of a covenant placed on the deed as a result of a request from the applicant for a determination of access from the Planning Board, which was needed to remove a note on the plan prohibiting development of the parcel. The Fire Department deems the road adequate for public safety access to the subject parcel in its present condition. It is not clear how the road will be maintained at its current cleared width and height given that the driveable roadway is some 12 feet in width and given private ownership. Town Counsel, Frank Duffy, has opined that a covenant restricting the use of land cannot be overridden by a Zoning Board of Appeals under the authority of G.L. c. 40B, §

21 and that release of the covenant requires a vote of the Select Board and Town Meeting – see attached memo. The Town requests that Falmouth Housing Trust work with abutters to have Lewis Neck Road widened and improved to a width of 20 feet per *Planning Board Determination of Access Standards* of 4/28/2020.

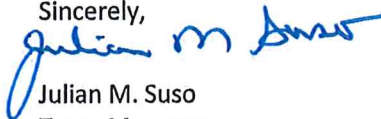
The proposed density of this development is approximately 3.4 units per acre which is low for a 40B development. The proposed lot coverage by buildings listed in the application ranges from 8.8% to 14.5% per lot and lot coverage by development structures for the property is 23%, both of which are within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

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

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

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

Sincerely,



Julian M. Suso
Town Manager

Attachments:

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

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



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

June 18, 2020

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

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

Dear Mr. Suso:

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

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

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

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

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

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

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

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

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

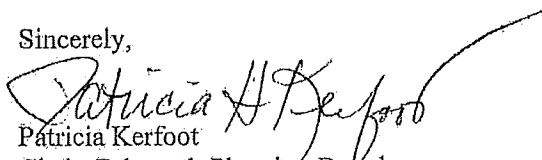
The Board was also concerned about numerous inaccuracies in FHT's Application including, on page 7 "Site Characteristics and Development Constraints." FHT answers "no" to the question: "Are there any easements, rights of way or other restrictions of record affecting the development of the site?" There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

In summary:

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

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

Sincerely,


Patricia Kerfoot
Chair, Falmouth Planning Board

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

CC: Falmouth Select Board
Falmouth Housing Trust

Attachments: Covenant



RECEIVED
DEC 11, 2019 PM 2:24

Falmouth Planning Board

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

December 10, 2019

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

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

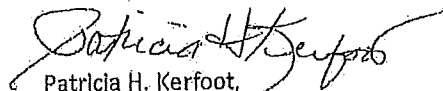
Dear Mr. Palmer,

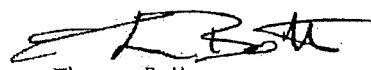
At its meeting on November 26, 2019 the Planning Board voted to endorse the following plan as not requiring approval under the Subdivision Control Law along with a Covenant to be recorded simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the Falmouth Housing Trust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

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

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

Sincerely,


Patricia H. Kerfoot,
Planning Board Chair


Thomas Bott
Town Planner

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

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

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

COVENANT

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

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

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

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

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

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

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

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

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

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

EXECUTED as a sealed instrument on December 6, 2019.

FALMOUTH PLANNING BOARD

FALMOUTH HOUSING TRUST, INC.

Patricia Kerfoot
Patricia Kerfoot, Chairman

Charlotte Harris
Charlotte Harris, Vice Chairman

Paul Dreyer
Paul Dreyer

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

Susan Roman
By: its Treasurer, Susan Roman

Robert Leary

John Druley
John Druley

Pamela Harting-Barjat
Pamela Harting-Barjat

Jim Fox

ACCEPTED by the Town of Falmouth

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

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

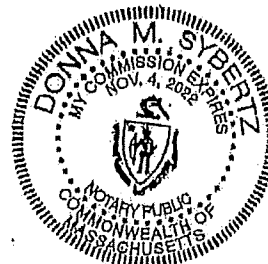


EXHIBIT A

Access Determination of the Falmouth Planning Board



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

November 21, 2019

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

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

Dear Mr. Palmer:

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

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

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

Sincerely,

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant



RECEIVED

DEC 11, 2019 PM 2:24

Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

TOWN CLERK

December 10, 2019

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

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

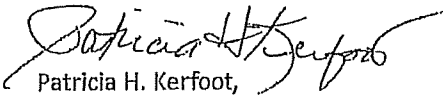
Dear Mr. Palmer,

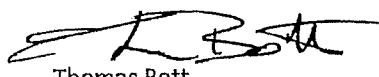
At its meeting on November 26, 2019 the Planning Board voted to endorse the following plan as not requiring approval under the Subdivision Control Law along with a Covenant to be recorded simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the Falmouth Housing Trust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

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

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

Sincerely,


Patricia H. Kerfoot,
Planning Board Chair


Thomas Bott
Town Planner

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

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

Peter Johnson-Staub

From: Frank Duffy
Sent: Friday, July 10, 2020 1:53 PM
To: Peter Johnson-Staub; Irie Mullin
Cc: Julian Suso; Carla Feroni; Thomas Bott
Subject: RE: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter

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

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

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

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

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

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

Frank K. Duffy, Town Counsel

Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

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

Hi Frank and Irie,

We received the attached set of information from FHT counsel regarding this 40b site approval application. The Select Board will be asked to approve a "Project Eligibility Letter" regarding the site application submitted to MassHousing at its meeting July 13th. On page 6 of the attached, attorney Moynihan sets forth her opinion that the covenant does not prevent 4 single-family homes from being constructed under a comp permit. I expect Julian and the Board may want to receive a response from you before the Board authorizes a Project Eligibility Letter (which needs to be submitted to MassHousing next week to be considered by MassHousing per the two time extensions we've been granted). Do you wish to provide a written response or would you prefer to address the matter verbally at the meeting on Monday?

Peter

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

<http://www.falmouthmass.us>

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

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

Dear Peter,

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

Thank you,
Laura M. Moynihan

Laura M. Moynihan, Esq.

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

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

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



Community Preservation Committee 59 Town Hall Square, Falmouth, MA 02540

January 25, 2021

Dear Select Board:

At its meeting on January 14, 2021, the Community Preservation Committee voted unanimously to recommend the requested expenditure of \$260,000 from the Falmouth Affordable Housing Fund for the Falmouth Housing Trust's Lewis Neck Road project.

Prior to the meeting, the CPC had reviewed the project application, the site approval and project eligibility letter, and Town Manager Julian Suso's memo to the Select Board outlining the project. Housing Coordinator Carla Feroni had also provided the CPC with an explanatory document detailing the FAHF Working Group's recommendation supporting the request. Assistant Town Manager Peter Johnson-Staub and Ms. Feroni were present at the CPC meeting to present information and answer questions.

The unanimous vote to recommend the funding occurred after thorough discussion of the request by the CPC.

Sincerely yours,

Russell Robbins, CPC Chair

Formula	Formula
Do Not Enter	Do Not Enter

	Units/Year		\$ Per Unit		Annual Need
Need Per HPP		74	\$	65,000	\$ 4,810,000

LAURA M. MOYNIHAN
Attorney at Law

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

Hand Delivered and First Class Mail

February 17, 2021

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

Re: Falmouth Housing Trust, Inc. – Falmouth Affordable Housing Fund Request for Funding of Affordable Housing Construction off Lewis Neck Road, East Falmouth, MA

Dear Select Board Members:

I represent the Falmouth Housing Trust, Inc. ("FHT"). This letter provides additional information for your consideration as to approval of the request of FHT for funding from the Falmouth Affordable Housing Fund ("AHF") for construction of four affordable homes off Lewis Neck Road. I understand this funding request is on your agenda for consideration on February 22, 2021.

The Falmouth Community Preservation Committee ("CPC") has voted a positive recommendation for funding of four homes at \$65,000 each, without conditions. A copy of the CPC vote letter dated January 25, 2021 is enclosed. The Massachusetts Statute "Act Relative to the Falmouth Affordable Housing Fund, Chapter 29 " (2011), provides that grants from the Falmouth AHF shall be authorized by an affirmative vote of the Select Board after recommendation from the CPC. The Falmouth AHF guidelines require that the Affordable Housing Working Group submit a funding recommendation to the Town Manager. The guidelines also provide that the Town Manager then submits a recommendation to the CPC. The CPC is to consider the recommendation of the Town Manager in its consideration of the request and vote. This procedure ensures that the recommendation of the CPC is provided to the Select Board after consideration of the input of the Working Group and Town Manager.

Information has been submitted to your record by the Town Manager to suggest that the FHT funding request should be conditioned by your Board on road improvements, such as paving, to Lewis Neck Road given the presence of a Covenant issued as part of the prior Zoning Bylaw access determination process through the Planning Board. As indicated previously to your Board, this process was undertaken by FHT through the Planning Board to secure one by right

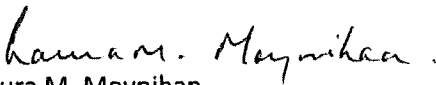
building permit before purchase of the land to ensure that the lot was buildable under the Falmouth Zoning Bylaw for at least one home. This was not a 40B housing approval process to require review by the Planning Board of a 4 house development, as the Planning Board does not have jurisdiction over 40B comprehensive permit approvals. As the FHT has also indicated previously, the intention to develop more than one home on the site was discussed with the Town Planner and Town Manager's office prior to this proceeding before the Planning Board. It is important to note also that the Zoning Board of Appeals does have the requisite authority to issue a comprehensive permit under M.G.L. Chapter 40B for four affordable homes with the Covenant in place. FHT has provided a legal opinion to the Town Manager and CPC as to the authority of the Zoning Board to grant a comprehensive permit based on the Covenant executed by the FHT as part of the Planning Board process. A copy of Attorney Freeman's memorandum dated November 23, 2020 is enclosed for your reference.

The FHT intends to contribute to the cost of the pavement of Lewis Neck Road voluntarily and to cooperate with the developer undertaking that effort. The FHT does not, however, have control over this process as it is being done by another developer as part of a Planning Board approval process for that developer and not the FHT. Regardless, such conditions as to road improvements and/or paving are typically within the role of the 40B comprehensive permit granting authority, the Zoning Board of Appeals, in its consideration of the site, and the design and/or operation of the development. Typically, any funding under the AHF is subject to permits being granted by the Zoning Board of Appeals pursuant to a 40B comprehensive permit. The Zoning Board in the normal course will condition such a permit after full public hearing on the proposed development, consideration of the development plans and all site and neighborhood details, and input from Town Departments and the Cape Cod Commission. It is submitted, therefore, that the appropriate process for the imposition of permit conditions, such as road improvements and paving, is through the permit granting authority for affordable housing developments and not by the CPC or the Select Board on funding requests pursuant to the AHF legislation.

The FHT requests your support for the funding request from the Falmouth AHF based on the CPC recommendation.

Thank you for your consideration.

Sincerely,


Laura M. Moynihan

LMM/lm
Encls.



Community Preservation Committee 59 Town Hall Square, Falmouth, MA 02540

January 25, 2021

Dear Select Board:

At its meeting on January 14, 2021, the Community Preservation Committee voted unanimously to recommend the requested expenditure of \$260,000 from the Falmouth Affordable Housing Fund for the Falmouth Housing Trust's Lewis Neck Road project.

Prior to the meeting, the CPC had reviewed the project application, the site approval and project eligibility letter, and Town Manager Julian Suso's memo to the Select Board outlining the project. Housing Coordinator Carla Feroni had also provided the CPC with an explanatory document detailing the FAHF Working Group's recommendation supporting the request. Assistant Town Manager Peter Johnson-Staub and Ms. Feroni were present at the CPC meeting to present information and answer questions.

The unanimous vote to recommend the funding occurred after thorough discussion of the request by the CPC.

Sincerely yours,

Russell Robbins, CPC Chair



FREEMAN LAW GROUP LLC

Attorneys at Law

Peter L. Freeman
pfreeman@freemanlawgroup.com
Tel. (508) 362-4700 Mobile (781) 854-2430

Hana M. Quirk, Of Counsel
hquirk@freemanlawgroup.com
Tel. (508) 362-4700

Kevin T. Smith, Of Counsel
ksmith@freemanlawgroup.com
Tel. (508) 362-4700 (978) 369-0634
Mobile (978) 519-3399

To: Falmouth Housing Trust, Inc.
From: Peter L. Freeman, Esq.
Date: November 23, 2020
Re: 0 Lewis Neck Road, Parcel C2, East Falmouth
Single Family Access Covenant and M.G.L. c. 40B, §§20-23

QUESTION PRESENTED:

The Falmouth Housing Trust, Inc. ("Trust") has requested legal analysis regarding an instrument entitled "Covenant" and which was executed by the Trust, the Falmouth Planning Board and the Town of Falmouth (the "Covenant") and recorded on December 18, 2019 at the Barnstable Registry of Deeds at Book 32557, Page 117, with respect to property owned by the Trust known as Parcel C2 on Lewis Neck Road, Falmouth, MA ("Parcel C2"). A copy of the Covenant is attached.

Specifically, the Trust asks whether the Covenant is a restrictive covenant that would prevent the Falmouth Zoning Board of Appeals ("ZBA") from issuing comprehensive permit relief under M.G.L. c. 40B, ss. 20-23 ("Chapter 40B") to allow the Trust to use Parcel C2 for a four-unit affordable housing development without the Covenant being released or modified by the Town.

BRIEF SUMMARY:

Based upon the facts and analysis below, the undersigned maintains that the Covenant does *not* prevent the ZBA from issuing comprehensive permit relief to the Trust – pursuant to the "consistent with local needs" standard in Chapter 40B - to allow Parcel C2 to be used for a four-unit affordable housing development, *and there is no need for the Covenant to be released or modified by the Falmouth Planning Board or the Town*; with the proviso that upon receiving the Chapter 40B Application from the Trust, the ZBA standing in the shoes of the Planning Board may review the adequacy of the private way to insure safe vehicular access to Parcel C2 for the proposed four-unit affordable housing project and may, if it deems necessary, impose conditions pursuant to the Chapter 40B affordable housing consistent with local needs standard.

FACTS:

Parcel C2 is located on a private way and is not a way that was approved on a plan endorsed under the Subdivision Control Law (MGL c.41, §§81K-81GG); rather, it is a way that has been

in existence prior to February 17, 1956, when the Town accepted the provisions of the Subdivision Control Law. Section 240-179.1C of the Falmouth Zoning Bylaw requires a determination of suitable access for such a way in existence prior to the adoption of Subdivision Control Law before issuance of a building permit. In fact, the original "Approval Not Required" plan that created Parcel C2, endorsed by the Planning Board pursuant to M.G.L. Chapter 41, §§81L and 81P, on August 9, 2011, contained a note to the effect that Parcel C2 was not a building lot and that Parcel C2 would be deemed a potential building lot upon a determination by the Planning Board that there is adequate access to Parcel C2.

Then, on November 5, 2019, the Falmouth Planning Board voted that access to Parcel C2 was sufficient under Falmouth Zoning Bylaw §240-179.1C for the proposed use, which at that time was for a single family dwelling, subject to certain conditions related to clearing brush and filling potholes on Lewis Neck Road. This vote was memorialized in a written "Determination of Access for One Dwelling" dated November 21, 2019 ("Determination of Access"). The Determination of Access states that Parcel C2 has adequate access to provide for the needs of vehicular traffic for the proposed single family dwelling, provided that:

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

On November 26, 2019, the Falmouth Planning Board endorsed a new plan for Parcel C2, also an Approval Not Required Plan, under MGL c.41, §§81L and 81P, with a notation that the endorsement was made in reliance upon the Determination of Access. On December 6, 2019, the Covenant was executed by the Trust, the Planning Board, and by Julian Suso, Town Manager (signed under the words "ACCEPTED by the Town of Falmouth"); and, on December 18, 2019, the Covenant was recorded. The Covenant expressly provides that:

"A building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of access (Exhibit A) have been met as set forth in sec. 240-179.1C "Permits" of the Falmouth Zoning Bylaw."

Exhibit A to the Covenant is the Determination of Access.

The Trust now intends to apply to the ZBA for a comprehensive permit under Chapter 40B for a 4-unit affordable housing project on Parcel C2. It appears that the Planning Board believes that the Covenant restricts construction on Parcel C2 to one single family home; and Town Attorney Frank Duffy has written a memorandum to Julian Suso, Town Manager dated June 18, 2020 indicating that he believes the Covenant would need both a vote of the Select Board and approval by a Town Meeting in order to be released or modified.

LEGAL ANALYSIS:

The Trust maintains that the Covenant does not and was never intended to restrict construction on Parcel C2 to one single family home. For the reasons discussed below, the undersigned concludes that the Trust is correct. Rather than restricting the use of Parcel C2 to a single family dwelling, the Covenant merely provides that Parcel C2 cannot *obtain a building permit* for a single family dwelling unless and until the conditions of the Determination of Access are satisfied.

There is *no* language in the Covenant that limits the use of Parcel C2 to one single family dwelling. Rather, the Covenant simply recites the history of the review by the Planning Board including the issuance of the Determination of Access and its conditions (attached as Exhibit A to the Covenant) and the Planning Board's endorsement of the ANR Plan. It then states: "A building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of access (Exhibit A) have been met as set forth in Sec. 240-179.1C 'Permits' of the Falmouth Zoning Bylaw."

In no way does that language state that Parcel C2 may only be used for one single family dwelling, or that the use of Parcel C2 is restricted or limited to one single family dwelling. Such a restriction would require express language. If such was the intention, then the Covenant should have added, after the language about the building permit, "and no further building permits shall ever be issued for Parcel C2"; or stated that "This covenant forever prohibits any further construction on Lot C2 other than one single family dwelling." The actual language on the building permit does no such thing. The Covenant simply correlates to the Determination of Access and the Endorsement of the ANR Plan and insures that the Building Commissioner shall not issue a building permit for a single family residential structure until the clearing of brush and the filling of potholes on Lewis Neck Road takes place.

Indeed, the Trust could now go back to the Planning Board seeking a determination of access for any use changes (but would now go to the ZBA under Chapter 40B for affordable housing as discussed below). Naturally, the Planning Board could determine that further improvements to Lewis Neck Road are required for use changes in order to satisfy the access adequacy standards set forth in Falmouth Zoning Bylaw §240-179.1C, and it could impose conditions requiring such improvements; and it could require a new Covenant requiring that the Building Commissioner does not issue a building permit for any changes until such conditions were satisfied, thus making the [existing] Covenant moot.

However, because the Trust's 4-unit development is being proposed under Chapter 40B, the ZBA stands in the shoes of the Planning Board and has full authority under Chapter 40B to either make the determination of access that would normally be done by the Planning Board under Zoning Bylaw s. 240-179.1C or to waive the bylaw to the extent necessary, or to impose conditions if deemed necessary by the ZBA to insure that access is adequate for the 4 unit development. As stated above, such determination, waivers and any conditions would be under

the Chapter 40B consistent with local needs standard. Therefore, there is no need to release or modify the Covenant; there is only a need by the ZBA to determine pursuant to Chapter 40B that the access proposed to serve the 4-unit affordable housing project is adequate for the expected vehicular traffic, and issue any conditions deemed necessary for such access.

The Covenant is not a restrictive covenant that restricts the use of land to particular uses, such as the restrictions litigated in either Murphy v. Planning Board of Hopkinton, 70 Mass. App. Ct. 385 (2007) or 135 Wells Ave., LLC v. Housing Appeals Committee, 478 Mass. 346 (2017)¹. When a municipal entity holds a restriction that *does* limit the use of land to a particular use, then expanding beyond the limits of the allowed use will require legislative action by the municipality in order to release the restriction, before the expanded or contradictory use may occur. Id. However, this is simply not the situation in the instant case. There is no such restriction in place.

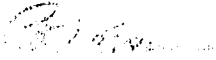
Rather, as stated above, the Covenant simply provides that a building permit for a single family dwelling on Parcel C2 cannot be issued by the Building Commissioner unless and until the terms and conditions of the Determination of Access are satisfied. There is no prohibition in the Covenant against the Trust, if it did not pursue a Chapter 40B comprehensive permit, seeking and the Planning Board granting a new determination of access under the Zoning Bylaw, specifically Zoning Bylaw s. 240-179.1C. For example, if the Trust sought to construct an accessory apartment dwelling unit on Parcel C2 pursuant to Falmouth Zoning Bylaw Section 24-23.I, in addition to the single family dwelling for which it now has a building permit, there is no prohibition in the Covenant preventing the Planning Board from granting a new determination of access related thereto. Similarly, there is no prohibition in the Covenant against the Trust seeking and the ZBA granting relief under Chapter 40B in order to allow Parcel C2 to be developed for the proposed 4-unit affordable housing project, subject to any conditions deemed necessary by the ZBA.

Further, it is well settled that when reviewing an application for a comprehensive permit under Chapter 40B, a zoning board of appeals has full authority to grant any necessary relief that would normally be granted by other local boards, including the Planning Board under the Subdivision Control Law. See Mahoney v. Board of Appeals of Winchester, 366 Mass. 28 (1974); Woodridge Realty Trust v. Ipswich Board of Appeals, Housing Appeals Committee Docket No. 00-04 (June 28, 2001), and Donna J. Ayers v. Stoughton Zoning Board of Appeals, 66 Mass. App. Ct. 1109 (Rule 1:28, May 23, 2006).

¹ It is important to note that one of the factors in 135 Wells Ave., LLC, supra, that the Supreme Judicial Court considered significant to its holding that Chapter 40B did not authorize the City of Newton ZBA or the Housing Appeals Committee to rescind or modify the use restriction previously imposed on the subject 40B parcel was that the restrictive covenant in question was imposed by the City of Newton Board of Aldermen acting in its legislative capacity, not in the capacity of a board acting under zoning and other land use regulatory statutes and bylaws. In the instant case, the Planning Board was clearly not acting as the Town legislative body, but rather was acting in its zoning capacity under Zoning Bylaw Section 240-179.1C.

CONCLUSION:

For all the above reasons, it is my conclusion that the Covenant does not restrict the use of Parcel C2 to a single family dwelling and does not constitute a use restriction that must be released or modified in order for the ZBA to grant a comprehensive permit pursuant to Chapter 40B allowing Parcel C2 to be used for the proposed 4-unit affordable housing project; provided that the ZBA grants relief determined to be necessary that is consistent with local needs to insure safe vehicular access to Parcel C2 under Chapter 40B.



Peter L. Freeman, Esq.

**PETER L. FREEMAN • ATTORNEY
FREEMAN LAW GROUP LLC**

Peter L. Freeman has been an attorney with a state-wide practice for over 30 years. His practice involves a wide range of areas including non-profit organizations, real estate acquisition and financing, municipal, zoning, land development, environmental and wetlands permitting, construction law, administrative law, commercial transactions, and litigation, with a special emphasis on affordable housing development, including Chapter 40B and Chapter 40R. He has represented clients on over 150 Chapter 40B projects across the Commonwealth. His representation covers the entire spectrum of the development process, from initial planning and the permitting process through the transactional work acquiring the properties and closing the loans. He has assisted developers and non-profits in the creation of thousands of units of affordable housing, and works frequently with housing subsidizing agencies such as Mass Housing, the Massachusetts Department of Housing & Community Development, and the Massachusetts Housing Partnership. He is also a frequent speaker at seminars and conferences on land use matters and affordable housing, a member of the Construction Industry Panel of Neutrals of the American Arbitration Association, and an Adjunct Professor of Law at Boston University School of Law where he teaches Affordable Housing and Community Development Law. He earned a J.D. from Boston University School of Law in 1975 and a B.A. from Yale University in 1971, and he is an active Member of the Board of Directors of numerous local housing non-profit organizations, including Housing Assistance Corp., Homeless Not Hopeless, Inc., Our First Home, Inc. and the Island Housing Trust of Martha's Vineyard.

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

COVENANT

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

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

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

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

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

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

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

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

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

Plan 683/91

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

EXECUTED as a scaled instrument on December 6, 2019.

FALMOUTH PLANNING BOARD

FALMOUTH HOUSING TRUST, INC.

Patricia Kerfoot
Patricia Kerfoot, Chairman

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

Charlotte Harris
Charlotte Harris, Vice Chairman

Susan Roman
By: its Treasurer, Susan Roman

Paul Dreyer
Paul Dreyer

Robert Leary
Robert Leary

John Druley
John Druley

Pamela Harting-Barra
Pamela Harting-Barra

Jim Fox
Jim Fox

ACCEPTED by the Town of Falmouth

Julian Suso
By: Julian Suso, Town Manager 12/7/19

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

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



EXHIBIT A

Access Determination of the Falmouth Planning Board



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

November 21, 2019

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

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

Dear Mr. Palmer:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Bott", is written over a horizontal line.

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant

- #5. Vote authorization to proceed to Planning Board for ANR Plan for 86,000 SF lot as shown at 860 Sandwich Road for future new fifth fire station



LOCUS

SCALE: 1" = 2000'

REGISTRY USE ONLY

PROPOSED LOT #1
AREA=534,909 SF
=12.28 ACRES

PROPOSED LOT #2
AREA=86,010 SF
=1.97 ACRES

NOTES:

1. LOCUS OWNER: 888 SANDWICH ROAD - TOWN OF FALMOUTH
2. ASSESSORS LOT: 17 01 016 028
3. UCC CERTIFICATION #168075
4. ZONING DISTRICT: AGA
5. FLOOD ZONE: ZONE C
6. DATA AND FIELD VERIFIED BETWEEN FEB. 2 AND FEB. 5 2021.

PLAN REFERENCES:

1. LAND COURT PLAN OF LAND IN FALMOUTH, MASSACHUSETTS, DATED JANUARY 30, 1991, SCALE OF PLAN 1"=200'

NOT TO SCALE
CONSTRUCTION OF LOT
PARTS OF LOT 1 AND LOT 2
LC 23025-48 2X 2

SANDWICH ROAD

SANDWICH ROAD

FOR DISCUSSION PURPOSES ONLY

APPROVAL NOT REQUIRED UNDER THE
SUBDIVISION CONTROL LAW.

NOTE: THE PLANNING BOARD'S ENDORSEMENT UNDER THE SUBDIVISION CONTROL LAW IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION AND SHOULD NOT BE CONSTRUED AS AN APPROVAL THAT THE LOTS DEPICTED ARE ENTITLED TO A BUILDING PERMIT.

SURVEYORS CERTIFICATION:

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH FALMOUTH, MASSACHUSETTS, ORDINANCES AND THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.
I ALSO CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND FOR PROPER BOUNDS AND BUILDINGS ON OR BETWEEN FEB 2 TO FEB 5 2021. THE SURVEY WAS MADE USING GPS DATA. THIS PLAN WAS CREATED FOLLOWING GRS 82, SECTION 6 AND 8 TO BE ENDORSED UNDER M.G.L. CH. 40A, § 8P.

PETER M. MCCORMACK, PLS # 48264

ZONING REVIEW: Zoned: AGRICULTURAL A (AGA)

Minimum Lot Area 45,000 sq. ft.

Minimum Lot Frontage 100'

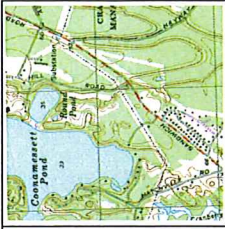


TOWN OF FALMOUTH
DEPARTMENT OF
PUBLIC WORKS
ENGINEERING DIVISION
FALMOUTH, MASSACHUSETTS
508-457-2343

ANR PLAN OF LOT
888 SANDWICH ROAD
FALMOUTH, MA 02536

DATE: FEB. 22, 2021

SHEET
1 OF 1



LOCUS

SCALE : 1" = 2000'



REGISTERED USE ONLY

FOR DISCUSSION PURPOSES ONLY

ANR PLAN OF LOTS
888 SANDWICH ROAD
FALMOUTH, MA 02536

DATE: FEB. 22, 2021
SHEET 1 OF 1



TOWN OF FALMOUTH
DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION
FALMOUTH, MASSACHUSETTS
508-457-2543

DATE BY REVISION

Sandra L. Cuny
87 Lucerne Avenue, Falmouth, MA 02540
508-548-6054

To: Falmouth Select Board
Town Hall Square
Falmouth, MA 02540

RE: New Proposed Fire Station

February 12, 2021

Dear Select Board,

On Wednesday, February 10th, 2021 the Falmouth Recreation Committee discussed the new proposed fire station on town owned land at 860 Sandwich Road adjacent to the George Gaspa Sports Complex. After much deliberation, a motion was proposed to **support** the Sandwich Road site for a new fire station ***with these questions and concerns to be addressed by the Select Board:***

1. Can the new proposed fire station co-exist with the existing sports complex?
2. Will the new SBLI playground still be installed this spring?
3. Would there be enough Recreational land left to build one more field (preferably turf) at this site?
4. Could additional parking be incorporated in the design plans of the new proposed fire station on this site to meet the needs of the present and a future field?
5. Would the traffic on practice and game days interfere with any fire station responses?
6. Could sufficient outdoor accessible bathrooms for the sports complex be incorporated in the design of the new fire station (similar to the senior center) or otherwise?

We thank Peter Johnson-Staub, assistant Town Manager, for attending this meeting with some helpful information.

We hope the Select Board will address and support the Recreational needs of the Falmouth Community when discussing the new proposed fire station on 860 Sandwich Road. If this site is chosen on this location, the Recreation Committee respectfully requests to stay involved in the design and plans surrounding the new proposed Fire station.

Respectfully submitted on behalf of the Recreation Committee,

Sandra L. Cuny
Falmouth Recreation Committee, Vice Chair

cc: Julian Suso, Falmouth Town Manager
Joe Olenick, Falmouth Recreation Director



Ashumet Valley Property Owners, Incorporated

(508) 420-2030

Of East Falmouth, MA

P.O. BOX 122, MASHPEE, MA 02649

February 19, 2021

Ms. Megan English-Braga, Chair
59 Town Hall Square
Falmouth, MA 02540

Dear Falmouth Select Board,

On February 9, 2021, The Board of Directors for Ashumet Valley Property Owners, Inc (AVPOI) voted to support the location of the new Hatchville Fire Station at 860 Sandwich Road. The board represents 208 landowners in Ashumet Valley. Our members include a large number of senior citizens and families. AVPOI has had a good and productive relationship with town officials and we want the Select Board to know we are strongly in favor of the new fire station location. For years, response times for emergency vehicles have been inadequate ranging from 9 - 10 minutes. This response time is well above the recommended national standard of 4 minutes. In fact, the Fire Station Location Study Report prepared for the town in 2020 also confirms that response times are consistently over 4 minutes and in the "red zone" for our segment of town.

We understand that some members of the Select Board want to fully understand the overarching questions of town-wide fire station placement and staffing before moving forward, however, this issue has been a known problem for decades. The Fire Station study confirmed that a centrally located fire station in Hatchville will bring the vast majority of emergency calls within the 4 minutes standard.

We now strongly request a favorable vote on this project. Your support will allow for the subdivision of the land and the start of design work. The future of the West Falmouth and North Falmouth fire stations, staffing and reassessment of other fire department resources can be done simultaneously as Hatchville moves forward.

Respectfully Submitted,

R.P. Klattenberg (Signed)

Ronald P. Klattenberg, President
Ashumet Valley Property Owners, Inc
135 Regis Road
East Falmouth, MA 02536

cc: Falmouth Select Board
AVPOI Board of Directors

#6. Presentation of Petition Articles for April 2021 Town Meeting (5 minutes each)

- a. Present Petition Article # 29 – The Quissett Association, Inc. – James Durocher
- b. Present Petition Article # 30 – Sandra Faiman-Silva
- c. Present Petition Article # 31 – Ronald D. Zweig
- d. Present Petition Article # 32 – Sandra Faiman-Silva
- e. Present Petition Article # 33 – Patricia Oshman



APRIL 2021 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting.....	Monday, December 7, 2020
Close Warrant.....	Friday, January 15, 2021
Selectmen Vote Articles & Execute Warrant	Monday, February 1, 2021
Publish Articles Only	Friday, February 12, 2021
Presentation on Petition Articles.....	Monday, February 22, 2021
Selectmen Vote Recommendations	Monday, March 8, 2021
Publish Warrant with Recommendations and Mail Warrant Booklets.....	Friday, March 26, 2021
Town Meeting	Monday, April 12, 2021

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 12, 2021 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet virtually (AKA remotely) via Zoom teleconference, Monday, April 12, 2021 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator	-----	\$1,500
Town Clerk	-----	\$98,260
Select Board	-----	\$5,000
Chair of Select Board	-----	\$6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of Technical Administrative and Management (TAM) employees. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 4: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2022 and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 5: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to transfer a sum of money within the FY 2021 budget approved by Article 6 of the April 8, 2019 Annual Town Meeting to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money to supplement the FY 2021 budget approved by Article 8 of the April 13, 2020 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under MGL Chapter 44, Sec. 53E½ for the fiscal year beginning July 1, 2021, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY22 Spending Limit	Disposition of FY21 Fund Balance
Emerald House	Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
Shellfish and Aquaculture	Marine and Environ Srvcs	Rental Equipment	Propagation and Aquaculture	\$45,000	Available for expenditure
Senior Services	Senior Services Director	Fees	Activities	\$60,000	Available for expenditure
TOTAL SPENDING				\$193,500	

Or do or take any action on the matter. On request of the Select Board.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money for the purposes of funding Project Management, Design and Construction of a new Fire Station located on Sandwich Road, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money for the purposes of funding a renovation of the Police Station, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 13: To see if the Town will vote to appropriate a sum of money for the purpose of funding COVID related expenses, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money for the purpose of entering into leases for downtown parking, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of acquiring an online permitting software, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 16: To see if the Town will appropriate a sum of money for the purpose of funding completion of the review and recodification of the zoning bylaw and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 17: To see if the Town will vote to adopt a bylaw and amend the Code of Falmouth by adding Article VII, Ch. 65, s. 16, Promulgation of Regulations, as follows:

ARTICLE VII

Promulgation of Regulations

S. 65-16. Authority to promulgate regulations.

A. Background. The Falmouth Home Rule Charter as amended by Article 28 of the November, 2019 Annual Town Meeting and affirmed by vote of the Town on Question Seven on the ballot of the May, 2020 Annual Town Election added Article III, Sec. C3-7H which provides as follows: H. The Board shall have the power and authority, after public hearing and publication, to adopt rules and regulations for the conducting of town business, the use of town real and personal property and other matters within its jurisdiction and set the penalties for violations thereof.

B. A rule or regulation may be initiated by vote of the Select Board acting on its own initiative or by request or recommendation of the Town Manager, a department head, a duly organized governmental body of the Town or by petition filed with the Town Clerk bearing the verified signatures of at least ten (10) registered voters of the Town.

C. The Select Board shall submit the proposed rule or regulation to the department head of any department or chairperson of any governmental body affected by the proposed rule or regulation for comment and recommendation to be returned within thirty (30) days and the Select Board may submit the proposed rule or regulation to the Town Counsel for legal analysis, comment and recommended language or conditions.

D. The Select Board shall hold a public hearing on the proposed rule or regulation and notice of the hearing shall be published in a newspaper of general circulation in the town and noticed on the town's website at least fourteen (14) days before the first day of the scheduled hearing. The notice of hearing shall inform the public that the text of the proposed rule or regulation may be read and examined on the town's website or at the Town Clerk's office during regular business hours. The board may amend the proposed rule or regulation to conform to comments or recommendations received. The public hearing may be continued from time to time at the discretion of the board.

E. The Select Board shall vote to adopt the proposed rule or regulation at an open meeting of the board and the rule or regulation so adopted shall take effect upon its adoption and filing a copy of the vote with the Town Clerk.

Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 18: To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by replacing § 240-192 Applicability so that the revised section will read:

Any new development, redevelopment or expansion in use, other than one single-family or one two-family residence on a lot which would add 500 square feet or more of gross floor area or roof area or which would, under the parking schedule Table of Minimum Requirements of § 240-108, require a total of two (2) or more parking spaces based on the existing, redevelopment and/or new development, or require a change to the layout or location of two (2) or more parking spaces, an increase in pavement of more than 300 square feet, or the alteration of any driveway; or any change of use which would, under the parking schedule Table of Minimum Requirements of § 240-108, require two (2) or more parking spaces based only on new development; grading or clearing more than ten percent (10%) of a lot, except for: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan; an

accessory apartment allowed as a matter of right or special permit shall be permitted only upon the approval of the Planning Board for site plan review.

A. Administrative Approval for Minor Alteration to Building Exterior or Site: Town Planner may authorize work to proceed without Site Plan Review for minor alterations provided the following criteria are satisfied:

- (1) The proposed alteration shall not violate any provision of this Bylaw.
- (2) The proposed alteration does not result in an expansion of the building footprint other than those required by the building code related to means of egress or accessibility.
- (3) The proposed alteration does not change the height or roof lines of any building.
- (4) The proposal does not result in any substantial change in lot coverage.

B. Waived Requirements: The Board may waive, by an affirmative majority vote, any of the following requirements, if it believes that the strict compliance with these rules and regulations will, because of the size or special nature of the proposed development, create an undue hardship on the Applicant and not be in the public interest. Any waiver(s) requested by the Applicant shall be submitted in writing by the Applicant with the submission of the Site Plan Review application.

Or do or take any other action on this matter. On behalf of the Planning Board.

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by amending § 240-198 Lapse of Decision to extend the period by one year by replacing the words “two years” with “three years” to read:

A site plan review decision issued under this Article shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause. The determination of good cause shall be made by the Planning Board.

Or do or take any other action on this matter. On behalf of the Planning Board.

ARTICLE 20: To see if the Town will vote to amend the Official Zoning Map to remove text box of footnotes 1 through 8 and add reference to all existing Zoning Overlay Districts (including Accident Prevention, Wildlife Corridor, and Large Scale Ground Mounted Solar) to remove inconsistencies with both the online Zoning Map and the hard copies available for purchase through the Town Clerk's Office. No properties will be rezoned as a product of the proposed map amendments. Or do or take any other action on this matter. On request of the Planning Board.

ARTICLE 21: To see if the Town will vote to amend Zoning Bylaw Article XLVIII as follows:

1). to Section 240-254B. add subparagraph (4) to read, “The Planning Board may allow reduced setbacks where the lot abuts, or is separated by a street from, permanently conserved open space or land in common ownership or control of the applicant. Within any no-disturb zone, the Planning board may allow landscaping and other screening.”

2). Revise Section 240-254D.(1) to read, “Not more than two acres or twenty percent (20%) of the lot, whichever is greater, shall be deforested for any one ground-mounted solar photovoltaic installation, and no such installation shall be placed on such land that was deforested within the prior five years. For any deforestation allowed in excess of two acres, the Planning Board may require mitigation, such as the permanent conservation of open space, on or off-site, of up to an area equal to such excess, which may include reforestation.”

3). Revise Section 240-254D.(2) to read, “Land clearing in excess of twenty percent (20%) of the lot in connection with any single installation is prohibited. Article XXIX (Earthmoving Regulations) shall not be applicable to large-scale ground-mounted solar installations.”

On petition of Konrad Huguen.

ARTICLE 22: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth to include the following parcels in the Large-Scale Ground-Mounted Solar Overlay District; (i) Assessor's Parcel 10 03 001 163, known as 41 Theatre Drive and containing approximately 45.06 acres; (ii) Assessor's Parcel 10 04 007 035, known as 0 Boxberry Hill Road and containing approximately 41.49 acres; (iii) Assessor's Parcel 17 01 028 039, known as 48 Theatre Drive and containing approximately 48.65 acres; (iv) Assessor's Parcel 17 01 028A 015, known as 59 Theatre Drive and containing approximately 3.39 acres; (v) that portion of the private way known as Theatre Drive which lies to the north and northwest of the westerly property line of Assessor's Parcel 17 01 028 134 (20 Theatre Drive), including, without limitation, the cul-de-sac and all parking areas within the bounds of Theatre Drive described herein; (vi) Assessor's Parcel 10 03 001A 161, known as 290 Boxberry Hill Road and containing approximately 1.56 acres; (vii) Assessor's Parcel 10 03 001 162, known as 0 Boxberry Hill Road and containing approximately 1.08 acres and (viii) Assessor's Parcel 10 03 001 160, known as 0 Boxberry Hill Road and containing approximately 0.68 acres. Or do or take any other action on this matter. On petition of Konrad Huguen.

ARTICLE 23: To see if the Town will vote to accept the doings of the Select Board in the laying out of Winthrop Drive (east side) from Seacoasts Shores Blvd. to Edgewater Drive East a distance of 726 ft. and width of 40 ft. according to plans on file with the Town Clerk for taking as a public way under the Betterment Act, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 24: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement consisting of a small strip of land containing 173 sq. ft. +/- along the frontage of property at 241 Scranton Ave. and shown as parcel 47C 05 019 001 on the Falmouth Assessors' maps, and further described in a deed recorded in the Barnstable Registry of Deeds in Book 9734, Page 14, now or formerly owned by Harbor Side Realty Trust, to eliminate an encroachment caused by previous surveying errors and properly align the sidewalk with the layout of Scranton Ave. to comply with the Americans With Disabilities Act, and further to appropriate a sum of money for the acquisition of such property interest, including costs incidental and related thereto, to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 25: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel of land known as 20 Village Common Drive being shown as parcel 34 06 024 002A on the Falmouth Assessors' maps, now or formerly owned by Village Common Properties, LLC. Said easements will be for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area, as follows: 1) an 8,000 sq. ft. +/- permanent easement, rectangular in shape, being a portion of Lot 2A as shown on a plan recorded in the Barnstable Registry of Deeds in Plan Book 506, Page 58 and more commonly known as 20 Village Common Drive, for the site of a sewer lift station and appurtenant structures, said easement to be in the southwesterly corner of Lot 2A where the common lot line with Lot 3A and Village Common Drive converge; 2) a 5,000 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the lift station and being an area immediately adjacent to and surrounding the permanent easement described in 1) above; 3) a 2,600 sq. ft. +/- permanent easement for sewer pipes, manholes and appurtenant structures consisting of a strip of land 20 ft. wide beginning at the rear lot line of Lot 2A and running in a generally westerly direction parallel to and 5 feet north of the common lot line with Lot 3A to the permanent easement described in 1) above; and 4) a 1,300 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the sewer lines and being two strips of land each 5 ft. wide along the northerly and southerly sides of the permanent easement described in 3) above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall have the authority to enter into any agreements and execute any instruments as may be necessary

on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 26: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel of land known as 28 Village Common Drive being shown as Parcel 34 06 024 003A on the Falmouth Assessors' maps, now or formerly owned by Village Common Drive, LLC. Said easements will be for sewer purposes associated with the proposed, Teaticket Acapesket Sewer Service Area, as follows: 1) a 7,000 sq. ft. +/- permanent easement, rectangular in shape, being a portion of Lot 3A as shown on a plan recorded in the Barnstable County Registry of Deeds in Plan Book 506, Page 58 and more commonly known as 28 Village Common Drive, for the site of a sewer lift station and appurtenant structures, said easement area to be in the southwest corner of Lot 3A near the terminus of Village Common Drive; 2) a 4,000 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the lift station and being an area immediately adjacent to and surrounding the permanent easement described above; 3) a 3,500 sq. ft. +/- permanent easement for sewer pipes, manholes and appurtenant structures consisting of a strip of land 20 ft. wide beginning at the lot line at Estrella Drive and running in a generally northwesterly direction to the lot line at the turn out at the terminus of Village Common Drive; and 4) a 1,750 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the sewer lines and being two strips of land each 5 ft. wide along the northerly and southerly sides of the permanent easement described in 3) above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of his article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 27: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel abutting St. Marks Road being shown as parcel 34 04 013 004 on the Falmouth Assessors' maps, now or formerly owned by Kathleen M McGovern. Said easements will be for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area, as follows: 1) a permanent easement of 4,900 sq. ft. +/- for sewer pipes, manholes and appurtenant structures and being approximately 245 ft. long by 20 ft. wide running parallel to and 5 ft. off the southerly property line from St Marks Road to the rear property line; 2) a temporary construction easement of 2,450 sq. ft. +/- of one year duration to be determined to coincide with sewer pipe installation and being two strips of land approximately 245 ft. long by 5 ft. wide on both sides of the permanent easement described above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 28: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area as follows: a permanent easement of 4350 sq. ft. +/- for sewer pipes, manholes and appurtenant structures within a portion of the Open Space being parcel 34 06 018 000 on the Falmouth Assessors' maps, and a shown on a plan entitled "Subdivision Plan of Land located in Falmouth, Mass., prepared for Perch Pond Landing Trust", dated April 8, 1986, and recorded in the Barnstable Registry of Deeds in Plan Book 421, Pages 19-21 and further described as a 30 ft. wide strip of land between lots 17 and 22 running from Seabrook Drive easterly to the lot line of the subdivision, all as shown on said plan, being land now or formerly owned by Gile Moniz and being a portion of Parcel V in a deed from David J. Kopp, Trustees et al to Gile Moniz, dated January 29, 1988 and recorded in the Barnstable County Registry of Deeds in Book 6147, Page 296; and further to appropriate a sum of money for the acquisition of said easement, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 29: To see if the Town will vote to accept the provision of General Laws Chapter 90 Section 18B allowing the Board of Selectmen or Traffic Advisory Committee in the interest of public safety to establish designated Safety Zones at or near any way in Town which is not a state highway as a safety zone posted as having a speed limit of 20 miles per hour. On petition of the Quissett Association Inc.

ARTICLE 30: To see if the Town will vote to replace the holiday "Christopher Columbus Day" on the second Monday of October with "Indigenous Peoples Day;" or take any other action relating thereto. On petition of Sandra Faiman-Silva.

ARTICLE 31: To see if the Town will advise the Board of Selectmen to create a Domestic Partnership By-law for the Town of Falmouth, Massachusetts. Or do or take any action on the matter. On petition of Ronald D. Zweig.

ARTICLE 32: To see if the Town will vote to institute a town-wide Policy whereby a statement shall be made at the beginning of each public meeting of Falmouth Town Meeting, Town Boards and Committees, public events at Falmouth Public Schools, including graduation, and at other public Town gatherings as appropriate, to respectfully acknowledge that the Town of Falmouth is the traditional, ancestral homeland of the Mashpee Wampanoag Tribe, who have inhabited and been custodians of this land, viewed as their sacred homeland, for at least 12,000 years; and take any additional action pertaining thereto. On petition of Sandra Faiman-Silva.

ARTICLE 33: To see if the Town will vote to create a Select Board Taskforce on Sustainable Living for Falmouth's Workforce Families and to fund a Family Early Education & Childcare Support Voucher Program. The Taskforce will seek solutions to the lack of affordable early education and childcare, the need for affordable workforce housing, sustainable living-wage jobs, and other issues related to sustaining viability for working families in Falmouth. Also, to raise and appropriate, or transfer from available funds, the sum of \$75,000 for the purposes of funding a Family Early Education & Childcare Support Voucher Program for Falmouth residents, which will provide funding to Falmouth families facing crisis in accessing and paying for Early Education and Childcare, or to take any other action related thereto. On petition of Patricia Oshman.

ARTICLE 34: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to rehabilitate two tennis courts and one tennis backboard at Bell Tower Tennis Courts located at 1 Bell Tower Lane, Woods Hole; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 35: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction, restricting in perpetuity in accordance with G.L. c. 184, ss. 31 – 33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Florence Sylvia on Millstone Road in North Falmouth, being three parcels of vacant land together containing 9.31 acres as further described in a deed from Gerald W. Sylvia to The 300 Committee Land Trust, Inc., dated March 3, 2020, and recorded in the Barnstable County Registry of Deeds in Book 32735, Page 281 [Map 12 05 014A 000B and 12 05 014B 000B], said conservation restriction to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under conservation restrictions, the form of which shall be determined by the Conservation Commission and approved by the Select Board; and further to appropriate the sum of Two Hundred Thousand (\$200,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board and subject to all necessary statutory and regulatory approvals. Or do or take any other action on this matter. On request of the Community Preservation Committee.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the Budgeted Reserve; and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the Historic Preservation Reserve, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make capital improvements to Guv Fuller Field; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this 1st day of February in the year of our Lord Two Thousand Twenty One.

Megan English Braga, Chairman
Douglas C. Brown, Vice Chairman
Doug Jones
Samuel H. Patterson
Nancy Taylor

Diane Davidson

From: Ron Zweig <rdzweig@gmail.com>
Sent: Friday, February 19, 2021 4:16 PM
To: Diane Davidson
Cc: Falmouth Selectboard
Subject: Re: Petition Article Presenters

Hi Diane,

Below is a written explanation of the rationale to support **Article 31** for easy reference for discussion during the this Monday's February 22 Select Board meeting.

Thank you.

Be safe: be well.

Best,

Ron

ARTICLE 31: To see if the Town will vote to advise the Board of Selectmen to create a Domestic Partnership By-law for the Town of Falmouth, Massachusetts. Or do or take any action on the matter.

Explanation:

The Town of Falmouth recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of "family" can exclude a segment of the Falmouth population by: (1) depriving them of recognition and validation; and (2) denying them certain rights that should be afforded to persons who share their homes, hearts, and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships.

People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Domestic Partnerships as envisioned under this Domestic Partnership By-Law means the entity formed by two persons who jointly file a Domestic Partnership Form and declare under penalty of perjury that: 1) They are in a relationship of mutual support, caring, and commitment, which means that each domestic partner contributes in some fashion, though not necessarily equally or financially, to the maintenance and support of the domestic partnership; 2) They are competent to enter a contract, are eighteen (18) years of age or older; and they intend to remain in such a relationship and are not married or in any other domestic partnership; 3) They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; 4) They agree to notify the Town of Falmouth of any change in the status of their domestic partnership.

Persons who have registered their domestic partnerships at the office of the Town Clerk in accordance with these Bylaws are entitled to the following rights: 1) health care facility visitation rights; 2) correctional facility visitation rights; 3) access to schools, as detailed in the Domestic Partnership By-Law; and any other rights as detailed in the By-Law.

On Fri, Feb 19, 2021 at 1:05 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

To all,

Attached please find a copy of the agenda for the Monday, February 22, 2021 Select Board meeting. The April 2021 Town Meeting petition article presentations are scheduled under the Business portion of the meeting, which begins at 8:00 p.m.

The Select Board is conducting its meeting via Zoom virtual meeting software. Instructions for participation are included at the top of the agenda.

If you have not yet participated in a town committee/board meeting via Zoom, please contact our I.T. Department by email at: ithelp@falmouth.freshdesk.com. One of our I.T. staff members will contact you to arrange a time to provide you with instructions on logging in and navigating in advance of the meeting so you are prepared and comfortable.

I will also be providing the I.T. staff with the agenda and names of participants/presenters, so they will be expecting to hear from you.

If you do not need instructions, following is the meeting I.D.#:

Please click the link below to join the webinar:

<https://zoom.us/j/91357504203>

Password: 59Falmouth

Or iPhone one-tap :

US: +13017158592,,91357504203# or +13126266799,,91357504203#

Or Telephone:

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

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

Webinar ID: 913 5750 4203

International numbers available: <https://zoom.us/j/91357504203>

Thank you,

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

--

Ron Zweig
8 Fay Road
P. O. Box 365
Woods Hole, MA 02543 USA
Tel. 508-241-5988

#12. Review and Vote to approve minutes of meetings: Public Session
– January 11, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 11, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 11, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

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

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

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

Absent: Megan English Braga, Chair.

Also Present: Julian Suso, Town Manager.

1. Call to Order by Chair Brown.
2. Pledge of Allegiance
3. Recognition

Mr. Jones reported passing of Dick Kendall, former State Representative and Commissioner of Environmental Management. Worked with Falmouth Housing Corporation and cared about Falmouth. Moment of silence.

Mr. Patterson recognized efforts of the Washington Capital Police.
4. Announcements-none.
5. Public Comment-none.

7:15 p.m. **SUMMARY OF ACTIONS**

1. Licenses

- a. Application for a Change of Manager and Change of Officers – Cape Verdean Club, 126 Sandwich Road, East Falmouth
Mr. Patterson motion approval. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

Larry Balbuena, the new Manager was present. Mr. Jones noted that anything that goes on there regarding liquor sales is the responsibility of the Manager.

2. Administrative Orders

- a. Approve Eversource petition to install one (1) 3" conduit and one (1) handhole on Bell Tower Lane, North of Millfield Street. The proposed locations are a required upgrade. Town engineer endorsed.
Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.
- b. Approve Eversource petition to install two (2) 6" conduits and one (1) 4"x6"x6" manhole and one pad mount transformer at Carriage Shop Road, North of Waquoit Highway. The proposed location is required for system reliability.
Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

- c. Approve request for license for the portion of an existing stone wall located within the public right-of-way of Bell Tower Lane
Atty. Moynihan explained that this will maintain a portion of existing wall in the public right of way. Extension of the wall into the driveway opening is also proposed and explained while referring to the plan. Approved by the Zoning Board of Appeals (ZBA), driveway entrance of the lane is being moved. David Martin, Project Engineer, is present and available to comment as well.

Mr. Patterson questions the height of the wall.

David Martin said the wall is approx. two feet tall. It retains the private property from the public layout. The area being abandoned will be filled in.

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

- d. Approve request for license for the existing stone retaining walls located within the public right-of-way of Clapp Road

Mr. Suso noted the wall is on the right of way, the address of the property is the adjacent street, 20 Brooks Rd., but the encroachment and license is on Clapp Rd.

Atty. Moynihan provided an overview, this was recently approved by the ZBA to make renovations to the house. Engineering Dept. is asking that any items in the Town road layout be licensed. The plan was described.

Engineering Department has no objection.

Atty. Moynihan noted the license is revocable, if the Town decided to do something there and the portions of the wall interfered with it, the Town has the right of way and Clapp Rd. is a public way.

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

- e. Vote to approve Certification of Estimated Summer Resident Population as of July 10, 2021

Town Clerk Michael Palmer explained that it is an estimate and he believes the population triples in the summer to 88,788.

This has to do with how many liquor licenses the Town is allowed to have.

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

- f. Vote to accept donation of fill material and labor from Cape Cod Aggregates to complete repairs to town-owned dirt roadway through the Matt Sousa Conservation Area
Mark Kasprzyk explained last spring material was donated and George Botelho donated his services. They were short 500 feet and would like to complete it. Donation of material by Cape Cod Aggregate and labor by George Botelho, Inc. DPW will bring the material over.

Mr. Patterson motion to accept the donations with gratitude. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

- g. Vote to recommend an application for Community Preservation funds for Guv Fuller Field improvements to supplement amount previously approved by Town Meeting

Joe Olenick, Recreation Director, apply for a third and final CPC application for the renovations of the field. All three bids came over the amount of money they had from CPC to do the project. Lowest bid was \$10,000 over the estimate and did not include the installation of the bleachers.

Seeking \$325,000 to complete the project.

Mr. Olenick reviewed the money spent so far of \$120,000 of the first grant of \$477,000. Issues in initial bid package because they were trying to bid it separately, in the end contractors who were going to bid but did not were concerned if they were doing one aspect of it, the previous contractor would not complete their work completely and could cause a problem for the contractor doing the next piece of the project. They are now pulling the project together with the help of CDM Smith, which costs \$80,000 for planning. It is unknown why the bids came in so high, could be due to COVID-19 or cost of materials increasing. The bleachers are and additional \$85,000.

First grant from the CPC was about \$450,000, second request was for \$298,000 and now a third for \$320,000. The Commodores are offering to cover \$6,000. Mr. Patterson said that he is liaison to the CPC, he has seen this project come before the committee on numerous occasions. This project should have been more fully vetted by Town staff, there was not good project management built into the cost. Town Committees where builders are brought in and used to the contracting guidance and is helpful in this type of project. The CPC is not in a good position to figure out what is covered and not covered.

This cost does not include the new building the Commodores want.

Jennifer Mullen, Finance Director, has been involved since the beginning, the project was originally funded by CPC, Commodores were putting the bid package together, about a year into it the Town took over and recommended CDM Smith. Problems: electrical line in front of the dugout, making dugout handicap accessible, and this started for safety reasons for netting and backstops. Once staff took over the bidding, it moved forward smoothly. The Commodores had an engineer draw design for dugout, because that is separate, so CDM Smith was not involved in that. This was put out to bid, but came in over the estimated cost. CPC is funding the entire cost of the project. Her suggestion was to have a good contingency because there may be problems when they start doing site work, she suggested 10% contingency.

The dugout reconstruction was discussed, initially a lift was going to be put in to allow access for individuals who live with a handicap, the lift would be made flush to the ground. It is unknown at this time what the final decision was because that is not part of this project.

Mark Kasprzyk, Falmouth Commodores, told the Select Board that he thought they could do this with pro bono contributions including the plan for the building. Dugouts are crumbling. It was

naïve they thought this could be done with minimum funding and pro bono. They reassessed the project when bids were not received, CDM Smith was asked to include validating the plans, drawings, and budget. Commodores went back to the CPC in Fall 2020 for approval based on the budget CDM Smith put forward. This project has been going on for years, this field is the only field in the league that by June will not have safety netting. The dugouts serve as a secure base for the netting.

Mr. Jones asked if this should be a DPW town project, Ms. Mullen feels it is a lot for the DPW to take on. There are site issues, she does not know if this is something the DPW could take on.

Mr. Suso noted DPW is capable, but would affect other projects and would be a matter of priorities.

Mr. Jones explained that this project cannot get started until after the April Town meeting, so there is not enough time to do it for this year's baseball season. This will not be happening until the fall and Mr. Suso's understanding as well.

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

7:30 p.m. PUBLIC HEARINGS

1. Application for Transfer of a Wine and Malt Package Store License – M. A. Friends, Inc. d/b/a Jack in the Beanstalk, 800 Gifford Street Extension, Falmouth
Doug Brown read the hearing notice.

Atty. Christopher Lebherz, 99 Town Hall Square, Falmouth, representing applicant. Robert Burke, current license holder, was also present.

Atty. Lebherz noted the owner is selling the property, application is to transfer the license, there is a business, real estate transaction, and lease to this applicant. The main inquiry tonight is the character/fitness of transferee, so Mr. Patel joined the hearing, he is a long time Falmouth resident and an established business man. Mr. Patel is TIPS certified, aware of what needs to be done to be a suitable transferee, he will be the manager.

Mr. Patterson asked about concerns raised by Town Counsel, Mr. Lebherz said that he was not aware of any concerns. Mr. Patterson quoted a document, stating that M&A realty is related to MZ Enterprises and the Select Board could ask for more information about the stockholders to look into the relationship. There is a legal question of whether this organization can have two licenses in the same town.

Atty. Lebherz offered to get the corporate records and address them with the Select Board at a later time during the meeting. Atty. Lebherz stated that he is not completely aware of the relationship between the enterprises. He requested being on the next meeting agenda.

Mr. Jones motion to continue to 2/1/20 at 7:30 p.m. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

2. Application for Alteration of Licensed Premises of a Wine and Malt Common Victualler License – Seafood Sam's, 356 Palmer Avenue, Falmouth

Chair Brown read the hearing notice.

Mr. Lewis noted it was brought to his attention during Covid-19 outdoor seating application that in 2002 he put the addition on enclosing the deck and picnic tables on the side of the building. When doing the license for temporary Covid-19 seating, it came to his attention that the patio portion never got finalized by the ABC in 2002. He is trying to get it to the legal status, no changes, he has been operating the same since 2002. He wants to bring this into compliance. The fence on front of the patio has been there since 2002.

Public Comment: None.

Mr. Patterson motion to close the hearing. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

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

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reviewed the Falmouth Weekly Case Trend via shared screen. Past two weeks decreased to about 50 of cases. Congregate care cases and most has been results from the holidays. The Town is in yellow for data 12/20-1/2/21 timeframe, both cases and testing decreased. County positivity is up to over 6%, the vast majority of towns in the State are in the red. Towns in Barnstable County are mostly in the red, may be exceeding where we were earlier in the pandemic. Hospitalizations reviewed, about the same as we were in the April timeframe.

Vaccine status reviewed, long term care addressed now, first responder clinic held today, congregate care settings are getting scheduled.

The State has asked local BOH to take care of first responders. Towns are waiting more details regarding Phase 2 and 3, it will be a long duration drive though vaccination clinic. He suggested partnering up with Barnstable County Health for vaccine storage and distribution. Details are being worked out. Drive through is good and they are looking at regional roll out. Over the next couple weeks, he will be able to provide more detail.

Mr. Patterson noted that the requirement for PCR test as basis for ending your quarantine and going back to work may not be the best strategy and the ladder flow antigen test may be the better option and tells you if you have the active virus.

Mr. McGann said PCR is not used to end a quarantine, because the viral DNA sheds for a while, so minimum 10 days with symptom resolution is the recommendation and what the State has designated. No one is waiting for a negative PCR to get back to work.

Private practice doctors and nurses, not a lot of direction front the State on these entities. Once the clinic is up and running, can go back and take care of those. They have had problems getting the vaccine, but he has sent them to various places. He hopes in the next weeks the clinic will be open.

Ms. Taylor commented that Mr. McGann has done a great job and thanked him.

The time between the first vaccination and second: Pfizer is 30 days and Moderna 28 days. All methods to Mr. McGann's disposal will be used when the clinic starts offering the vaccine. The national database just went live Friday. A scheduling/tracking software that has been developed. Barnstable County is working through the database as they work through vaccinating first responders.

2. Interview, vote and appoint committee member: Steamship Authority Board of Governors – Kathryn Wilson

Atty. Kathryn Wilson was appointed two years ago and her term just ended, she has applied for reappointment. There are many aspects to the SSA, lifeline to the islands, has positive and negative impact on the Town, key reasons she applied at first was the disconnect between the SSA and Woods Hole village; communication between the island and Falmouth needed to be bolstered up. Town Management and Select Board participation, Vineyard representatives are now involved, there is deep discussion and candor in the discussions.

Ms. Taylor motion to appoint Atty. Wilson to a three year term that expires in 2023. Second Mr. Patterson. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

3. Vote to adopt FY2022 budget and submit it to the Finance Committee

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

4. Vote to hold remote Annual Town Meeting via Zoom teleconference on January 25, 2021 to act on the Town Meeting Warrant originally posted for November 16, 2020, as requested by Town Moderator

Mr. Patterson motion to vote to hold remote Annual Town Meeting via Zoom teleconference on January 25, 2021 to act on the Town Meeting Warrant originally posted for November 16, 2020, as requested by the Town Moderator in a letter dated January 8, 2021. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

Mr. Jones motion to vote to issue a notice to Town Meeting members and other participants pursuant to Section 8 of Chap. 92 of Acts of 2020 that the meeting originally called for November 16, 2020 will be held by remote participation on January 25, 2021. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

5. Report – Cape and Vineyard Electric Coop (CVEC) annual presentation on FY20
Liz Argo, X Dir Cape and Vineyard Electric Cooperative, Inc. dep di Maria Marasco, William Lake President, and CVEC Rep for Falmouth Rosemary Dreger-Carey.

Ms. Argo explained there are 24 participants for renewable energy and CVEC has engaged in power sales, net metering credit benefits, ISO-NE market benefits to stabilize grid, and Electric Vehicle initiative helping Towns get EV cars and charging stations.

Reviewed initiatives and described what they do, including contracts in energy sales.

Mr. Patterson suggested she talk with the School Department; she has reached out to the School Department and has met with Mr. Murphy in the past. Ms. Argo will reach out to them again.

They have saved participants \$16,900,000 through net metering credits and reduction of greenhouse gases.

Reviewed projects that they have in the region.

Reviewed legislative and regulatory efforts.

FY2021 plans reviewed.

Customers include a number of school districts on Cape Cod.

The solar panels should not be installed over rooves older than 10 years. If maintenance needs to be done, the panels may be removed for the work and then reinstalled. However, Ms. Argo noted that the vendor needs to be made whole for the time the project is down, so it is important to be timely.

Ms. Marasco noted they are installing car port canopies that provide net metering credits.

Mr. Patterson asked for contact information so that he can connect them with the Falmouth EDIC.

Old Canal Electric plant being converted to Hydro was discussed, there are communities exploring similar ideas.

6. Approve 2021 annual license renewals:

COMMON VICTUALLER

Molly's Tea Room, 227 Main Street

INNHOLDER

Falmouth Inn, 824 Main Street

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

7. Vote to approve minutes of meetings:

- a. Public Session –
November 9, 2020.

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

- b. Executive Session –

December 7, 2020;

December 21, 2020.

Mr. Patterson motion to approve and not release Executive Session Meeting Minutes for December 7, 2020 and December 21, 2020. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

8. Individual Select Board Members' Reports-none.

Mr. Brown:

Planning Board has a couple items for Spring Town Meeting.

Mr. Patterson:

The Martin Luther King, Jr. No Place for Hate Breakfast will be via a Zoom meeting at noon 1/18/21.

9. Town Manager's Report

Mr. Suso noted annual Town Common Lighting Display will continue to mid January.

Reminder closure of April Town Meeting Warrant is Friday 1/15/21, anticipate limited number of articles, and it is highly likely the April Town Meeting will be virtual.

Town Hall and administrative offices closed 1/18/21 for the Martin Luther King, Jr. Holiday.

The next Select Board meeting is scheduled for 1/25/21 to address any related to items that arise having to do with Town Meeting.

The Select Board's next regular meeting will be on 2/1/21.

Mr. Jones motion to adjourn at approximately 9:16 pm. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

#14. Town Manager's Report

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: February 19, 2021

JM Suso

- The Board will convene in virtual session at 7PM on Monday, February 22 with a very full and challenging agenda. As Megan has noted in an email, it is important that this be a tightly controlled meeting given the very large number of items and that this will be announced at the start of meeting for public understanding.
- You have a number of housekeeping items under "Summary of Actions." This includes authorizing a lease for the Emerald House building following a formal RFP process. It also includes requested authorization for accepting some and applying for other grant funds in areas of priority. With regard to William Road, I am advised that the original voted taking by the Board last year was unfortunately "lost in the mail" to County Records and as a result you are being asked to execute a "confirmatory order" as per Town Counsel.
- There follows five public hearings.
- Under Business, the Board as Trustees of the Affordable Housing Fund is asked to affirm an application for \$260,000 for four single family homes on Lewis Neck Road – I am respectfully suggesting the condition be added that..."this be conditioned on completion of the roadway improvements detailed in the Planning Board access determination voted 11/10/2020." Although you have my Memo on this within your Board packet, given the several other documents also included, I have attached my Memo to this Report and highlighted my suggestion which is borne out of close and consistent work with Town Counsel and with a priority for public safety.
- Board members will be considering the anticipated request for a lot split at 860 Sandwich Road to allow the construction of the proposed new, fifth fire station following the multi-year review and analysis process with which you are most familiar. As you know, we are involved in a challenging and time sensitive process if we are to aim for the suggested May, 2022 debt exclusion for construction following Town Meeting action in April, 2021.
- Attorney Chris Morog will be joining us once again for a status update on the proposed "next steps" in the proposed wind turbine disposition

process. The Board had earlier designated Select Board member Doug Jones to work with us in reviewing this planned procedure prior to returning to the full Board with a disposition recommendation. Town Counsel Frank Duffy and Finance Director Jennifer Mullen will also join us for this status update.

- Consistent with the recent actions of the School Committee, the Select Board is holding a “second reading” (status update) of the proposed Diversity Officer job description. Be advised that staff members from both the Town and the School Department have now concluded a rigorous internal review of the many public comments already received within the suggested deadline for responding. This is in anticipation of bringing the deliberations on this joint Town/School staff position to closure at the planned upcoming Joint Meeting with the School Committee set for Monday evening March 15.
- I attended the Mayflower Wind webinar presented on Wednesday evening, February 10, advertised as a “virtual town hall” in conjunction with State Representatives Vieira and Fernandes.
- I attended the weekly Tuesday evening meeting of the Finance Committee as they continued their deliberations in preparation for the upcoming April Town Meeting.

MEMORANDUM

TO: Select Board
FROM: Julian M. Suso, Town Manager



CC: Community Preservation Committee
Carla Feroni, Housing Coordinator
Frank Duffy, Town Counsel

SUBJECT: Falmouth Housing Trust – Lewis Neck Road Parcel C2 Application to
Falmouth Affordable Housing Fund
DATE: January 11, 2021

Board Members may recall that the Falmouth Housing Trust, a private, non-profit housing developer, submitted an application for a comprehensive permit under MGL C. 40B for 4 affordable single-family homes on a 1.16 acre parcel on Lewis Neck Road. This proposal was reviewed by the Board at a meeting with the applicants on 07/14/2020 at which the Board authorized me to send the attached project eligibility letter to Mass Housing. Increasing the supply of housing to meet the needs of the entire community continues to be a priority for the Board and is referenced in the Strategic Plan. The project eligibility letter of 07/15/2020 outlines the proposal and notes some concerns raised by staff and the Planning Board with regard to access. The Planning Board has placed a covenant on the parcel which Town Counsel has opined limits potential development of the parcel to one single-family residential structure. The project eligibility letter of 07/15/2020 asks the FHT to work with abutters to have Lewis Neck Road widened and improved to facilitate safe access for the 4 proposed single family houses as well as those already present.

The Falmouth Housing Trust (FHT) has applied for funding in the amount of \$260,000 for 4 affordable housing units from the Falmouth Affordable Housing Fund (FAHF) of which the Select Board are the Trustees. The attached application package provides full details of the proposal. The proposed unit summary appears in the table which follows.

Unit Summary Table

Two 2-Bedroom Units	Two 3-Bedroom Units
1,071 Sq. Ft.	1,551
1 Unit 80% AMI*	1 Unit 80% AMI
1 Unit 100% AMI	1 Unit 100% AMI

*AMI: Area Median Income

On 12/1/2020, a meeting was held with FHT representatives, the FAHF Working Group and myself to review the application for funds. FHT and the Town both had legal counsel present so the questions regarding access and the implications of the covenant could be addressed. It was noted that the Planning Board recently issued an access determination for a parcel abutting the FHT property on Lewis Neck Road which requires that the full length of the road be paved with drainage improvements in order to develop one single-family house on this abutting parcel. The FHT representatives were aware of this access determination and stated that FHT has agreed to contribute to the cost of these roadway improvements if they are undertaken. Town Counsel indicated that such roadway improvements may effectively render the restrictions of the covenant moot.

We note that the unit mix is well targeted to the needs identified in the Housing Production Plan which calls for 50% of single-family houses to be 3-bedroom and 50% 1- or 2-bedroom. In light of the urgent housing needs of the Falmouth community and consistent with the recommendation of the FAHF Working Group, I recommend that the Board approve the full amount of the FHT request of \$65,000 per unit for 4 affordable units and that this award of funds be conditioned on completion of the roadway improvements detailed in the Planning Board access determination voted 11/10/2020 for the abutting parcel – Assessor's Map #40 03 001B 000B and subject to any further terms which will be detailed in a commitment letter from the Town Manager following Select Board consideration and action.

Attachments:

- Project Eligibility Letter, Suso 07/15/2020
- FHT Application for Funding