

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, APRIL 5, 2021 – 6:30 P.M.

SELECT BOARD MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 5, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

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

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

AGENDA

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Vote to affirm Memorandum of Agreement with Falmouth Police Patrol Federation, and to discuss collective bargaining strategy with respect contract renewals for all unions

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations:
 - a. Arbor Day – April 30, 2021
 - b. National Public Safety Telecommunicators Week – April 11-17, 2021
 - c. National Library Week – April 4-10, 2021
 - d. No Guff Week – April 12-16, 2021
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for a Pledge of Collateral of an All Alcoholic Common Victualler License – Shipwrecked, LLC – 263 Grand Avenue, Falmouth

- b. Approve application for a Change of Hours (10:00 a.m. Sunday opening) of an All Alcoholic Club License – Seacoast Shores Association, Inc., 7 Farview Lane, East Falmouth
 - c. Approve application for a Change of Manager of a Common Victualler License – The Black Dog Heights Café, 465 Grand Avenue, Falmouth
2. Administrative Orders
- a. Vote to extend temporary construction easement for Gifford Street previously granted to Locustfield LLC to April 29, 2022
 - b. Approve a letter from the Town Manager to MassDOT on behalf of the Select Board involving a number of issues related to Woods Hole Road
 - c. Vote to approve use of the Bell Tower Ball Field, Woods Hole by WHOI and USCG for a helicopter and autonomous underwater vehicle (AUV) demonstration on Thursday, 4/15/21
3. Special Events

Recurring Events - Recommended:

- a. Kayak/Small Boat Fishing Event – John Galvin, NE Bassin – Coonamessett Pond – Saturday, 5/1/21
- b. Wounded Warrior Project Soldier Ride – Falmouth Military Support, Carole Kenney – Bike Path – Friday, 5/21/21
- c. Falmouth Farmers Market – Marina Park – Thursdays, 5/27/21 – 10/7/21 and Tuesday, 11/23/21
- d. Falmouth Classic Car Club Cruise In – Falmouth Classic Car Club, Inc. – Marina Park – Sundays, 6/13/21, 7/11/21 and 8/8/21
- e. Falmouth Art Market – Falmouth Cultural Council – Marina Park – Thursdays, 7/1/21 – 8/26/21
- f. Sunday Worship Services – John Wesley United Methodist Church – Surf Drive Beach – Sundays, 7/4/21 – 9/5/21
- g. Rotary Club Craft Fair – Falmouth Rotary Club – Marina Park – Saturday, 9/4/21 and Sunday, 9/5/21
- h. The Kirwin/Murray Tour de Falmouth – Falmouth Housing Corp. – Surf Drive Beach start/finish – Sunday, 10/10/21

New Events - Recommended:

- a. Boy Scout Troop 38 Meetings – Marina Park – Tuesday Evenings through June 2021
- b. Dance Performance – Turning Pointe Dance Studio – Bandshell – Sunday, 6/6/21
- c. Dance Recital – Harper Dance Center – Bandshell – Saturday, 6/12/21
- d. Dance Recital – Falmouth Dance Academy – Bandshell/Marina Park – Saturday, 6/19/21
- e. Beach Wedding Ceremony – Kelly Monahan – Old Silver Beach (Public) – Saturday, 8/21/21
- f. Beach Wedding Ceremony – Namboothiri – Menauhant Beach West – Saturday, 7/17/21

7:30 p.m. PUBLIC HEARINGS

- 1. Wetland/Dock Hearing – Gerard T. and Margaret T. Robinson, application for permission for a proposed waterfront improvement project which includes the construction and maintenance of an aluminum gangway, timber pier extension, ramp, tee float and pilings as well as water and utility installation in and over the waters of Green Pond, located at 290 Acapesket Road, East Falmouth
- 2. Approve application for a Change of Officers/Directors and Change of Stock Interest of an All Alcoholic Package Store License – Norman’s Liquors d/b/a Kappy’s, 21 Spring Bars Road, Falmouth

7:45 p.m. BUSINESS

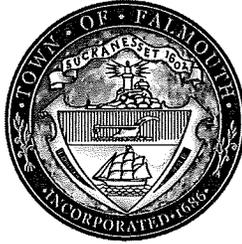
- 1. Discussion/update on COVID-19 issues
- 2. Set June Special Town Meeting date(s) and approve articles
- 3. Report – Cape Cod Commission, Kristy Senatori
- 4. Report on building permits
- 5. Update on beaches
- 6. Vote to place Charter Review questions on the May 2021 municipal ballot, and vote the order of the questions on the ballot

7. Discussion on water conservation needs for the coming summer season
8. Approve 2021 Annual/Seasonal License Renewals:
 - Common Victualler License
 - Smitty's Ice Cream, 326 East Falmouth Highway, East Falmouth
 - The Tea Room, 196 Crystal Springs Avenue, North Falmouth
 - Lodging House License
 - Captain's Manor Inn, 27 W. Main Street, Falmouth
 - Elizabeth Hathon, 1665 North Falmouth Highway, North Falmouth
 - Frederick William House, 594 Palmer Avenue, Falmouth
 - Inn on the Sound, 313 Grand Avenue, Falmouth
 - Second Hand Dealer License
 - Falmouth Stamp & Coin, 11 Town Hall Square, Falmouth
 - St. Vincent de Paul Thrift Shop, 18A Davisville Road, East Falmouth
 - Trendy Tots, 426 Main Street, Falmouth
9. Review and Vote to Approve Minutes of Meetings:
 - a. Public Session – February 1, 2021; February 13, 2021
 - b. Executive Session – March 22, 2021, Sessions 1 and 2
Vote to Release/Not to Release Minutes of Executive Session
10. Individual Select Board Members' Reports
11. Town Manager's Report

Megan English Braga, Chair
Select Board

OPEN SESSION

#3. Proclamations



PROCLAMATION

WHEREAS: The Town of Falmouth benefits from the graceful canopy of tree limbs that shade us from the blazing summer sun, purify our air of contaminants, provide a peaceful respite from the ordinary world, and generally beautify our community; and

WHEREAS: The Town has been recognized by a National Program and is known far and wide as a “Tree City”; and

WHEREAS: The Falmouth Tree Warden, Falmouth Garden Club and Falmouth Public Schools recognize the aesthetic value of the beautiful trees of Falmouth by organizing a day to celebrate the purity and strength exemplified by a statuesque tree and all living green things; and thereby honor the trees of Falmouth by singing songs, sharing thoughts and teaching more about the value of our trees; and

NOW, THEREFORE, WE, Megan English Braga, Douglas C. Brown, Douglas H. Jones, Samuel H. Patterson and Nancy R. Taylor, as the Select Board of the Town of Falmouth, do hereby **PROCLAIM**, Friday, **April 30, 2021** as:

ARBOR DAY

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 5, 2021.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD



PROCLAMATION

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK APRIL 11-17, 2021

Whereas, emergencies can occur at any time that require police, fire or emergency medical services; and

Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Falmouth Emergency Communications Center; and

Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

Whereas, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and

Whereas, Public Safety Telecommunicators of the Falmouth Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore, be it resolved that the Select Board for the Town of Falmouth declares the week of **April 11 through 17, 2021 to be National Public Safety Telecommunicators Week in the Town of Falmouth**, in honor of the men and women whose diligence and professionalism keep our community and citizens safe.

IN WITNESS THEREOF, We have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD



PROCLAMATION

National Library Week April 4 – 10, 2021

WHEREAS, libraries are at the heart of our town, fostering a sense of belonging and community; and have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, Falmouth is fortunate to have both three public municipal libraries, Main, East Falmouth and North Falmouth and two independent non-profit libraries, West Falmouth and Woods Hole demonstrating the high level of support for these great institutions;

WHEREAS, libraries are accessible and inclusive places that welcome everyone to use their resources, providing access to computers and wi-fi, whose services extend far beyond the four walls of their buildings;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve, to offer opportunities for everyone to explore new worlds and become their best selves through access to technology, multimedia content, and educational programs;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; in times of crisis, libraries, librarians, and library workers play an invaluable role in supporting their communities both in person and virtually;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that we, the Select Board of the Town of Falmouth proclaim **National Library Week, April 4-10, 2021**. During this week, we encourage all residents to visit their library and make use of their library resources and services. Because of you, Libraries Transform lives and communities.

IN WITNESS THEREOF, We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on April 5, 2021.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD



PROCLAMATION

WHEREAS: “NO GUFF” day has been celebrated since 2001 at Falmouth High School, when Greg Gilbert and Doug Riebesehl, working with students to find a proactive way to handle conflicts, came up with the phrase “no guff.” Since Mr. Riebesehl’s tragic death that same year, NO GUFF has been celebrated in his remembrance; and

WHEREAS: By taking the pledge and making a concerted effort to observe the NO GUFF mantra, community members work together and support each other in keeping a positive attitude and creating a positive environment. *The NO GUFF Pledge: I will not speak, text or post anything negative about anyone for an entire day;* and

WHEREAS: Celebrating NO GUFF can raise awareness, change the environment and help people feel better about themselves and others by discouraging negative remarks, put-downs, and bullying; and

WHEREAS: The Town of Falmouth is a “NO GUFF” community. Celebrations and observations are planned throughout the week. Falmouth citizens are encouraged to come up with creative ways to celebrate the NO GUFF concept—at home, at school, at work, and during leisure time.

NOW THEREFORE, We, Megan English Braga, Douglas C. Brown, Douglas H. Jones, Samuel H. Patterson and Nancy R. Taylor, as the Select Board of the Town of Falmouth, by authority vested in us, do hereby call upon citizens of Falmouth to participate in all activities related to the No Guff policy and proclaim

APRIL 12 – 16, 2021 – NO GUFF WEEK

IN WITNESS THEREOF, We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on April 5, 2021.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD

SUMMARY OF ACTIONS

#1 LICENSES

- a. Approve application for a Pledge of Collateral of an All Alcoholic Common Victualler License – Shipwrecked, LLC – 263 Grand Avenue, Falmouth

Note: The transfer of this license was previously approved by the Select Board and the application mailed to the ABCC. The applicant has also applied for a Pledge of Collateral, and this office has received the required application and supporting documents.



TOWN OF FALMOUTH
Office of the Town Manager & Board of Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

Pledge of Collateral (License, Stock, or Inventory) Checklist

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

- Monetary Transmittal Form
- Payment Receipt for \$200.00 Fee Paid to the ABCC
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Pledge of License, Stock or Inventory Application
- Vote of the Corporate Board
- Pledge documentation *agreement*
- Promissory note
- A \$10.00 Filing Fee made payable to the Town of Falmouth
- A hearing before the Board of Selectmen
- LLA Certification

Please refer to ABCC website: www.mass.gov/orgs/alcoholic-beverages-control-commission

1. Click on Alcoholic Beverages Retail Licenses
2. Click on Amend an Alcoholic Beverages Retail License
3. Click on Pledge of Collateral (License, Stock, or Inventory)
4. Download the License Application and CORI Authorization Form
5. Complete the Application and CORI Form
6. Save to your computer
7. Print out and sign
8. Attach all required documents and submit entire package to the Board of Selectmen's Office

Note: Applications must be typed (entered on computer)—no handwritten applications accepted.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

This license will cover the dining room, bar, kitchen and two entrances, one facing Grand Avenue and once facing Central Park Avenue

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

Falmouth

1. TRANSACTION INFORMATION

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

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

The Transferee is purchasing the assets of the Transferor, including the existing liquor license. Transferee intends to operate the existing restaurant in substantially the same way as it has been operated by the Transferor. As part of the acquisition, Transferee is obtaining a commercial loan and Transferee will be pledging its interest in the License as a portion of the loan collateral.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	§12 Restaurant	All Alcoholic Beverages	Annual

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number: 00130-RS-0390 FEIN: [REDACTED]

Entity Name: Shipwrecked LLC

DBA: Shipwrecked Manager of Record: Alex Khan

Street Address: 263 Grand Avenue, Falmouth, MA

Phone: 508-540-9600 Email: info@shipwreckedfalmouth.com

Add'l Phone: [REDACTED] Website: www.shipwreckedfalmouth.com

4. DESCRIPTION OF PREMISES

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

This license will cover the dining room, bar, kitchen and two entrances, one facing Grand Avenue and one facing Central Park Avenue

Total Sq. Footage	1500	Seating Capacity	100	Occupancy Number	100
Number of Entrances	2	Number of Exits	2	Number of Floors	1

CORPORATE VOTE

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

For the following transactions (Check all that apply):

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

"VOTED: To authorize
Name of Person

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

"VOTED: To appoint
Name of Liquor License Manager

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

A true copy attest,



Corporate Officer /LLC Manager Signature

Alex Khan

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

#1 LICENSES

- b. Approve application for a Change of Hours (10:00 a.m. Sunday opening) of an All Alcoholic Club License – Seacoast Shores Association, Inc. - Farview Lane, East Falmouth



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00209-CL-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

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

Granted under Special Legislation? Yes No
 If Yes, Chapter
 of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
 Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Seacoast Shores Association, Inc.

7 Farview Ave

East Falmouth, MA 02536

To Whom It May Concern:

The Board of Directors of Seacoast Shores has approved our request to the regulatory agencies to move back the Sunday serving time for our current liquor license from the current 12:00 Noon serving time to an earlier 10:00 am serving time.

Thank You,

 3/11/21

Dan Frawley – President

Seacoast Shores Association, Inc.

#1 LICENSES

- c. Approve application for a Change of Manager of a Common Victualler License – The Black Dog Heights Café – 465 Grand Avenue



TOWN OF FALMOUTH
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

RETAIL LICENSE APPLICATION – includes Common Victualler & Innholder Licenses

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: Daniel J. Pucillo TITLE: C.E.O.

HOME ADDRESS: 735 Falmouth Rd
Town: Mashpee State: MA Zip code: 02649

BUSINESS NAME: Black Dog Tavern Co.

D/B/A if any: The Black Dog Heights Cafe

BUSINESS ADDRESS: 465 Grand Ave
Town: Falmouth State: MA Zip code: 02540

MAILING ADDRESS (if different): 735 Falmouth Rd
Town: Mashpee State: MA Zip code: 02649

FEDERAL ID #: [REDACTED] MANAGER OF RECORD: Robin Lee Pucillo

EMAIL – required: robinpucillo@theblackdog.com

TELEPHONE – BUSINESS: 508-388-7713 HOME: [REDACTED]

DAYS OF OPERATION: 7 days

HOURS OF OPERATION: 6am-9pm

SEATING CAPACITY found on Occupancy Permit: 51

APPLICATION MUST BE SIGNED BY OWNER, MANAGER OF RECORD, OR AUTHORIZED REPRESENTATIVE

**DATE: 3-16-2021

Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- > Food Service Establishment Permit – Health Department
- > Business Structure Documents:
 - a. Copy of Articles of Organization (if corporation)
 - b. Copy of LLC Agreement (if limited liability company)
 - c. Copy of Partnership Agreement (if partnership)

- **Copy of lease or deed**
- **Copy of special zoning permits, *if any***
- **Occupancy Permit – Building Department**
- **Copy of Floor Plan**
- **Copy of Menu**
- **Attend a hearing before the Board of Selectmen at a time and date designated**
- **Upon approval of the application a Certificate of Doing Business from the Town Clerk's Office will be required**

#2 ADMINISTRATIVE ORDERS

- a. Vote to extend temporary construction easement for Gifford Street previously granted to Locustfield LLC to April 29, 2022

Diane Davidson

From: Peter Johnson-Staub
Sent: Monday, March 29, 2021 11:25 AM
To: Diane Davidson
Cc: Julian Suso; Noreen Stockman; Frank Duffy
Subject: FW: Locustfield Rd Temporary Easement Extension
Attachments: Locustfield Temporary easement ext..pdf; Locustfield Rd Construction Easement.pdf

Hi Diane,

Could you please add the following item to the April 5th Select Board Administrative Approvals agenda:

“Vote to extend temporary construction easement for Gifford Street previously granted to Locustfield LLC to April 29, 2022.”

This easement allows the developer of 12 single-family houses to access the construction site via Gifford Street extension which is less disruptive to the neighborhood than access from Locustfield Road. The Select Board approved the original temporary construction easement in September of 2019. The developer is asking for an extension in light of delays in the permitting and construction process. The Zoning Board Administrator and Assistant Town Manager support the request. Attached are the letter of request from the develop and the original easement which can be included in the Board packet.

Thank you,
Peter

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

www.falmouthma.gov - The Town of Falmouth website has a new look and a new address!

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

From: Dan Maclone <maclone7@aol.com>
Sent: Monday, March 29, 2021 9:50 AM
To: nmirrione@mirrionerealty.com; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject:

**LOCUSTFIELD, LLC
150 TIMOTHY BOURNE CARTWAY
EAST FALMOUTH, MA 02536**

March 29, 2021

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

RE: Temporary Construction Easement located on Gifford Street and dated September 23, 2019

Dear Board Members:

Please accept this letter as our formal request to extend the expiration date of the above-referenced temporary construction easement until April 29, 2022.

Very truly yours,

Locustfield, LLC

A handwritten signature in black ink, appearing to read 'D. Maclone', with the word 'Manager' written in cursive to the right of the signature.

Daniel C. Maclone
Manager

TEMPORARY CONSTRUCTION EASEMENT
GIFFORD STREET
FALMOUTH, BARNSTABLE COUNTY, MASSACHUSETTS

The Town of Falmouth (the Grantor), a municipality in Barnstable County, Massachusetts, with a principal place of business at 59 Town Hall Sq., Falmouth, MA 02540, acting by and through its duly elected and presently serving Board of Selectmen, for nominal, non-monetary consideration and for the purpose of facilitating the construction of a 12 unit affordable housing project sponsored by said town and the Grantee under the Local Initiative Program and further authorized by a G.L. Ch. 40B comprehensive permit issued by the Falmouth Zoning Board of Appeals on June 27, 2019, grants to Locustfield, LLC (the Grantee), a Massachusetts limited liability company, with a principal place of business at 150 Timothy Bourne Cartway, East Falmouth, MA 02536, its successors and assigns, without covenants:

A Temporary Construction Easement for access from Gifford Street to the project site at 430 Locustfield Road, also known as 0 Locustfield Road (Lot 2), for the purpose of facilitating the construction of the project and allowing construction vehicles and equipment to enter the project site from Gifford St. and avoid Locustfield Road which serves a residential neighborhood. Said Temporary Construction Easement is shown on a sketch plan attached hereto as Exhibit A.

The Grantee shall prepare the Temporary Construction Easement with a temporary stone stabilization pad to protect the area, prevent storm water runoff and protect underground utilities. The Town Engineer shall approve the stabilization pad before the Temporary Construction Easement is used for its intended purposes.

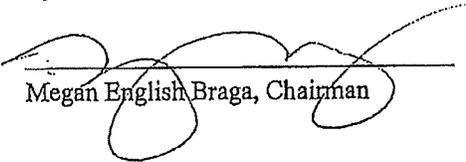
The Temporary Construction Easement shall expire on December 31, 2020 unless the project is sooner completed as evidenced by a use and occupancy permit issued by the Building Commissioner of the Town of Falmouth.

The Grantee 1) assumes all responsibility for work done in the Temporary Construction Easement area, including work done by its subcontractors, 2) agrees to unconditionally indemnify the Town of Falmouth of and from any and all claims arising out the Grantee's (including subcontractors and suppliers), use of the Temporary Construction Easement and 3) agrees to restore any disturbed area to its original condition when construction is complete.

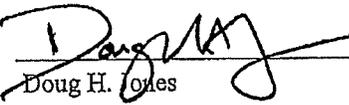
The Grantee shall furnish the Grantor with satisfactory proof of the following insurance coverages which shall be maintained in full force and effect for the duration of the construction project with the Town of Falmouth noted as an additional insured party, namely: General Liability of at least \$1,000,000 with property damage and bodily injury liability coverage combined single limit with a \$3,000,000 annual aggregate limit; Automobile Liability of at least \$1,000,000 property damage and bodily injury per accident limit; and Worker's Compensation as required by law.

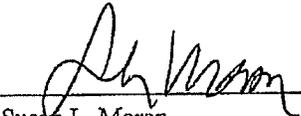
IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this 28th day of September, 2019.

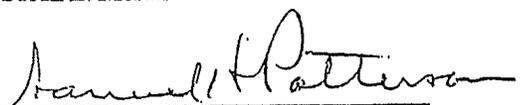
Town of Falmouth
By its Board of Selectmen


Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman


Doug H. Jones


Susan L. Moran


Samuel H. Patterson

#2 ADMINISTRATIVE ORDERS

- b. Approve a letter from the Town Manager to MassDOT on behalf of the Select Board involving a number of issues related to Woods Hole Road



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 5, 2021

Mr. Mary-Jo Perry, District Highway Director
MassDOT, District 5
1000 County Street
Taunton, MA 02780

Subject: Request for Assistance on Woods Hole Road

Dear Ms. Perry,

I am writing on behalf of the Falmouth Select Board to request the hands-on assistance and support of MassDOT on the following matters, all related to the expanding vehicular traffic concerns on **Woods Hole Road**:

- Enhanced roadway signage to control vehicle speed
- Request for signage alerting trucks that "jake braking" is prohibited
- Consideration of taking enforcement action on overweight trucks
- Consideration for MassDOT proceeding with an analysis to result in a lowering of posted vehicle speeds on this road
- In the interim, we respectfully request that MassDOT consider lowering the current posted speed to 35mph as one approaches the Town's existing Woods Hole Fire Station and continuing into Woods Hole Village

Thank you for your consideration of these important public safety matters, all related to Woods Hole Road. We would be happy to meet with you (virtually or otherwise) to further review and discuss. The volumes of traffic on Woods Hole Road continue to expand. The number of trucks carrying significant loads and expanding vehicle speeds are extremely concerning, all contributing to challenging public safety issues. We stand ready to assist and support MassDOT in this important process.

Sincerely,

Julian M. Suso

Falmouth Town Manager

Cc Falmouth Select Board
Police Chief Edward Dunne
Public Works Director Peter McConarty

#2 ADMINISTRATIVE ORDERS

- c. Vote to approve use of the Bell Tower Ball Field, Woods Hole by WHOI and USCG for a helicopter and autonomous underwater vehicle (AUV) demonstration on Thursday, 4/15/21



WOODS HOLE
OCEANOGRAPHIC
INSTITUTION

Scibotics Lab

Amy Kukulya

amy@whoi.edu | 508-289-3689

March 30, 2021

Concept of Operations (Conops) for USCG and WHOI Helicopter and AUV Deployment Demonstration

As part of a Department of Homeland Security, Center of Excellence ([ADAC](#)) project, a team of engineers at WHOI and MBARI are developing a helicopter portable long-range autonomous underwater vehicle for detecting underwater and under-ice anomalies such as oil spills. Our key stakeholders are the USCG. Therefore, below we outline the concept of operations for a collaborative WHOI and USCG demonstration of a autonomous underwater vehicle (AUV) pick and deploy into the ocean.

Overall Mission:

The team is tentatively scheduling a proof-of-concept pickup of LRAUV, Polaris, from a ballfield in Woods Hole. The USCG Jayhawk helicopter will hover for 15-20 minutes above the AUV or can safely land, where two members of the USCG team will clip the AUV's 'Brutus' quick release sling into the bottom of the helicopter. The Jayhawk will then slowly lift away and fly to open ocean and release Polaris at approximately 41.56269 and -70.69634 where it will commence an underwater mission.

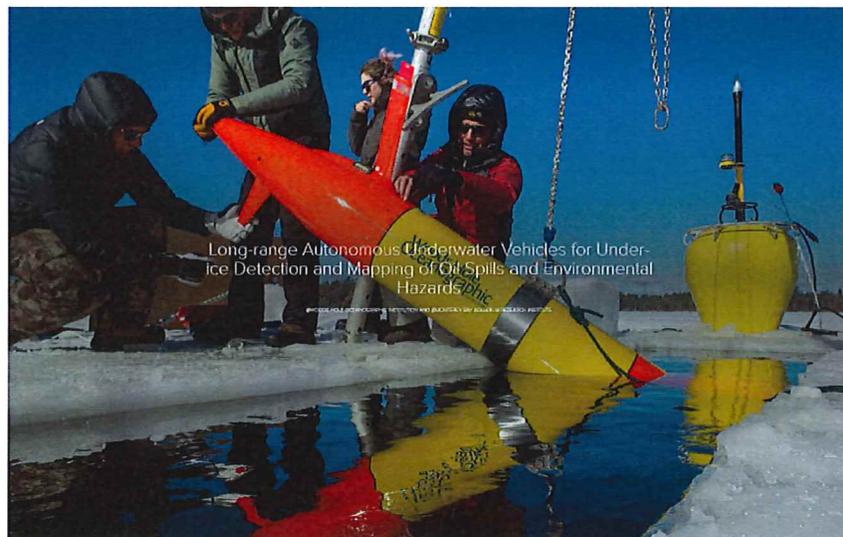


Figure 1 LRAUV is designed to be robust and under-ice capable. Here Polaris is deployed in an ice hole in 2020.

Mission details:

Polaris AUV will be on a wheeled cart in the middle of the Belltower ballfield with a USCG certified helicopter sling outfitted with a quick-release mechanism attached to its two-piece lifting bail setup on the main housing of the AUV. The quick release is controlled from the inside of the helicopter. There are no known accidental releases of the USCG 'Brutus' quick release sling system.

Two members of the USCG will serve as the ground crew for attaching the sling to the cargo hook, located at the bottom of the aircraft. They will be wearing helmets and face shields. Around the perimeter of the helicopter pick point, there will be WHOI personnel to observe the process, take notes and pictures/video. They will be wearing eye protection and face masks. The helicopter will then slowly ascend and tap forward to observe how the AUV will fly. We anticipate the nose dropping into the wind, but we do not anticipate this being a limiting factor to the success of the demonstration. The ground crew will communicate with the pilots and either give the OK to proceed or abort the mission. If the OK is confirmed from both parties, the helicopter will proceed to a slow air taxi at first in order to verify the LRAUV's stability. One of the outcomes of this demonstration is to determine what the maximum speed for transporting the LRAUV should be. The desired speed range is between 70 and 120 knots. This test will inform future USCG conops and serves as a training flight for the USCG pilots and ground crew team. After a suitable speed is determined, the helo will transition to transport the AUV to the posit point. A WHOI boat will be near the posit latitude and longitude in Buzzard's Bay standing by in case the AUV needs to be recovered. The helicopter will hover the AUV over the posit point just at the water line and release from the cockpit. The helicopter will then leave the immediate area, allowing for the boat to inspect the AUV's props, fins and antenna. If deemed OK, a mission will be conducted and the vehicle will survey Buzzard's Bay for a period of time TBD. At this time, the water aspect of the helicopter demonstration will be concluded. The helo requests permission to return to Belltower to release the 'Brutus' hook/sling rig.

We have identified the weak points of the AUV to be the fins, prop and antenna and all items are replaceable. We hope to learn if a two point pick point on the AUV is sufficient for stable transport, i.e. the AUV won't pitch too far as to hit the antenna on the lift line or hook.

The AUV and helicopter will be equipped with cameras to document the entire launch test in order to evaluate the use case and promote the partnership between WHOI and USCG. This new operational capability will enable quick response to offshore and hard to reach places such as high latitudes in the event of an environmental disaster (oil spill) or search and rescue for sunken ships, etc.

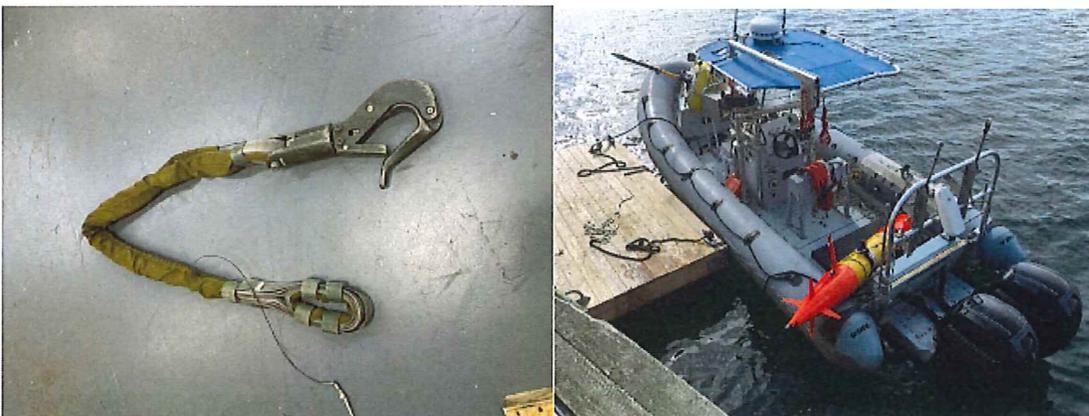


Figure 2 The USCG owned and approved 'Brutus' quick release will be the connection from the AUV to the helicopter. Figure 3. Polar LRAUV seen in a 7-meter WHOI RHIB and can be hoisted in the boat with three people easily.

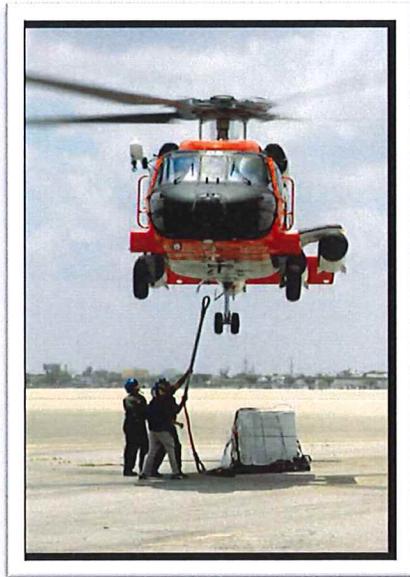


Figure 4. Example of the USCG ground crew connecting a load to the bottom of the aircraft. Figure 5. LRAUV picked at one lifting bail. The helicopter configuration will have two lifting bail pick points to minimize the AUV's nose tipping down during helicopter transport.

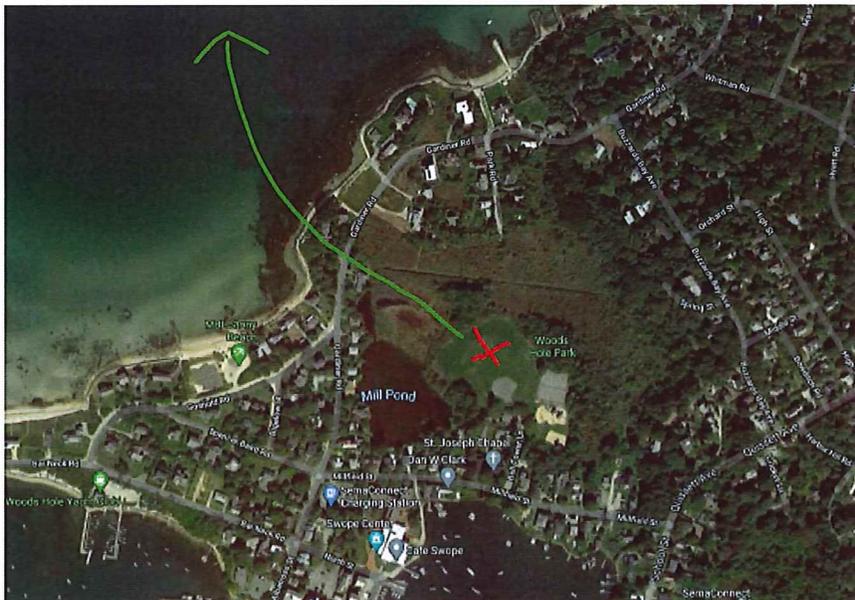


Figure 6. Google Earth image shows Belltower field in Woods Hole. This location is one of two options for the demo. The red X shows the field and pick point for the helicopter. The green line shows the trajectory the helicopter will take out into Buzzard's Bay.

Conclusion

The results of this demonstration will inform future conops of helicopter launch of AUVs for both the research and USCG community. Improvements and modifications will be made to create a transitional capability for LRAUV, USCG and the ADAC COE and possible future demonstration exercises to further test the capability.

#3 SPECIAL EVENTS

2021 Special Events - Applications Received and Reviewed

RECOMMENDED

The Town Manager's Internal Working Group for Special Events reviewed all the applications received, and met via Zoom to discuss, and recommends for approval the following events that fall under the Governor's Order for crowds of fewer than 150 people:

Crowds less than 150

1. Boy Scout Troop 38 Meetings – Marina Park – Tuesday Evenings through June 2021
2. Kayak/Small Boat Fishing Event – John Galvin, NE Bassin – Coonamessett Pond – Saturday, 5/1/21
3. Wounded Warrior Project Soldier Ride – Falmouth Military Support, Carole Kenney – Bike Path – Friday, 5/21/21
4. Falmouth Farmers Market – Marina Park – Thursdays, 5/27/21 – 10/7/21 and Tuesday, 11/23/21
5. Dance Performance – Turning Pointe Dance Studio – Bandshell – Sunday, 6/6/21
6. Dance Recital – Harper Dance Center – Bandshell – Saturday, 6/12/21
7. Dance Recital – Falmouth Dance Academy – Bandshell/Marina Park – Saturday, 6/19/21
8. Falmouth Classic Car Club Cruise In – Falmouth Classic Car Club, Inc. – Marina Park – Sundays, 6/13, 7/11 and 8/8/21
9. Falmouth Art Market – Falmouth Cultural Council – Marina Park – Thursdays, 7/1 – 8/26/21
10. Sunday Worship Services – John Wesley United Methodist Church – Surf Drive Beach – Sundays, 7/4/21 – 9/5/21
11. Rotary Club Craft Fair – Falmouth Rotary Club – Marina Park – Saturday, 9/4/21 and Sunday, 9/5/21
12. The Kirwin/Murray Tour de Falmouth – Falmouth Housing Corp. – Surf Drive Beach start/finish – Sunday, 10/10/21 – 8:00 a.m. – 12:00 p.m.
13. Beach Wedding Ceremony – Kelly Monahan – Old Silver Beach (Public) – Saturday, 8/21/21 – 5:00 p.m. – 7:00
14. Beach Wedding Ceremony – Namboothiri – Menauhant Beach west – Saturday, 7/17/21 6:00 p.m. – 7:30 p.m.

NOT RECOMMENDED AT THIS TIME

The Town Manager's Internal Working Group for Special Events reviewed all the applications received, and met via Zoom to discuss, and cannot recommend for approval the following events that are categorized under the Governor's Order for crowds of more than 150 people, and Road Races, which are listed to be included in Phase IV, Step 2 of the reopening plan:

Crowds over 150

15. Spring at Spohr – Spohr Gardens, Fells Road Closure – Saturday, 5/15/21
16. July 4th Fireworks – Carolyn Woods – Falmouth Heights Beach, Ball Field – Sunday, 7/4/21
17. Rockin' Recovery Fundraiser Beach Concert – Recovery Without Walls – Old Silver Beach – Thursday, 7/29/21
18. Butterfly Garden Day – Spohr Gardens, Fells Road Closure – Saturday, 8/7/21
19. Bands for Badges Music Festival – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/21/21 and Sunday, 8/22/21
20. Striper Fest – On the Water, LLC – Marina Park & Bandshell – Saturday, 9/25/20 – 12:00 noon – 6:00 p.m.

Crowds over 150 and Road Race (Phase IV, Step 2)

21. Falmouth Sprint Triathlon – New England Endurance Events – Surf Drive Beach – Sunday, 7/11/21
22. The Falmouth Walk – Tom Walrath – Town Hall Square Start/Finish – Saturday, 8/14/21
23. Falmouth Road Race – Falmouth Road Race, Inc. – Woods Hole to Falmouth Heights – Sunday, 8/15/21
24. Women Run 5K Cape Cod – Falmouth Track Club – Town Hall Square Start/Finish – Sunday, 9/19/21
25. ZOOMA Women's Race – Be Inspired Events, LLC – Seacrest, Old Silver Beach, Bike Path, N. Falmouth – Sunday, 9/26/21
26. Liam Maguire Irish Pub Almost 5-Miler – PCB Race Management – Start/finish Town Hall Square – Saturday, 10/2/21
27. Cape Cod Marathon Weekend – Falmouth Track Club – Marathon, Half Marathon, Relay, 5K, Kids' Fun Run – Saturday, 10/30/21 and Sunday, 10/31/21 – 6:00 a.m. – 4:00 p.m.

We have communicated with all applicants to advise them of the status of their application.

For those whose events are not allowed under the current State Orders, we have informed all that the applications have been reviewed, and the applications along with the dates reserved are being held. When there is an announcement of any change (for example an increase in the crowd size or moving into the next phase of reopening), then we will contact each event organizer to ask if they are still able to hold their event given the lead time between the potential Select Board approval (on a date to be determined pending the change in State Orders) and the date of their event.

PUBLIC HEARINGS

#1 Wetland/Dock Hearing – Gerard T. and Margaret T. Robinson, application for permission for a proposed waterfront improvement project which includes the construction and maintenance of an aluminum gangway, timber pier extension, ramp, tee float and pilings as well as water and utility installation in and over the waters of Green Pond, located at 290 Acapesket Road, East Falmouth



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, April 5, 2021 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall* on the application of Gerard T. and Margaret T. Robinson for a proposed waterfront improvement project which includes the construction and maintenance of an aluminum gangway, timber pier extension, ramp, tee float and pilings as well as water and utility installation in and over the waters of Green Pond, located at 290 Acapesket Road, East Falmouth, MA. Interested parties may review the file on this hearing in the Town Manager/Select Board Office at Town Hall.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 5, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation; the Select Board will meet remotely via Zoom virtual meeting software. **See Select Board NOTICE of MEETING for April 5, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on April 1, 2021 at 4:00 PM for detailed participation information.*****

Per Order of the Falmouth Select Board

Publication dates: Friday, March 19, 2021 and Friday, March 26, 2021; Falmouth Enterprise.

Robinson 4/5/21

WETLAND OFFICE PROCEDURE 290 Acapasket Road

- ✓ 1. Two copies of application, 1 plot plan and 1 abutters list along with \$75.00 (\$25.00 filing fee and \$50.00 advertising fee) to be filed with the Board of Selectmen. 3/5/21
- ✓ 2. Make copy of original application and take an original and a copy to the Town Clerk's Office for date stamping – We keep original – Clerk keeps copy.
- ✓ 3. Complete Abutter Certification List and give to Assessor's Office for verification (properties within 300').
- ✓ 4. Print two sets of labels from abutters list.
- ✓ 5. Schedule hearings 15 minutes apart. 4/5/21 @ 7:30
- ✓ 6. Prepare legal notice for newspaper – advertise on 2 Fridays beginning 14 days before the hearing date. 8/19 & 3/26/21
- ✓ 7. E-mail legal notice to newspaper Wednesday before the Friday publication date. Include Selectmen's account #2056 on the ad for proper billing purposes. 3/17/21
- ✓ 8. Send memo to engineer/architect asking for submission of postage stamps for mailing of legal notices. Double amount of stamps needed for mailing of legal notice and final decision. Mail legal notices on the first Friday publication date.
- ✓ 9. Send memo to Conservation Commission asking for reports from Conservation, Shellfish, and Harbor Master.
- ✓ 10. Send copies of legal notice to the following:

✓ Conservation Commission	✓ Shellfish Constable
N/A Board of Health	✓ Harbor Master
✓ Town Clerk	N/A Building Department
N/A Planning Board	✓ Petitioner
Engineer/Architect	✓ Abutters

posted on website

AFTER APPROVAL

- 1. Create a new document or modify existing letter of decision for project that was approved by Selectmen. Assign a number, if necessary to the project. Numbers are kept in white binder. The original document to modify can be found under: "Town Shared Files (T:)\Selectmen\PRIVATE\SHARED DOCUMENTS \WETLANDS\WETLAND MISC INFO\DOCK-PIER NUMBERS".
- 2. Two original decisions must be signed by at least 4 members of the Board of Selectmen. After signing, take to Town Clerk's Office, date stamp, give 1 original to Clerk and keep 1 original. Make copies of original letter and mail to abutters. Original is mailed to owner. A copy is kept in our file.

RECEIVED

MAR 19 2021

FALMOUTH TOWN CLERK

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

To the Board of Selectmen
Falmouth, Mass.

Date: March 5, 2021

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

Owner: Gerard (A.K.A Gerald) T. & Margaret T. Robinson 969 Grove Street, Framingham MA 01701

(Full Name)

(Address)

Agent: Holmes and McGrath, Inc., 205 Worcester Ct, Suite A4, Falmouth, MA 02540

(full name)

(address)

Applicant: Gerard (A.K.A Gerald) T. & Margaret T. Robinson 969 Grove Street, Framingham MA 01701

(Full name)

(Address)

1. Location of Property: Map 40 Section 05 Parcel 007 Lot 234

Street Name and House Number: Acapesket Road, #290

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

3. Description of property and project site: The property at #290 Acapesket Road in East Falmouth, is a private, residentially developed parcel of land, consisting of approximately 34,400 square feet in area. The property is developed with a single-family house with attached garage, deck, porch, Title 5 sewage disposal system, driveway and landscaping authorized under Order of Conditions (DEP File 25-4466). Stone riprap armors the entire 130 feet of frontage on the west side of Green Pond (tidal). An existing 3' x 18' long fixed timber pier (License #15114) extends over a narrow band of Salt Marsh. Pier repairs, authorized under a Determination of Applicability, were performed earlier this year. The property is located within Flood Hazard Zones AE (Elev. 13), AE (Elev. 15) and X as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Wetland resources found on or within 100 feet of the property include Land Under the Ocean, Salt Marsh, Coastal Banks and Land Subject to Coastal Storm Flowage.

a. Dimension, Acreage of total parcel: 110'+/- X 306'+/- 0.84 acres

b. Length of water marsh frontage: 130 feet +/-

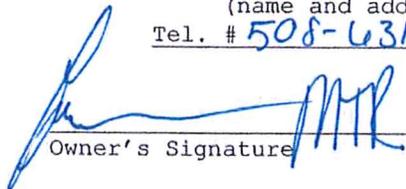
c. Dimension of area to be dredged: none Depth: N/A

d. Dimensions of area to be filled: none

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

- e. Volume of dredging spoil to be removed: none
Disposition of Spoil: N/A
- f. Describe proposed riprap or bulkheading, if any: none
- g. Other (docks, piers, and etc: The proposed project is the installation, construction and maintenance of a 3'x 60' aluminum gangway, 3' x 10' timber pier extension, 3'x 14' ramp, 8'x 12' tee float, pilings and water and utility installation in Green Pond, East Falmouth. Work will take place in land subject to coastal storm flowage, land under the ocean, land containing shellfish, a salt marsh and within 100 feet of a coastal bank.
- h. Method (equipment to be used) for proposed work: The work will be performed using typical construction equipment. All standard and special conditions laid out in the Order of Conditions by the Falmouth Conservation Commission will be followed.
4. Purpose of proposed work: New installation of timber pier, ramp, tee float and pilings.
5. Zoning which governs area: Residential (RB)
6. Date of application for permit to dredge or fill from the Commonwealth of Mass: not yet filed Army Engineers: NA
7. Has a permit ever been approved or refused for this location? By State, Federal or Local Authority: Yes: Pier License - #15114; Order of Conditions, Falmouth Conservation Commission (voted 3/3/2021)- DEP #25-4609
8. Remarks _____
9. Project Summary for legal notice: The proposed waterfront improvement project includes the construction and maintenance of an aluminum gangway, timber pier extension, ramp, tee float and pilings as well as water and utility installation.

Owner: Gerard (A.K.A Gerald) T. & Margaret T. Robinson Agent: Holmes and McGrath, Inc.
969 Grove Street 205 Worcester Ct, Suite A4
Framingham, MA 01701 Falmouth, MA 02540
(name and address) (name and address)
Tel. # 508-631-0137 Tel. # 508-548-3564


Owner's Signature

Agent's Signature

Applicant: Gerard (A.K.A Gerald) T. & Margaret T. Robinson
969 Grove Street, Framingham MA 01701
(name and address)
Tel. # _____

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

300-FOOT ABUTTERS LIST

To be submitted with application for hearings:

List of property owners notified in connection with a public hearing for
WETLANDS SECTION 4300 on petition of Gerard (A.K.A Gerald) T. Robinson & Margaret T. Robinson
 (type of hearing) (applicant)

969 Grove Street, Framingham MA 01701

(mailing address)

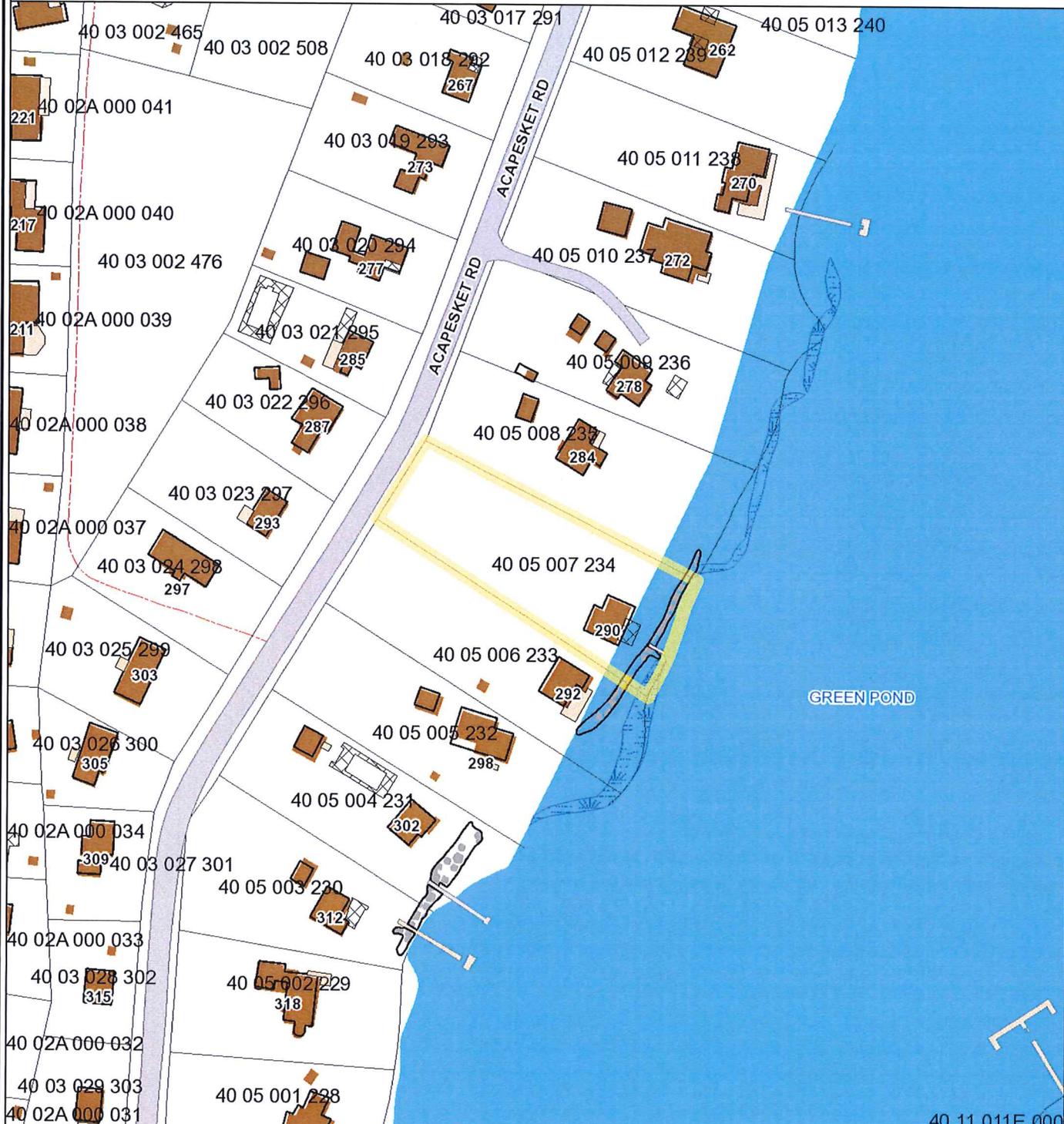
as established by the Bylaws of the Town and/or M.G.L.

Owners: House Number 290 Street Acapesket Road

Owners: Map 40 Section 005 Parcel 007 Lot 234

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

MAPNO	OWNER	COOWNER	PROPLOC
40 05 004 231	ANDREWS TRUSTEE JOSEPH A	J A ANDREWS TRUST 2017	302 ACAPESKET RD
40 03 022 296	BOYD MARY G		287 ACAPESKET RD
40 03 002 476	CAROL AVE COMMOM INTEREST	SEND INFORMATION TO EACH OWNER	
40 03 021 295	DERVISHIAN EDWARD	DERVISHIAN NARINE	211 FOUNTAIN ST
40 03 024 298	GEROULD TRUSTEE FRANCIS L	GEROULD TRUSTEE ELAINE M	3 LANCASTER CROSSING RD
40 03 020 294	HYNES ANNE M	HYNES JOHN R	3 ORRIS ST
40 03 025 299	LANSON GERALD F	LANSON KATHRYN A	303 ACAPESKET RD
40 05 003 230	LONGO TRUSTEE PAUL E	LONGO FAMILY TRUST	95 FISHER ST
40 03 019 293	MCINERNEY FRANK C		273 ACAPESKET RD
40 05 009 236	MOREY JR GEORGE A		88 MASONIC HOME RD
40 03 023 297	NARY LINCOLN PATRICIA A		293 ACAPESKET RD
40 05 010 237	PARKER MARK G	PARKER KATHY M	5323 S W HEWETT BLVD
40 05 008 235	REYNOLDS CAROL CAHOON		284 ACAPESKET RD
40 05 007 234	ROBINSON GERALD T	ROBINSON MARGARET T	969 GROVE ST
40 05 005 232	SUNDQUIST TRUSTEE ERIC T	SUNDQUIST TRUSTEE HOLLY F	298 ACAPESKET RD
40 05 006 233	VARNOT TRUSTEE BARBARA E	B E VARNOT TRUST	292 ACAPESKET RD
40 05 004 231	ANDREWS TRUSTEE JOSEPH A	J A ANDREWS TRUST 2017	302 ACAPESKET RD
40 03 022 296	BOYD MARY G		287 ACAPESKET RD
40 03 002 476	CAROL AVE COMMOM INTEREST	SEND INFORMATION TO EACH OWNER	
40 03 021 295	DERVISHIAN EDWARD	DERVISHIAN NARINE	211 FOUNTAIN ST
40 03 024 298	GEROULD TRUSTEE FRANCIS L	GEROULD TRUSTEE ELAINE M	3 LANCASTER CROSSING RD



40 11 011E 000



1" = 141 ft



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

Unofficial Property Record Card - Falmouth, MA

General Property Data

Parcel ID 40 05 007 234 Prior Parcel ID -- Property Owner ROBINSON GERALD T ROBINSON MARGARET T Mailing Address 969 GROVE ST City FRAMINGHAM Mailing State MA Zip 01701 Parcel Zoning RB	Account Number EAST FALMOUTH Property Location 290 ACAPESKET RD Property Use ONE FAMILY Most Recent Sale Date 10/2/2018 Legal Reference 217459 Grantor PARETI ESTATE OF,ROSE I Sale Price 750,000 Land Area 0.838 acres
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Current Property Assessment

Card 1 Value	Building Value 1,236,800	Xtra Features Value 8,200	Land Value 656,800	Total Value 1,901,800
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Building Description

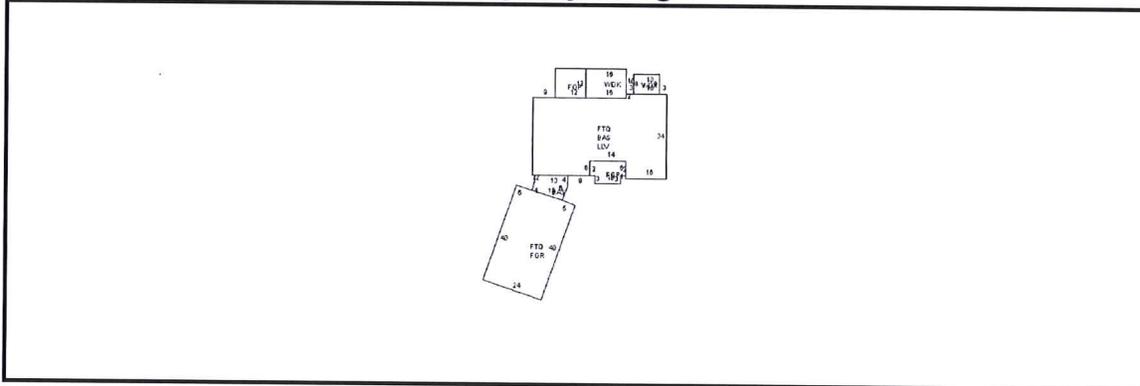
Building Style Custom # of Living Units 1 Year Built 2019 Building Grade 7 1.5 Building Condition Average Finished Area (SF) 4042.19989 Number Rooms 10 # of 3/4 Baths 1	Foundation Type Concrete Frame Type Wood Roof Structure Gable/Hip Roof Cover Asphalt Siding Vinyl Shingl Interior Walls Drywall # of Bedrooms 4 # of 1/2 Baths 1	Flooring Type Hardwood Basement Floor N/A Heating Type Frcd Hot Air Heating Fuel Gas Air Conditioning 100% # of Bsmt Garages 0 # of Full Baths 3 # of Other Fixtures 7
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Legal Description

Narrative Description of Property

This property contains 0.838 acres of land mainly classified as ONE FAMILY with a(n) Custom style building, built about 2019 , having Vinyl Shingl exterior and Asphalt roof cover, with 1 unit(s), 10 room(s), 4 bedroom(s), 3 bath(s), 1 half bath(s).

Property Images



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

PROJECT DESCRIPTION
prepared for
Gerard T. and Margaret T. Robinson
#290 Acapesket Road, East Falmouth
Job Number 218288

I. Site Description and Background

The property at #290 Acapesket Road in East Falmouth, is a private, residentially developed parcel of land, consisting of approximately 34,400 square feet in area. The property is developed with a single-family house with attached garage, deck, porch, Title 5 sewage disposal system, driveway and landscaping authorized under Order of Conditions (DEP File 25-4466). Stone riprap armors the entire 130 feet of frontage on the west side of Green Pond (tidal). An existing 3' x 18' long fixed timber pier (License #15114) extends over a narrow band of Salt Marsh. Pier repairs, authorized under a Determination of Applicability, were performed earlier this year. The property is located within Flood Hazard Zones AE (Elev. 13), AE (Elev. 15) and X as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Wetland resources found on or within 100 feet of the property include Land Under the Ocean, Salt Marsh, Coastal Banks and Land Subject to Coastal Storm Flowage.

II. Project Description

The proposed project is the installation, construction and maintenance of a 3'x 60' aluminum gangway, 3' x 10' timber pier extension, 3'x 14' ramp, 8'x 12' Tee float and pilings, including water and utility installation in Green Pond, East Falmouth (the "Project"). Work will take place in land subject to coastal storm flowage, land under the ocean, land containing shellfish, a salt marsh and within 100 feet of a coastal bank. This Notice of Intent is being filed under the Massachusetts Wetlands Protection Act ("WPA") and the Falmouth Wetlands Protection Bylaw to obtain an Order of Conditions approving the Project.

The proposed timber pier extension, ramp and float have been designed to meet the applicable performance standards of the Falmouth Wetland Regulations (FWR 10.00), the Massachusetts Wetland Protection Act Regulations (310 CMR 10.00), the Massachusetts Waterways Regulations and the Army Corps of Engineers permit guidelines. The proposed timber pier extension, ramp and float will provide private, non-commercial access to navigable waters of Green Pond. The proposed design will not increase impacts to the salt marsh, will avoid impacts to land containing shellfish and will minimize impacts to land under the ocean.

III. Compliance with Performance Standards for Relevant Resource Areas under the Massachusetts WPA and Falmouth Wetlands Regulations.

A. Salt Marsh

Compliance with the Wetland Protection Act Regulations, 310 CMR 10.32

310 CMR 10.32(4) provides for the permitting of a small project within a salt marsh, such as an elevated walkway. The existing pier is a 3-foot wide elevated walkway over the salt marsh. It is currently authorized under a Determination of Applicability to license the structure, a Determination of Applicability to repair the structure, a Chapter 91 Waterways License #15114 and Army Corps of Engineers authorization NAE-2019-2156. No work is proposed on the existing licensed timber pier. Two additional 12-inch diameter pilings will be driven into the salt marsh at the end of the existing pier to support and connect the proposed aluminum gangway to the pier. These two pilings will occupy less than 2 square feet in area and can be permitted under this section.

310 CMR 10.32(5) allows for the restoration or rehabilitation of salt marshes. The removal of the remnant concrete pilings will provide opportunity for salt marsh restoration and since the area of the proposed timber pilings is smaller than the area of the concrete to be removed, the project will provide for an expansion and increased salt marsh productivity over the existing conditions.

310 CMR 10.32(6) prohibits work having an adverse effect on specified habitat site of Rare Species. The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

DEP and DMF policy on recommended height over salt marshes

At the recommendation of the Massachusetts Division of Marine Fisheries, the Massachusetts Department of Environmental Protection Wetlands Section has adopted a 1:5 to 1 height to width ratio for structures over salt marshes.

No work is proposed on the existing pier. It was repaired earlier this year under a Determination of Applicability. The clearance between the salt marsh and the bottom of the existing pier is 4.5 feet and its width is 3 feet. This meets the current DEP and DMF policy for recommended pier heights over vegetated wetlands. The proposed gangway only crosses a short 2 to 3-foot section of the marsh, but it too meets this height to width ratio. The gangway is also 3 feet wide, but has a 5.5-foot clearance to the salt marsh.

Compliance with Falmouth Wetlands Regulations, FWR 10.32

Similar to 310 CMR 10.32(3), **FWR 10.32(5)** states that a project shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Notwithstanding that section, **FWR 10.32(6)** allows for the permitting of a Dock or elevated walkways as narrow as feasible, provided it meets the requirements of FWR 10.16(1), and of

FWR 10.21 through 10.40. The existing pier is a 3-foot wide elevated walkway over the salt marsh. It is currently authorized under a Determination of Applicability to license the structure, a Determination of Applicability to repair the structure, a Chapter 91 Waterways License #15114 and Army Corps of Engineers authorization NAE-2019-2156. No work is proposed on the existing licensed timber pier. Two additional 12-inch diameter pilings will be driven into the salt marsh at the end of the existing pier to support and connect the proposed aluminum gangway to the pier. These two pilings will occupy less than 2 square feet in area and can be permitted under this section. A thorough discussion of how the project meets the requirements of FWR 10.16(1) follows later in this narrative.

FWR 10.32(7) allows for the restoration or rehabilitation of salt marshes. The removal of the remnant concrete pilings will provide opportunity for salt marsh restoration and since the area of the proposed timber pilings is smaller than the area of the concrete to be removed, the project will provide for an expansion and increased salt marsh productivity over the existing conditions.

FWR 10.32(8) prohibits work having an adverse effect on specified habitat site of Rare Species. The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

The existing licensed timber pier occupies a narrow band of salt marsh across the southern side of the property. A pier in this location has been in place and in use since before 1975. The salt marsh is healthy with no signs of impact from the pier. Five large concrete cylinders/pilings within the boundaries of the salt marsh are shown on the Chapter 91 License plan. The existing pier was repaired in 2020 under a Determination of Applicability. When the pier repair work took place, some of the concrete pilings were removed. With this application and construction of the proposed pier extension, the remaining concrete debris and pilings will be removed from the salt marsh.

The proposed pier extension requires the installation of two 12-inch timber pilings at the seaward end of the existing pier. These two pilings, although located within the outer edge of the salt marsh, occupy less than 2 square feet in area and far less area than the previously existing concrete pilings. The remaining concrete pilings and concrete debris occupy a greater square foot area than the two proposed pilings. Any potential impact from the installation of these two pilings is less than the previously authorized conditions. The removal of the existing concrete remnants and installation of the two pilings will allow a greater area of salt marsh than what presently exists.

The existing pier will remain in its present location. No work is proposed on the existing structure, other than the connection to the two proposed timber pilings and attached aluminum gangway.

B. Land Containing Shellfish

Compliance with the Wetland Protection Act Regulations, 310 CMR 10.34

310 CMR 10.34(4)

No portion of the proposed project is located within an area of land containing shellfish that is defined as significant based on the Falmouth Wetland Regulation density threshold, substrate productivity and importance to recreational or commercial shellfishing. A total of twelve (12) 12-inch diameter timber pilings will be driven into the bottom. Driving piles causes less turbidity than jetting. Pier bents are spaced 10 feet apart and will have no impact on water circulation. The project avoids alterations of water circulation, alterations in relief elevation, the compacting of sediment by vehicular traffic, alterations in the distribution of sediment grain size, alterations in natural drainage from adjacent land or changes in water quality.

310 CMR 10.34(5)

No portion of the proposed project is located within an area of land containing shellfish that is defined as significant based on the Falmouth Wetland Regulation density threshold, substrate productivity and importance to recreational or commercial shellfishing. Short-term bottom disturbance due to driving the support pilings will occur in land containing shellfish and the adjacent salt marsh, but outside those areas deemed significant. The driving of pilings may cause a very short-term disturbance to the bottom and can be permitted under this provision of the regulations.

310 CMR 10.34(6)

No portion of the proposed project is located within an area of land containing shellfish that is defined as significant based on the Falmouth Wetland Regulation density threshold, substrate productivity and importance to recreational or commercial shellfishing. The accompanying shellfish report and project plans show that a band of shellfish, exceeding the density threshold listed in the Falmouth Wetland Regulations, has been identified in the near shore area of the site. No structure or support pilings are proposed in this location. A proposed 60-foot long aluminum gangway, with no support except at each end, will span over this band deemed significant by the Falmouth Wetland Regulations. The gangway will be elevated over 4 feet above mean high water, resulting a 5 to 9-foot overall clearance to the bottom surface.

310 CMR 10.34(7) allows for certain projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish. The proposed project does not propose any aquaculture to increase the productivity of land containing shellfish. This section does not apply to this project.

310 CMR 10.34(8) prohibits work having an adverse effect on specified habitat site of Rare Species. The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

Compliance with the Falmouth Wetland Regulations, FWR 10.34(6)-(8)

FWR 10.34(6)

No portion of the proposed project is located within an area of land containing shellfish that is defined as significant based on the Falmouth Wetland Regulation density threshold, substrate productivity and importance to recreational or commercial shellfishing. A total of twelve (12) 12-inch diameter timber pilings will be driven into the bottom. Driving piles causes less turbidity than jetting. Pier bents are spaced 10 feet apart and will have no impact on water circulation. The project avoids alterations of water circulation, alterations in relief elevation, the compacting of sediment by vehicular traffic, alterations in the distribution of sediment grain size, alterations in natural drainage from adjacent land or changes in water quality.

FWR 10.34(7) allows for certain projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish. The proposed project does not propose any aquaculture to increase the productivity of land containing shellfish. This section does not apply to this project.

FWR 10.34(8) prohibits work having an adverse effect on specified habitat site of Rare Species. The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

No structure or support pilings are located within significant shellfish habitat as defined in the Falmouth Wetland Regulations. The proposed 3' x 60' aluminum gangway is elevated over the water, spans over the area found to be significant under the Falmouth Wetland Regulations, and allows for continued shellfishing of this area without the introduction of any pilings or disturbance to the significant shellfish habitat.

Shellfish Biologist, Paul Caruso (a former Senior Marine Fisheries Biologist with the Massachusetts Division of Marine Fisheries) performed the attached comprehensive shellfish survey and analysis. The shellfish survey and report have been prepared in accordance with the pier filing requirements of the Falmouth Wetland Regulations FWR 10.34(4). The proposed fixed portion of the pier, ramp, float and entire mooring field are located within an area with bottom substrate consisting of partially black anoxic mud. Although a few mature quahogs were found in this mud, the area is not conducive for significant shellfish productivity. Paul Caruso has also provided the accompanying regulatory report in support of this application.

The Falmouth Shellfish Officer, the Department of Natural Resources and the Massachusetts Division of Marine Fisheries have all been contacted regarding this Notice of Intent. They have been supplied with plans, enclosures, and a complete Project description and have been requested to submit a written opinion to the Conservation Commission regarding this Project and its impact, if any, on existing or potential shellfish beds.

All work will take place from a floating barge in adequate water depth. Any minor changes in water quality from this project will be extremely temporary, as the proposed pilings will be driven into the bottom to minimize turbidity. The driving of piles rather than jetting also renders the piles less susceptible to ice up-lift. The proposed fixed pier will be sufficiently elevated and

constructed to avoid disturbance to the resource areas and allow for continued uninterrupted shellfishing. The proposed float and mooring area are located in an area exceeding 5 feet water depth at mean low water. The water depths for the proposed pier meets the FWR 3-foot minimum water depth requirement set for recreational harbors. The proposed narrow 3-foot pier width also minimizes footprint impacts. The proposed pier will extend 100 feet from mean high water as allowed under FWR 10.16 to achieve the 35-foot separation between the mooring field and significant shellfish habitat. The proposed pier, ramp and float have been designed using best available standards, minimizing any potential impacts to land containing shellfish.

C. Land Under the Ocean

Compliance with WPA Regulations at 310 CMR 10.25

310 CMR 10.25(3) lists performance standards for improvement dredging. No dredging is proposed under this application so this performance standard does not apply.

310 CMR 10.25(4) lists performance standards for maintenance dredging. No dredging is proposed under this application so this performance standard does not apply.

310 CMR 10.25(5). The proposed project will not alter bottom topography as no dredging is proposed. The mooring location is in water depths exceeding 5 feet so that propellor dredging will not occur.

310 CMR 10.25(6). The proposed pilings are adequately sized and spaced to avoid alterations of water circulation, alterations in the distribution of sediment grain size and alterations in water quality. No eelgrass was observed within the surveyed areas so there will be no adverse impacts to eelgrass.

310 CMR 10.25(7) prohibits work having an adverse effect on specified habitat site of Rare Species. The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

Compliance with FWR 10.25

FWR 10.25(5) through (12)

FWR 10.25(5) lists performance standards for improvement dredging. No dredging is proposed under this application so this performance standard does not apply.

FWR 10.25(6) lists performance standards for maintenance dredging. No dredging is proposed under this application so this performance standard does not apply.

FWR 10.25(7). The proposed project will not alter bottom topography as no dredging is proposed. The mooring location is in water depths exceeding 5 feet so that propellor dredging will not occur.

FWR 10.25(8). The proposed project will not alter bottom topography as no dredging is proposed. The proposed pier will have no adverse effect on navigation or sight distances as no other piers or moorings are located within 200 feet of the proposed structure and the pier terminus is set back nearly 90 feet from the main observable navigation channel.

FWR 10.25(9). The proposed pilings are adequately sized and spaced to avoid alterations in water circulation. The proposed pilings will be driven, not jetted, in place. Any short-term suspension of bottom sediment will be minor and not measurable. There will be no alterations in the distribution of sediment grain size. Alterations in water circulation, the distribution of sediment grain size, water quality and shallow submerged lands will be avoided.

FWR 10.25(10). The property is not located within Estimated or Priority Habitats of Rare Wildlife, as indicated on the accompanying maps published by the Natural Heritage and Endangered Species Program. Since no rare species have been identified in the project area, the proposed project will not have an adverse effect on rare species.

FWR 10.25(11). No eelgrass was observed within the surveyed areas so there will be no adverse impacts to eelgrass.

FWR 10.25(12). No dredging is proposed. This standard is not applicable.

The piles and structural members used in the fixed portion of the pier extension will be Greenheart timber, vinyl-coated C.C.A or non-C.C.A. approved equal. The proposed 2" x 4" decking, mid-rails, rails, caps and posts shall be marine grade ACQ timber or other non-C.C.A. approved equal. The proposed 2" x 4" decking will be spaced 3/4" apart. There is a total of ten (10) - 12" diameter pilings proposed to support the fixed timber pier and float in this resource area. The proposed piles are adequately spaced to minimize bottom disturbance and so wave energy and boat wakes will pass through them. The pilings will be driven in their positions as shown on the accompanying plan. The installation of the pilings will take place from a floating barge. The barge will float at all tides and will not disturb the bottom.

The overall length of the proposed pier extends 100 feet seaward from mean high water and only 81 feet from Mean Low Water. The proposed pier extension does not cross over any salt marsh and is positioned approximately 42 feet from the nearest property line to satisfy the Falmouth Wetlands Regulation 10-foot minimum setback from the property lines. The pier terminus maintains an 80-foot setback from the main navigation channel of Green Pond and has no adverse impact on navigation. No moorings or other pier structures were observed within 200 feet of the proposed pier so will not interfere with any other mooring or piers and will have no adverse effect on navigation.

The proposed timber pilings (12" diameter) are sized and spaced so that water circulation is not impeded and so that sediment transport and sediment grain size distribution will not be adversely affected. The pilings will be driven into the bottom using a vibratory hammer on a floating barge. The barge will be brought to the site and anchored in adequate water depth. Given the Mean Low Water depth exceeding five (5) feet at the end of the pier, the barge and moored vessels will not rest on the bottom at any tide.

The technique of driving piles minimizes turbidity during installation. Driving piles, rather than jetting, also renders the piles more resistant to the effects of wintertime ice lifting, thus decreasing maintenance costs and associated adverse environmental effects.

There will be a minimal amount of benthic habitat (less than 8 square feet) taken up by the proposed pilings. The installation of the pilings will only be a temporary disruption of the bottom benthic community. After the installation of the pilings is completed, the bottom will be similar to what existed prior to the installation.

The Wetland Protection Act Regulations (310 CMR 10.25(6)(b)) states "Projects...which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects...on marine fisheries habitat or wildlife habitat caused by destruction of eel grass beds." No areas of eelgrass were observed within sounding survey. The installation and use of the proposed pilings will have no significant adverse impacts to land under the ocean. There will be no dredging or filling associated with this project. Consequently, there will be no significant change in bottom topography attributable to this project and no adverse effects to the interests of storm damage prevention and flood control.

D. Coastal Bank

310 CMR 10.30 and FWR 10.30

The Coastal Bank at the property is armored with a licensed stone riprap. No work is proposed on the bank under this application. The proposed pier extension will have no adverse impact on the Coastal Bank.

E. Land Subject to Coastal Storm Flowage (FWR only)

The only work proposed within Land Subject to Coastal Storm Flowage is the installation of water and electric utilities to service the pier. The utilities will be trenched in place and any excavation will be temporary and backfilled immediately after installation. The work will have no impact on storm damage prevention or flood control.

IV. Performance Design Standards – Compliance with Falmouth Wetlands Regulations for Coastal Docks and Piers, FWR 10.16(1)

The proposed project is designed to meet the applicable specifications and performance standards for the Wetlands Protection Act Regulations and those required under the Falmouth Wetland Regulations. The proposed timber pier extension is located in Green Pond, East Falmouth, a salt water recreational harbor. As a private pier in a recreational harbor, the performance standards of FWR 10.16(1)(b), (d) and (h) apply.

FWR 10.16(1)(b) – Submission Requirements for All Docks:

1. Description of materials. The proposed pier extension will consist of twelve (12) timber pilings, a 3' x 60' long aluminum gangway, a 3' x 10' timber pier section, a 3" x 14' ramp and an 8' x 12' float. Additional construction details are shown on the accompanying plan.

2. Description of construction process. The pier extension will be constructed using a crane on a float barge. All construction materials will be brought to the site via the barge. The barge will float at all tides. Pilings and timber pier section to be constructed first. Pilings will be driven by crane on barge using vibratory hammer. Prefabricated gangway to be brought in by barge and installed, connecting the existing licensed timber pier to the proposed fixed timber pier section. The ramp and float will be installed last.
3. Drawing. The accompanying plans indicate the type of construction, size, means for mooring, water depths, mean high water, mean low water, extreme low water, mooring field, property lines and resource area boundaries.
4. Winter storage of float. A note on the plan indicates that the ramp and float will either remain in the water with a bubbler or circulation fan to prevent icing or towed to a boat ramp and stored in an upland location in the off season.
5. Effect on navigation. The Notice of Intent application and plans have been provided to the Falmouth Harbormaster for an opinion on the effects of navigation from the proposed pier extension. The proposed pier extends to the 100-foot maximum length allowed under the Falmouth Wetland Regulations. The terminal end of the pier also meets the Army Corps of Engineers recommended length limitation. At 18.6% of the width of the waterway, the proposed length satisfies the 25% length recommendation established by the Army Corp of Engineers. The pier terminus is located 80 feet away from the visible main channel of Green Pond. There are no existing moorings or other pier structures within 200 feet of the proposed pier extension.
6. Shellfish survey. A comprehensive shellfish survey and report has been performed and submitted with this application in accordance with the Falmouth Wetlands Regulations FWR 10.34(4).
7. Shellfish mitigation plan. No pilings or structure is proposed within a significant shellfish area. At the time construction begins, the Falmouth Shellfish Constable will be notified and any shellfish found within the area of the proposed pilings will be harvested and re-located at the Shellfish Constable's discretion and direction.
8. Location of dock and moorings within 200 feet. A 200-foot radius line is shown on the accompanying plan. The site survey shows that there are no other docks or moorings within 200 feet.
9. Location of eelgrass within 100 feet of the proposed structure. No eelgrass was observed within 100 feet of the proposed structure or anywhere within the limits of the survey. The accompanying shellfish regulatory report confirms that no eelgrass exists within the survey area.
10. Description of lighting, electrical and water connections. A note on the accompanying plan specifies that the maximum footcandle level for pier lighting as measured directly below each lighting unit shall not exceed 0.2 footcandle (Fc).

FWR 10.16(1)(d) – Design Specifications and Performance Standards Recreational Harbors

1. One-hundred-foot length limitation. Mean High Water at the subject location is landward of the landward edge of the salt marsh and is therefore more restrictive in determining pier length to meet this performance standard. The proposed pier extension will extend 100 feet seaward of Mean High Water as shown on the accompanying plan.
2. Three-foot water depth requirement. The measured Mean Low Water depths throughout the proposed mooring field exceeds five (5) feet. The anticipated vessel for use has an overall length of 23 feet, a beam of 8.5 feet and draft of 16 inches, thus maintaining a clearance to the seabed of greater than 3 feet at all tides.
3. One-hundred-foot terminus limitation. The proposed terminal Tee float for the proposed dock is 8' x 12' or 96 square feet.
4. Lateral recreational access. The proposed pier extends seaward from an existing licensed timber pier. The existing pier is authorized under a Chapter 91 Waterways License that provides public lateral access. No change in the approved public access is proposed. The existing timber pier crosses over a narrow band of salt marsh, the first section of the proposed pier extension is a 60-foot long aluminum gangway that is adequately elevated to allow continued recreational access below.
5. Ten-foot property line setback requirement. As shown on the accompanying plans the existing and proposed pier is located 42 feet from the nearest property line.
6. Floating dock fastening system. The proposed float is sufficiently fastened to the proposed float pilings using a pre-manufactured pile cage roller system as shown on the accompanying detail plan.
7. Disturbance to wetland vegetation. There will be no disturbance to wetland vegetation, other than the footprint of the two proposed 12-inch timber pilings in the salt marsh. These two pilings will occupy significantly less area than the five concrete pilings/cylinders that are shown on the license plan, some of which were subsequently removed to improve the salt marsh when the existing pier was repaired. The existing pier has been in use since before 1975 as shown in the accompanying Town of Falmouth aerial photograph. The salt marsh is healthy and shows no signs of adverse impacts from this 45+ year old structure.
8. Storage of floats. The proposed ramp and float will either remain in the water and protected from freezing with a bubbler/water circulation system or towed to a boat ramp and stored in an off-site upland location.
9. Light penetration over salt marsh. No new structure over the salt marsh is proposed. The pier extension proposed under this application is not located over the salt marsh. The existing pier is already permitted under the state and local wetlands regulations (RDAs to license and maintain), the DEP Waterways Regulation Program (License #15114 and the Army Corps of Engineers (Permit authorization #NAE-2019-02156).

10. Lighting requirement – maximum 0.2 footcandle Fc. A note on the accompanying plan specifies that the maximum footcandle level for pier lighting as measured directly below each lighting unit shall not exceed 0.2 footcandle (Fc).

FWR 10.16(1)(h) – General Requirements and Prohibitions all Docks and Piers.

1. *No new docks or piers or extension of an existing dock or pier may be constructed in any portion of FEMA designated velocity zone (V-Zone) unless the applicant demonstrates that there will be public benefit from the project. **The proposed pier extension is located within Flood Zone AE (15) and is not located in a FEMA designated velocity zone.***
2. *No new dock or pier shall be allowed if, within 35 feet of the area designated by the applicant as the mooring field, designated as Area A in FWR 10.34(4)(d), there are significant quantities of shellfish as defined by FWR 10.34 (3) and the area has been historically used for shellfishing or has potential for shellfishing, and the sediment provides a viable shellfish habitat. **No significant densities of shellfish were found in Area A. Significant shellfish densities were found in Area B. The proposed mooring field is located more than 35 feet from Area B as shown in the accompanying shellfish survey assessment.***
3. *If, within the area designated as Area B, as in FWR 10.34(4)(d) sampled for shellfish under FWR 10.34(4) there are significant quantities of shellfish as defined by FWR 10.34 (3) or the area has been historically used for shellfishing or has potential for shellfishing, or the sediment provides a viable shellfish habitat, the applicant shall provide a shellfish mitigation plan. **Shellfish densities within Area A were found to be not significant and the bottom substrate not conducive for shellfish propagation. See the accompanying shellfish report and regulatory summary for a more detailed discussion of how the project meets this performance standard.***
4. *The Commission shall presume that there are significant quantities of shellfish in any area actively shellfished within the previous six months of the shellfish survey. **No evidence was found to indicate that Area B has been actively shellfished within the previous six months.***
5. *No new, replacement, or substantial alteration of an existing dock or pier shall be permitted within 50 feet of an area of eel grass (*Zostera marina*). **The soundings and shellfish surveys found no eelgrass within 50 feet or anywhere within the vicinity of the proposed pier.***
6. *No CCA-treated materials may be used to construct a dock or pier. **No C.C.A.-treated materials will be used in the construction of the pier unless the Commission approves the use of vinyl coated C.C.A. timber pilings.***
7. *For singular purpose ownership docks, any floating section of a dock or pier shall have a minimum water depth of three feet under all portions of that floating section of the dock or pier including times of extreme low water. This depth shall be measured as the shortest distance from any portion of the bottom of the floating section to the seabed. **As shown on sheet 2 of the accompanying pier plan, there is a five (5) foot clearance***

between the bottom of the proposed float to the seabed. Extreme low water is generally 0.5 feet lower than Mean Low Water, which would maintain a clearance of 4.5 feet to the seabed.

The applicant accepts the following conditions for all piers as listed in the Falmouth Wetland Regulations FWR 10.16(1)(i):

1. Boats at the dock shall not be allowed to leak oil or other pollutants into water, nor shall oil or fuel be stored on the dock or pier.
2. Motor boats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
3. Off-season storage of temporary/seasonal docks and floats shall be in upland areas.
4. The street address or business name shall be clearly displayed on the seaward face of the dock, using three-inch numbers/letters of a contrasting color.
5. If the use of the dock or pier causes actual damage to any resource areas through prop dredging, bottom scouring, oil or hazardous discharge, or destruction of shellfish resources, the dock or pier may be ordered removed at the owner's expense in accordance with the provisions of FWR 10.16. The owner shall be responsible for all costs associated with removal of the dock including any legal or other costs to include attorney's fees incurred by the Conservation Commission in enforcing this special condition.
6. If construction is not completed and a Certificate of Compliance issued within three years of the issuance of this permit, or affirmance of this permit after appeal, this permit is void. An applicant may request an extension of this time provided that such request is submitted at least 30 days prior to the end of the time.
7. If this permit and the plan of reference are not properly recorded in the Barnstable Registry of Deeds within 30 days of issuance, or 30 days of affirmance after appeal, this permit is void.
8. Normal maintenance and repair of a dock or pier is allowed. No extension, alteration or change from the plan of reference is permitted without first obtaining a modification to this permit in accordance with Conservation Commission procedures.
9. Boats shall be tied or attached only in those areas of the pier or dock so identified on the plan.

V. Compliance with the DEP Small Docks and Piers Guidelines.

A. Waterways Design Standards.

The pier is designed at a minimum 3-foot width to achieve its intended water-related purpose. The pier is designed a minimum length to achieve safe berthing and to avoid impacts to shellfish. The pier is set nearly 90 feet away from the navigation channel and will not impact navigation. At 18.6%, the pier extends less than 25% of the distance across the waterbody.

No other piers or moorings were found within 200 feet of the pier so sight lines are not impacted. The pier does not unreasonably extend beyond the projection of other existing structures. The pier does not interfere with access or public rights associated with any public access. The pier will not generate water-borne traffic interference with other vessels. The pier is designed with minimal pilings as to not impair public swimming or floating. At 42 feet, the pier is set back greater than 25 feet from the nearest property line. The pier is not located with an Area of Critical Environmental Concern. The existing pier is licensed with approved upland public lateral access that will be maintained.

B. Wetlands Design Standards

The pier is not located within areas identified as rare species habitat. Although the 12-inch diameter pilings are spaced closer together than the recommended 20X diameter, the overall number of proposed pilings are minimized and reduced over a traditional timber pier design with the proposed aluminum gangway. Water circulation will be maintained. The proposed float is located in greater than 5 feet of water a mean low tide, and the bottom of the float will maintain a separation to the bottom of greater than 18 inches. The existing pier maintains the recommended 1.5 to 1 height to width ratio. There is no eelgrass in the vicinity of the proposed structure so eelgrass will not be affected. The pier is designed a minimum length to achieve safe berthing and to avoid impacts to shellfish. The pier is designed at a minimum 3-foot width to achieve its intended water-related purpose. Pilings will be driven, not jetted, to minimize turbidity during installation. Pilings will be non-C.C.A. or approved equal. The pier is designed with a proposed 60-foot long aluminum gangway to avoid impacts to shellfish. The proposed float is not located with significant shellfish habitat as defined by the Falmouth Wetland Regulations, but will nevertheless maintain a 2.5-foot separation to the bottom at mean low water.

Summary

The proposed pier extension has been designed to minimize any significant or cumulative adverse effects on the resource areas, and to comply with the regulations of the Massachusetts Wetlands Protection Act, Massachusetts Waterways Regulations, Army Corps of Engineers Guidelines, the Falmouth Wetlands Regulations and the DEP guidance document for small docks and piers. The 60-foot long aluminum gangway will span over the entire area of significant shellfish habitat, avoiding any impact whatsoever to this resource area.

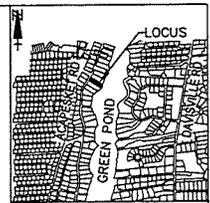
Additionally, the application includes several other standard components that are typically included in an Order of Conditions. Precautions will be taken to prevent pollutants from entering the water. The boat will be tied to the seaward side of the pier and the motor will not be run in gear while tied to the dock. The street address will be clearly displayed on the seaward face of the pier, using 3" numbers of a contrasting color.

In addition to the above described construction methodology, the Contractor shall read the Order and understand the Order of Conditions. The Contractor shall complete Form 1 and Form 2 and file the forms with the Falmouth Conservation Commission. The Contractor shall give written Notice to the Conservation Commission.

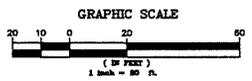
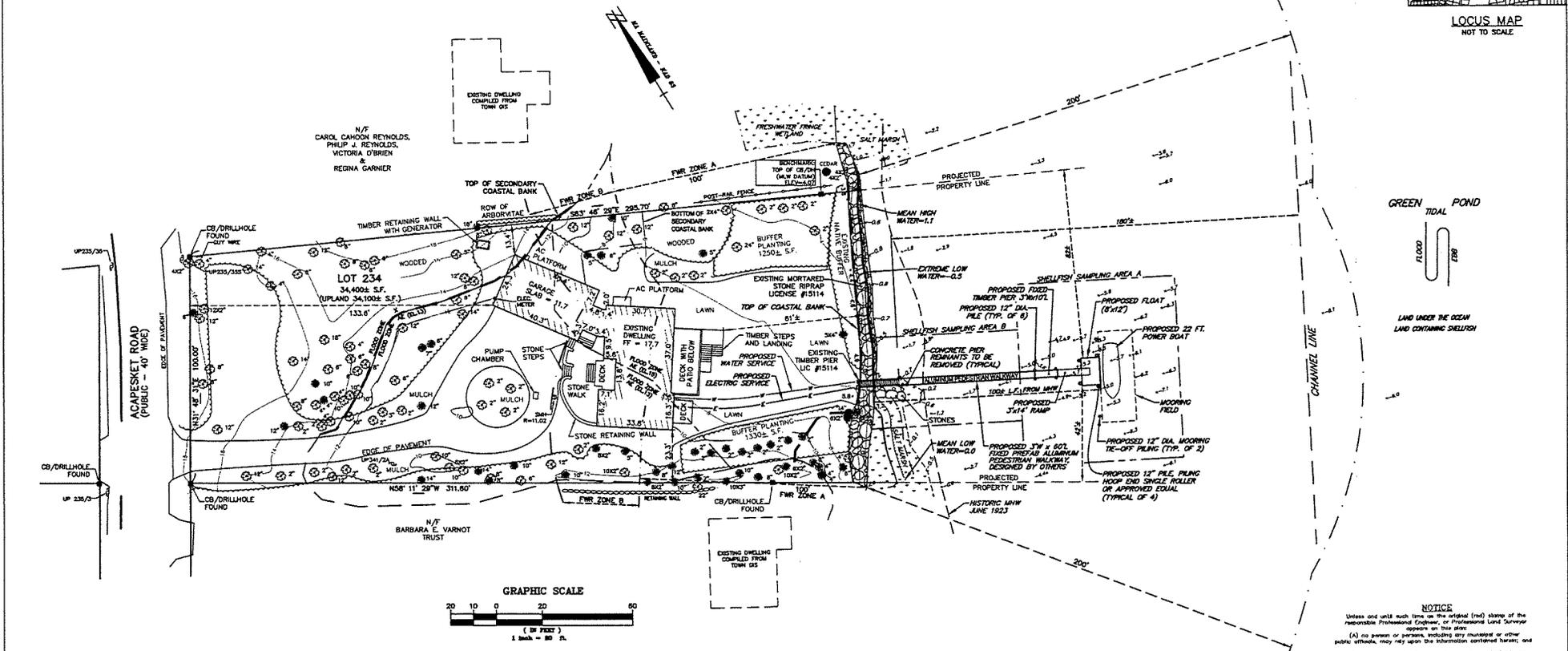
The reconstructed, fixed and shared timber pier is sited and designed to minimize any significant or cumulative adverse effect on the resource area values of storm damage prevention, shellfish, fisheries, wildlife habitat, aesthetics, erosion and sediment control, aquaculture and recreation.

The design features, mitigation measures, and site conditions meet the applicable standards for small docks and piers as outlined in the regulations. These conditions and proposed design and construction techniques will provide private, non-commercial access to the navigable waters; will maintain public access and use to the navigable waters; and will minimize adverse effects on the land under the ocean, land containing shellfish, coastal beach and coastal bank and the interests of water quality, storm damage prevention, fisheries and wildlife habitat aesthetics, erosion and sediment control, and aquaculture and recreation will be protected.

LEGEND	
UTILITY POLE	⊕
BOUND	□
SEPTIC TANK COVER	⊙
TOP OF COASTAL BANK	—
EXISTING DECIDUOUS TREE	⊗
EXISTING CONIFEROUS TREE	⊗
EXISTING SPOT GRADE	△
EXISTING GRADE	—



LOCUS MAP
NOT TO SCALE



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

- NOTES**
- HOUSE NUMBER: 290 ACAPESKET ROAD
 - ASSESSOR'S NUMBER: 40 05 007 234
 - ZONING DISTRICT: RB
 - OVERLAY DISTRICT: GREEN POND
 - FLOOD HAZARD ZONES: X, AE (EL-13) & AE (EL-15)
 - BENCHMARK: AS SHOWN
 - TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND INSTRUMENT SURVEY.
 - POND ELEVATIONS SHOWN ARE BASED ON MEAN LOW WATER DATUM.
 - ELEVATIONS SHOWN ABOVE MEAN HIGH WATER (MHW) ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVD88)
 - REFERENCES: LAND COURT PLAN 314-E
 - WIND EXPOSURE CATEGORY: C
 - LOT IS LOCATED IN A WIND BORNE DEBRIS REGION.
 - RAMP AND FLOAT WILL EITHER REMAIN IN THE WATER WITH A BUBBLER OR CIRCULATION FAN TO PREVENT ICEING OR TOWED TO A BOAT RAMP AND STORED IN AN UPLAND LOCATION IN THE OFF-SEASON.

I CERTIFY THAT THE DWELLING IS LOCATED IN FLOOD PLAIN ZONE AE (EL-15) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 25001C0729J AND THAT FLOOD PLAIN ZONE AE (EL-15) IS A SPECIAL FLOOD HAZARD AREA.

HOLMES AND McGRATH, INC.
Michael B. McGrath Jan 26, 2021
 Michael B. McGrath
 Registered Professional
 Land Surveyor

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN, AND THAT ITS LOCATION CONFORMS TO THE MINIMUM SETBACK REQUIREMENTS OF THE FALMOUTH ZONING BY-LAW.

HOLMES AND McGRATH, INC.
Michael B. McGrath Jan 26, 2021
 DATE
 MICHAEL B. McGRATH
 REGISTERED PROFESSIONAL
 LAND SURVEYOR

DATE	DESCRIPTION	TMS	Drawn/Checked
1/26/21	UPDATE DETAIL NOTES ON SHIT 2		
REVISIONS			
PLAN OF PROPOSED FIXED PIER, RAMP & FLOAT PREPARED FOR GERARD & MARGARET ROBINSON FOR LOT 234, #290 ACAPESKET ROAD IN FALMOUTH, MA			
SCALE: 1" = 20'	DATE: DEC. 10, 2020		
holmes and mcgrath, inc.			
<small>Civil engineers and land surveyors 205 Worcester Court, Suite 404, Falmouth, MA 02540 508-548-3584 www.holmesandmcgrath.com</small>			
DRAWN: P.J. LAC	CHECKED: <i>[Signature]</i>	DATE: 1/26/21	JOB NO: 218228
DWG. NO.: 58-B-81C	SHEET 1 OF 2		



RECEIVED

MAR 16 2021

Board of Assessors, Town of Falmouth

Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

Address of person requesting abutters list: Town Manager's Office

Phone: x7321

Abutters to (subject property): Map 40 Section 05 Parcel 007 Lot 234 ✓

Map _____ Section _____ Parcel _____ Lot _____

Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: 0.84 acres

Location of subject property: 290 Acapesket Road, East Falmouth ✓

Check one:

Direct abutters (includes properties across street)

Direct abutters in local Historic District (includes properties across the street) within 100'

Immediate abutters (includes only properties with a common property line)

Immediate abutters plus churches and schools within 500'

Properties within 300' ✓

Properties within 300' or abutters abutter to abutter whichever is closest

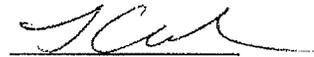
Properties within 100'

Other (specify) _____

Fee. \$25.00 Total N/A

290 ACAPESKET RD

CERTIFIED

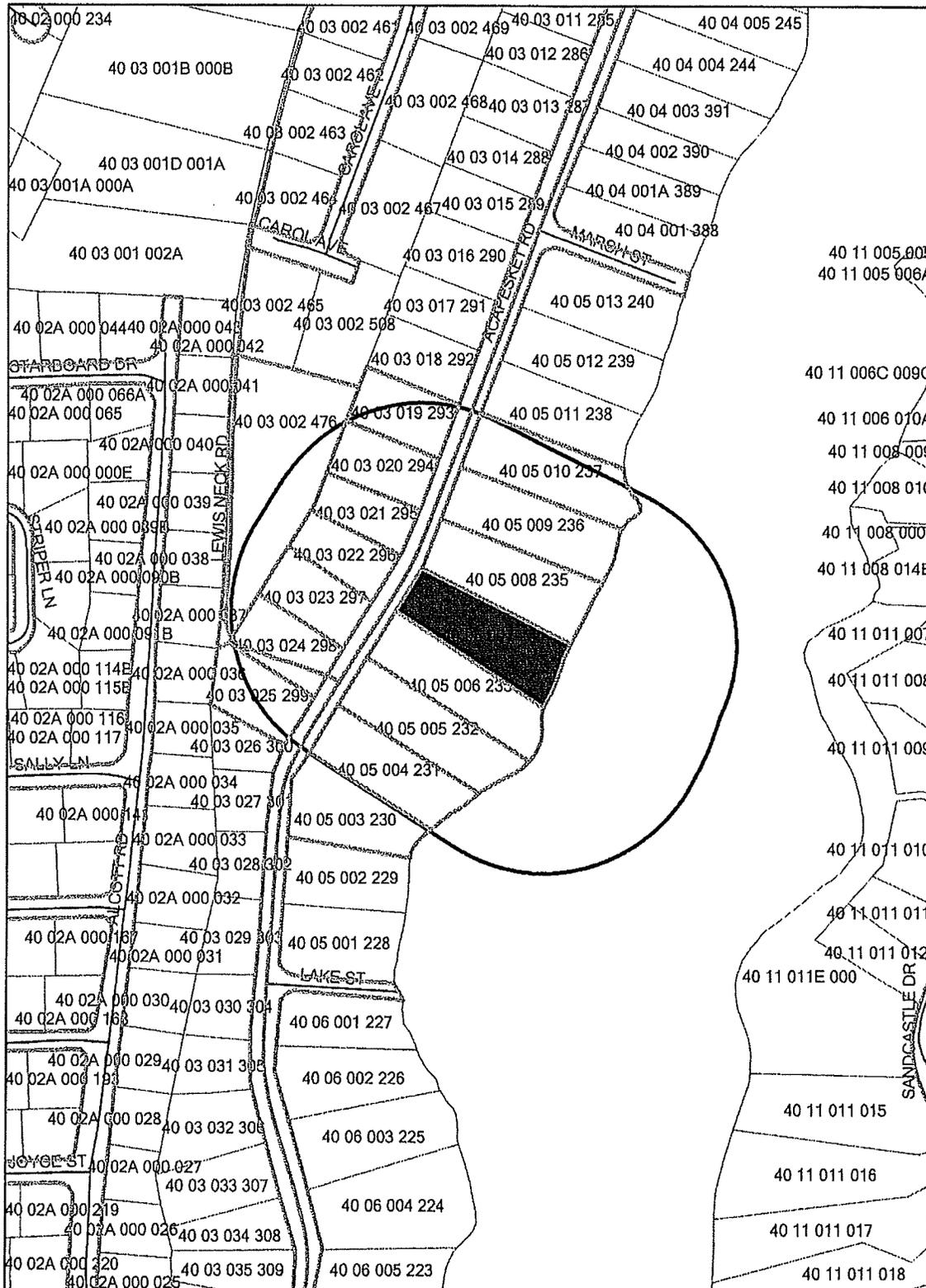
A handwritten signature in black ink, appearing to read 'Bruce Cabral', written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
March 17, 2021

302 ACAPESKET RD ANDREWS TRUSTEE JOSEPH A J A ANDREWS TRUST 2017 302 ACAPESKET RD EAST FALMOUTH. MA 02536	40 05 004 231 LUC: 101	293 ACAPESKET RD NARY LINCOLN PATRICIA A 293 ACAPESKET RD E FALMOUTH. MA 02536	40 03 023 297 LUC: 101
287 ACAPESKET RD BOYD MARY G 287 ACAPESKET RD E FALMOUTH. MA 02536-6021	40 03 022 296 LUC: 104	272 ACAPESKET RD PARKER MARK G PARKER KATHY M 5323 S W HEWETT BLVD PORTLAND. OR 97221	40 05 010 237 LUC: 101
CAROL AVE CAROL AVE COMMOM INTEREST SEND INFORMATION TO EACH OWNER	40 03 002 476 LUC: 948	284 ACAPESKET RD REYNOLDS CAROL CAHOON 284 ACAPESKET RD E FALMOUTH. MA 02536	40 05 008 235 LUC: 101
285 ACAPESKET RD DERVISHIAN EDWARD DERVISHIAN NARINE 211 FOUNTAIN ST FRAMINGHAM. MA 01702	40 03 021 295 LUC: 101	290 ACAPESKET RD ROBINSON GERALD T ROBINSON MARGARET T 989 GROVE ST FRAMINGHAM. MA 01701	40 05 007 234 LUC: 101
297 ACAPESKET RD GEROULD TRUSTEE FRANCIS L GEROULD TRUSTEE ELAINE M 3 LANCASTER CROSSING RD SALEM. NH 03079	40 03 024 298 LUC: 101	298 ACAPESKET RD SUNDQUIST TRUSTEE ERIC T SUNDQUIST TRUSTEE HOLLY F 298 ACAPESKET RD EAST FALMOUTH. MA 02536-6018	40 05 005 232 LUC: 101
277 ACAPESKET RD HYNES ANNE M HYNES JOHN R 3 ORRIS ST AUBURNDALE. MA 02466-1313	40 03 020 294 LUC: 101	292 ACAPESKET RD VARNOT TRUSTEE BARBARA E B E VARNOT TRUST 292 ACAPESKET RD E FALMOUTH. MA 02536	40 05 006 233 LUC: 101
303 ACAPESKET RD LANSON GERALD F LANSON KATHRYN A 303 ACAPESKET RD EAST FALMOUTH. MA 02536	40 03 025 299 LUC: 101		
312 ACAPESKET RD LONGO TRUSTEE PAUL E LONGO FAMILY TRUST 95 FISHER ST MEDWAY. MA 02053-2248	40 05 003 230 LUC: 101		
273 ACAPESKET RD MCINERNEY FRANK C 273 ACAPESKET RD EAST FALMOUTH. MA 02536-6021	40 03 019 293 LUC: 101		
278 ACAPESKET RD MOREY JR GEORGE A 88 MASONIC HOME RD APT W202 CHARLTON. MA 01507	40 05 009 236 LUC: 109		

81 CAROL AVE BOSTON REDEVELOPMENT LLC 30 BEAUMONT ST DORCESTER, MA 02124	40 03 002 465 LUC: 101	45 CAROL AVE GOODE JOHN T GOODE DIANNE M P O BOX 384 E FALMOUTH, MA 02536	40 03 002 459 LUC: 101	23 CAROL AVE PEZZONE JOHN PEZZONE MARIE 121 CAPPER DR CANTON, MA 02021	33 08 001 475 LUC: 101
63 CAROL AVE BRACKETT TRUSTEE WILLIAM J BRACKETT TRUSTEE ELIZABETH B 63 CAROL AVE E FALMOUTH, MA 02536-5948	40 03 002 462 LUC: 101	44 CAROL AVE GUNAWARDENA RAMESH TSANG HOI YAN 1 SALVI DR FRAMINGHAM, MA 01701-4049	40 03 002 471 LUC: 101	41 CAROL AVE ROBBINS JR TRUSTEE FREDERICK F ROBBINS TRUSTEE JUDITH P 41 CAROL AVE E FALMOUTH, MA 02536	33 08 001 458 LUC: 101
35 CAROL AVE CEDRONE TRUSTEE PHILIP J WALL CEDRONE TRUSTEE BEVERLY M 35 CAROL AVE EAST FALMOUTH, MA 02536-5948	33 08 001 457 LUC: 101	82 CAROL AVE HALL TRUSTEE BREED HALL TRUSTEE ERIKA R 82 CAROL AVE EAST FALMOUTH, MA 02536-5943	40 03 002 508 LUC: 101	67 CAROL AVE SAVICKAS VICTOR K SAVICKAS MADELINE A 87 CAROL AVE E FALMOUTH, MA 02536	40 03 002 483 LUC: 101
29 CAROL AVE CHAPELS-BURKE JUDITH BURKE EDMUND 29 CAROL AVE E FALMOUTH, MA 02536-5948	33 08 001 456 LUC: 101	53 CAROL AVE HAYDON PETER S HAYDON GEORGETTE M 19 ARNOLD AVE EAST GREENWICH, RI 02818	40 03 002 480 LUC: 101	75 CAROL AVE SAWYER LAURI S 111 DELA PARK RD WESTWOOD, MA 02090	40 03 002 464 LUC: 101
40 CAROL AVE COLLINS PETER A 40 CAROL AVE E FALMOUTH, MA 02536	33 08 001 472 LUC: 101	56 CAROL AVE HOWES PETER W HOWES JOYCE 58 CAROL AVE EAST FALMOUTH, MA 02536	40 03 002 469 LUC: 101	20 GARRY AVE SCHUTTEN WILLIAM H PO BOX 958 FALMOUTH, MA 02541	33 08 001 376 LUC: 101
74 CAROL AVE DIAUTE RICHARD F DIAUTE MARGARET A 200 WEST ST BRAintree, MA 02184	40 03 002 467 LUC: 101	50 CAROL AVE IVERSEN MAURA D 50 KENDALL RD NEWTON CENTRE, MA 02459	40 03 002 470 LUC: 101	18 CAROL AVE SZPOND ROMAN LORELLI FELICIA 9029 HOMETOWN DR RALEIGH, NC 27815	33 08 001 369 LUC: 101
7 CAROL AVE FALMOUTH HOUSING AUTHORITY 115 SCRANTON AVE FALMOUTH, MA 02540-3560	33 08 001 365 LUC: 970	57 CAROL AVE MCDERMOTT MARK A RICE JANE C 57 CAROL AVE E FALMOUTH, MA 02536-5948	40 03 002 481 LUC: 101	28 CAROL AVE TORONTO PAUL E TORONTO AMY M 19 BEATTY ST CANTON, MA 02021	33 08 001 474 LUC: 101
17 CAROL AVE FITZPATRICK TRUSTEE OLIVE J WAGGETT TRUSTEE FREDERICK W 58 MCCALLUM DR FALMOUTH, MA 02540	33 08 001 388 LUC: 101	15 IRENE AVE MOSS WAYNE H MOSS PAMELA J 21 ORIOLE RD MEDFIELD, MA 02052	33 08 001 377 LUC: 101	28 GARRY AVE WHITE ROBERT C WHITE MARISSA J 28 GARRY AVE EAST FALMOUTH, MA 02536	33 08 001 364 LUC: 101
24 CAROL AVE GIRD TRUSTEE WILLIAM W GIRD TRUSTEE JEANNIE A 71 ANTHONY RD NEWTONVILLE, MA 02460-1144	33 08 001 439 LUC: 101	34 CAROL AVE MURPHY VIRGINIA E 34 CAROL AVE EAST FALMOUTH, MA 02536-5943	33 08 001 473 LUC: 101		
64 CAROL AVE GLOVER DAVID M BALOG TINA D 64 CAROL AVE E FALMOUTH, MA 02536-5943	40 03 002 468 LUC: 101	25 IRENE AVE NORRIS LANCE R 25 IRENE AVE EAST FALMOUTH, MA 02536	33 08 001 366 LUC: 101		

290 ACAPESKET RD



Diane Davidson

From: Diane Davidson
Sent: Thursday, March 25, 2021 12:18 PM
To: Jennifer Lincoln; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen
Cc: Amy Coughlin
Subject: FW: Wetlands Special Permit application 290 Acapesket Rd - Robinson
Attachments: Lt of Trans 03-05-2021 Selectmen - Robinson.pdf; Select Board Special Permit Application Package 03-05-2021.pdf; 88-8-61C REV 01-26-2021 Sh 2of2 Proposed Pier.pdf; 88-8-61C REV 01-26-2021 Sh 1of2 Proposed Pier.pdf

Follow Up Flag: Follow up
Due By: Thursday, April 1, 2021 9:00 AM
Flag Status: Flagged

To all,

The Select Board has received the attached application for a special permit to construct a dock.

Applicant: Gerard T. and Margaret T. Robinson

Location: 290 Acapesket Road, East Falmouth

Proposed Work: for a proposed waterfront improvement project which includes the construction and maintenance of an aluminum gangway, timber pier extension, ramp, tee float and pilings as well as water and utility installation

Body of Water: Green Pond

Please forward a copy of the Order of Conditions and any recommendations or additional documents you may have for the Board of Selectmen by Thursday, April 1, 2021. The hearing is scheduled at the Board of Selectmen's meeting on Monday, April 5, 2021 at 7:30 p.m.

Thank you,

Diane

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

From: Jeffrey Johnson [mailto:jjohnson@holmesandmcgrath.com]
Sent: Friday, March 5, 2021 9:41 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Laura Nelson <Laura@holmesandmcgrath.com>
Subject: Wetlands Special Permit application 290 Acapesket Rd - Robinson

Diane,

Please find attached the electronic copies of the Special Permit application and plans we filed this morning.

Please send me the public notice and hearing date at your earliest convenience.

Thank you.

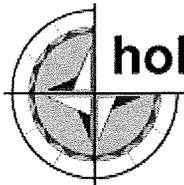
Please reply if you have any questions or need more information.

Sincerely,

Jeffrey L. Johnson

Professional Wetland Permitting Consultant

holmes and mcgrath, inc.
civil engineers and land surveyors
205 worcester court, suite A4
falmouth, ma 02540
office 508-548-3564
mobile 508-737-0953
jjohnson@holmesandmcgrath.com



holmes and mcgrath, inc.

civil engineers and land surveyors

205 worcester court • suite a4 • falmouth, ma • 02540

508-548-3564 • 800-874-7373 • fax 508-548-9672

jjohnson@holmesandmcgrath.com



Falmouth Conservation Commission

59 Town Hall Square, Falmouth, Massachusetts 02540

(508) 495-7445

The FALMOUTH CONSERVATION COMMISSION

Wednesday, February 24, 2021, 7:00 p.m.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, **the February 24, 2021 public meeting of the Falmouth Conservation Commission 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 Conservation Commission 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/Conservation>
 - 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 concom@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 Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department 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 concom@falmouthma.gov so they may be displayed for remote public access viewing.

A G E N D A

VOTE MINUTES

February 10, 2021

REQUESTS FOR DETERMINATION OF APPLICABILITY

Joseph Celia, Trustee, 10 Grove Street, North Falmouth, MA – For permission to construct and maintain an addition, remove an existing deck, install a patio, to trench for electrical, and to install a drywell.

Robert Graham, 31 Hamilton Street, Falmouth, MA – For permission to construct a second story addition.

Jarrod Steele, 92 Mariners Lane, Falmouth, MA – For permission to remove a patio and steps, to construct a deck, and to construct a portico.

Timothy and Betsy Dolan, 5 Hawthorne Avenue, Falmouth, MA – For permission to construct a 13'x 8' addition.

John and Nancy O'Brien, 49 Edgewater Drive East, East Falmouth, MA – For permission to remove the existing deck and to construct a new, slightly larger deck.

Krista A. Fales, Trustee of the Clinton Avenue Realty Trust, 189 Clinton Avenue, Falmouth, MA – For permission to repairs and maintain an existing seawall.

Carroll Pierce, Trustee of the 55 Church Street Realty Trust, 55 Church Street, Falmouth, MA – For permission to repair existing licensed rip rap by placing trap rock to fill voids; and to re-point a vertical wall on the north side of the pier.

Lenore Freitas, 150 Birch Lane, Falmouth, MA – For permission to upgrade the existing septic system to a Title V subsurface sewage disposal system.

Henry and Winifred Dick, 392 Boxberry Hill Road, East Falmouth, MA – For permission to construct a 115' rock wall and a set of stairs.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Elizabeth D. Hlavka, Trustee, Dogwood Realty Trust, 69 Bar Neck Road, Falmouth, MA – For permission to reconfigure an existing driveway, reconstruct the existing stone breakwater, and modify the landscape.

Matthew and Susan Dempsey, 172 Antlers Shore Drive, East Falmouth, MA – For permission to remove a deck and stairs, to construct a front entry and walkway, to repair an existing stone revetment, to reconfigure the driveway, and to expand a porch.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Gerard T. & Margaret T. Robinson, 290 Acapesket Road, East Falmouth, MA – For permission to construct and maintain a 3'x 60' aluminum gangway, a 3'x 10' timber pier extension, a 3'x 14' ramp, a 8'x 12' tee float and pilings, and for water and utility installation in Green Pond.

CONTINUED REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Karen Munroe, 26 Ferry Road, East Falmouth, MA – Request to amend the Order of Conditions for MA DEP 25-4425 to allow for the driveway to be paved instead of gravel and to install a Cape Cod berm, crushed stone apron and leaching pit.

CONTINUED HEARINGS UNDER AN ENFORCEMENT ORDER

Andrew L. & Lindsay B. Doherty, 11 East Avenue, Falmouth, MA – Unpermitted removal of vegetation within Conservation jurisdiction.

VOTE ORDER OF CONDITIONS

- Lucius & Wendy Hill, 0 Nashawena Street (Assessors Map 24 20 Parcel/Lot 001 000), Falmouth, MA
- Melissa McKim, Trustee, Nina's Marina Realty Trust, 306 Scranton Avenue, Falmouth, MA
- Lynne Riley, 0 Gayle Avenue (Assessors Map 40 12 Parcel/Lot 040 000), East Falmouth, MA
- Dana Rodin, Quissett Harbor Preservation Trust, 48 Quissett Harbor Road, Falmouth, MA

Board will consider any matters not reasonably anticipated by the Chair.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Harlow-Hawkes, aye; Gladfelter, aye; O'Brien, aye; Patton, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Gerard T. & Margaret T. Robinson, 290 Acapesket Road, East Falmouth, MA – For permission to construct and maintain a 3'x 60' aluminum gangway, a 3'x 10' timber pier extension, a 3'x 14' ramp, a 8'x 12' tee float and pilings, and for water and utility installation in Green Pond.

Quorum: Jamie, Maurie, Courtney, Kevin, Steve, Peter, Pat

Ms. Lincoln promoted Atty. Glenn Wood, Paul Caruso and Tim Santos to panelists.

Tim Santos (Holmes & McGrath) We presented this project three weeks ago and continued it for a shellfish mitigation plan which Paul Caruso has submitted to the Board. The plan goes from mean high water to the end of the proposed dock.

Paul Caruso (Cape Coastal Resources) You have received the shellfish mitigation plan which shows the impact of 10 12" pilings impact on shellfish. The impact area is 8-sq.ft. Productively, less than 1 quahog per sq.ft was found. \$1,000 will be paid to the Town to purchase seeds.

Ms. Lincoln: Did you submit the shellfish plan to Chuck Martinsen (Shellfish Constable) for review?

Mr. Caruso: No.

Ms. Lincoln: Re the impact to soft shells in area B - they wouldn't survive in area A. The seed would have to be taken care of. What was missing was the shellfish mitigation plan and it has been submitted.

Mr. Newton: No questions or comments.

Mr. Patton: We have the information we asked for.

Mr. Walsh: I agree with Steve.

There were no further questions or comments from the remainder of the Commission.

Mr. Mathews: Any public comment?

Ms. Lincoln: No.

Mr. Bird: Move to close the hearing and take it under advisement.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Harlow-Hawkes, aye; Gladfelter, aye; Bird, aye; O'Brien, aye; Patton, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Karen Munroe, 26 Ferry Road, East Falmouth, MA – Request to amend the Order of Conditions for MA DEP 25-4425 to allow for the driveway to be paved instead of gravel and to install a Cape Cod berm, crushed stone apron and leaching pit.

Ms. Lincoln moved Mr. Santos, Mr. Caruso and Atty. Wood to attendees and promoted Michael Borselli to a panelist.

Michael Borselli (Falmouth Engineering) An OOC was issued for razing and re-constructing a house. The voluntary mitigation planting is not completed. They would like the driveway to be paved instead of gravel. The surface of the gravel is getting washed out and snow removal is tough. The Cape Cod berm will be pitched and any water will be directed to a leaching pit. No

The **FALMOUTH CONSERVATION COMMISSION** will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday, January 6, 2021 at 7:00 PM.**

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 6, 2021 public meeting of the Falmouth Conservation Commission 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 Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
 - a. Zoom Login instructions:
 - i. Instructions and the meeting link for this specific meeting can be found at the following web address:
<http://www.falmouthmass.us/1092/Conservation-Commission>
 - 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 concom@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 Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department 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 concom@falmouthma.gov so they may be displayed for remote public access viewing.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Thomas Geraghty, Weedy Lane Realty Trust, 10 Weedy Lane, Falmouth, MA – For permission to raze an existing garage, to construct an addition to the existing dwelling, and to expand the existing deck.

Victor E. Calcaterra & Mary L. Scanlon, Trustees, 24 Shaker Lane, East Falmouth, MA – For permission to add a second floor dormer and an enclosed entry with a stoop, to remove a bay window, to remove a stoop and a step, to upgrade to a Title V sewage disposal system, and to install 45 square feet of mitigation plantings.

Kathleen Rausch, Trustee, 200 Mill Road, Falmouth, MA – For permission to raze an existing garage, to construct a new garage with an expanded second floor, to construct a second floor deck, to construct a porch addition, to reconstruct a walkway in-kind, and to remove one tree.

Stephen Davino, 29 Tobey Lane, East Falmouth, MA – For permission to enclose a porch entry, install a new roof, remove second story decks, and reframe a portion of the second story.

Elizabeth Stanberry, 154 Alder Lane, North Falmouth, MA – For permission to replace an existing deck within the existing footprint.

Charles S. Matteo, 77 Miami Avenue, Falmouth, MA – For permission to replace an existing wooden deck and staircase within the existing footprint.

Robert T. Davis, Trustee of 32 Emerson Road Trust, 32 Emerson Road, Falmouth, MA – For permission to upgrade to a new Title V sewage disposal system.

Woods Hole Oceanographic Institution, 86 Water Street, Woods Hole, MA – For permission to conduct soil borings and utilize test pits.

William T. & Joan F. Vrettas, 14 Pennsylvania Avenue, Falmouth, MA – For permission to upgrade to a new Title V septic system.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Francis & Claire Norton, 87 Childs River Road, East Falmouth, MA – For permission to raze an existing single family dwelling; to construct a new single family dwelling utilizing the existing foundation; to install a new, larger septic tank; and for all associated clearing, grading, and landscaping.

Cindy Coates, Trustee, The 187 Penzance Road Trust, 187 Penzance Road, Woods Hole, MA – For permission to construct and maintain a 4'x127' timber walkway with steps and lighting; to create a 6'x200' gravel path; to install an aeration system and subsurface electric lines for pond restoration; to install an E-1 pump and force main to connect the workshop building to the existing system; to remove 9 trees and plant 27 trees; to relocate and install 2,390 square feet of mitigation plantings under Order of Conditions 25-2180; and all associated clearing, excavation, grading, and landscaping.

Gerard T. & Margaret T. Robinson, 290 Acapesket Road, East Falmouth, MA – For permission to construct and maintain a 3'x 60' aluminum gangway, a 3'x 10' timber pier extension, a 3'x 14' ramp, a 8'x 12' tee float and pilings, and for water and utility installation in Green Pond.

Sarah Camougis Young and Leighton Felker Young, III, 10 Quahog Pond Lane, Falmouth, MA – For permission to construct a new deck and to conduct invasive species and non-native species

management.

Scott Dravis, VRI Americas, 45 Surf Drive, Falmouth, MA – For permission to construct a pool and spa area, to install a perimeter pool fence, and to expand an existing concrete pool patio.

CONTINUED HEARING UNDER A NOTICE OF INTENT

Town of Falmouth, Department of Public Works, 0 Menauhant Road, Parcel 45 20 002 000, Falmouth, MA – For permission to conduct beach nourishment, to construct two rubble-mound groins, and to install two handicap parking spaces.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

Publication date: December 24, 2020 Code 5017



Falmouth Conservation Commission

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7445

The FALMOUTH CONSERVATION COMMISSION
Wednesday, March 3, 2021, 7:00 p.m.

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 March 3, 2021 public meeting of the Falmouth Conservation Commission 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 Conservation Commission 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/Conservation>
 - 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 concom@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 Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department 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 concom@falmouthma.gov so they may be displayed for remote public access viewing.

A G E N D A

VOTE MINUTES

February 24, 2021

REQUEST FOR A CONTINUANCE UNDER AN ENFORCEMENT ORDER

Claudia Cenedese, 51 Pondview Drive, East Falmouth, MA – Unpermitted removal of vegetation within Conservation jurisdiction.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Henry and Winifred Dick, 392 Boxberry Hill Road, Falmouth, MA – For permission to improve an existing trail by creating new elevated segments of 6', 15', and 30' in length.

Richard and Carol Joseph, 95 Waterside Drive, North Falmouth, MA – For permission to construct and maintain a pool, pool house and patio, and to install an E-one effluent pump with all associated utilities and landscaping.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Nicholas Diieso, 105 Meadow Neck Road, Falmouth, MA – For permission to construct a new single-family dwelling with all associated clearing, grading and landscaping; and to install a Title V septic disposal system and drywells.

David and Kathleen DeVane, 371 Shorewood Drive, East Falmouth, MA – For permission to conduct invasive species management, to plant native plant species, and to establish a 25-foot wide vista corridor.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Cindy Coates, Trustee, The 187 Penzance Road Trust, 187 Penzance Road, Woods Hole, MA – For permission to construct and maintain a 4'x127' timber walkway with steps and lighting; to create a 6'x200' gravel path; to install an aeration system and subsurface electric lines for pond restoration; to install an E-1 pump and force main to connect the workshop building to the existing system; to remove 9 trees and plant 27 trees; to relocate and install 2,390 square feet of mitigation plantings under Order of Conditions 25-2180; and all associated clearing, excavation, grading, and landscaping.

David P. and Kathy E. Campbell, 0 Millfield Street, Map 49A 04 Parcel/Lot 064 001, Woods Hole, Falmouth, MA – For permission to construct a single-family dwelling and garage with associated paved driveway, crushed stone parking area, retaining walls,; to install native trees and shrubs; and to install a drainage system.

CONTINUED HEARINGS UNDER AN ENFORCEMENT ORDER

Claudia Cenedese, 51 Pondview Drive, East Falmouth, MA – Unpermitted removal of vegetation within Conservation jurisdiction.

VOTE ORDER OF CONDITIONS

- Elizabeth D. Hlavka, Trustee, Dogwood Realty Trust, 69 Bar Neck Road, Falmouth, MA
- Gerard T. & Margaret T. Robinson, 290 Acapesket Road, East Falmouth, MA
- Karen Munroe, 26 Ferry Road, East Falmouth, MA

Board will consider any matters not reasonably anticipated by the Chair.

The hearing is continued until March 24, 2021.

VOTE ORDER OF CONDITIONS

Elizabeth D. Hlavka, Trustee, Dogwood Realty Trust, 69 Bar Neck Road, Falmouth, MA

Quorum: Jamie, Maurie, Betsy, Courtney, Kevin, Steve, Peter

Mr. Newton: This is the breakwater.

Ms. Harlow-Hawkes: Jen had a question about the fence across the street being in the road layout.

Mr. Newton: They need to get permission from the Town before doing work in the road layout.

Mr. Mathews: That must be a Condition.

Ms. Gladfelter: Move to adopt the Order of Conditions as discussed.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Harlow-Hawkes, aye; Gladfelter, aye; Bird, aye; O'Brien, aye; Patton, aye; Walsh, aye. Unanimous, so moved.

Gerard T. & Margaret T. Robinson, 290 Acapesket Road, East Falmouth, MA

Quorum: Courtney, Kevin, Jamie, Steve, Peter

Mr. Newton: This is the dock.

Mr. Mathews: We were happy with the mitigation plan.

Mr. Newton: There were concerns re the shellfish.

Mr. Mathews: Did Chuck (Shellfish Constable) comment on that?

Mr. Mathews: He said it would be impossible to grow the shellfish.

Mr. Walsh: They offered a \$1,000.00 donation for seeds.

Mr. O'Brien: Move to adopt the Order of Conditions as discussed.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Bird, aye; O'Brien, aye; Patton, aye; Walsh, aye. Unanimous, so moved.

Karen Munroe, 26 Ferry Road, East Falmouth, MA

Quorum: Jamie, Maurie, Betsy, Courtney, Kevin, Steve, Peter

Mr. Mathews: This is the driveway.

Mr. Newton: It was an amendment. Mr. Borselli forgot to calculate two small things, i.e. stepping stones. We need a new plan and don't have it yet.

Ms. Gladfelter: No mitigation is required. Once there it is a vegetative buffer.

Mr. Newton: It's protected.

Ms. Gladfelter: Hopefully.

Ms. Gladfelter: Move to adopt the Order of Conditions as discussed.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Harlow-Hawkes, aye; Gladfelter, aye; Bird, aye; O'Brien, aye; Patton, aye; Walsh, aye. Unanimous, so moved.

Ms. Harlow- Hawkes: Move to adjourn.

PUBLIC HEARINGS

#2 Approve application for a Change of Officers/Directors and Change of Stock Interest of an All Alcoholic Package Store License – Norman's Liquors d/b/a Kappy's, 21 Spring Bars Road, Falmouth

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Norman's Liquors, Inc. d/b/a Kappy's has applied for a Change of Officers/Directors and a Change of Stock Interest of its All Alcoholic Package Store License located at 21 Spring Bars Road, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, April 5, 2021 at 7:30 p.m. on the above application.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 5, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. **See Select Board NOTICE of MEETING for April 5, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on April 1, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Megan E. English Braga

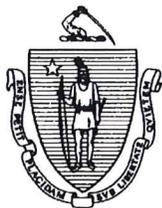
Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

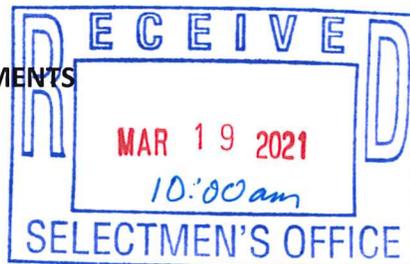
Nancy R. Taylor

Publication date: Friday, March 26, 2021; Falmouth Enterprise



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

PAID \$100
ck# 69776 filing advert



APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officers/Directors Application
- CORI Authorization Complete one for the proposed manager of record. This form **must** be notarized with a stamp or raised seal.
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- Vote of the Entity Board
- Monetary Transmittal Form
 - \$200 fee via [ABCC website](#) and Payment Receipt

CHANGE OF OWNERSHIP INTEREST (e.g. LLC Members, LLP Partners, Trustees etc.)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officers/Directors Application
- Financial Statement
- CORI Authorization Complete one for the proposed manager of record. This form **must** be notarized with a stamp or raised seal.
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- Vote of the Entity Board
- Purchase and Sale Agreement
- Supporting Financial Records
- Advertisement*
- Monetary Transmittal Form
 - \$200 fee via [ABCC website](#) and Payment Receipt

CHANGE OF STOCK INTEREST (e.g. New Stockholders or Transfer or Issuance of Stock)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officers/Directors Application
- Financial Statement
- CORI Authorization Complete one for the proposed manager of record. This form **must** be notarized with a stamp or raised seal.
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- Vote of the Entity Board
- Purchase and Sale Agreement
- Supporting Financial Records
- Advertisement*
- Monetary Transmittal Form
 - \$200 fee via [ABCC website](#) and Payment Receipt

*If abutter notification and advertisement are required for transaction, please see the local licensing authority.



LAWSON & WEITZEN

RICHARD B. WEITZEN*
PAMELA B. BANKERT, PC*
IRA H. ZALEZNIK
VALERIE L. PAWSON, LLC
GEORGE F. HAILER, PC*
KENNETH B. GOULD
GEORGE E. CHRISTODOULO, PC
DAVID A. RICH, LLC*
PATRICIA L. FARNSWORTH
K. SCOTT GRIGGS***
STEVEN M. BUCKLEY
KENNETH B. SKELLY***
GLENN P. FRANK*
J. MARK DICKISON**
SCOTT P. LOPEZ
JEFFREY P. ALLEN
DARLY G. DAVID
MARIA GALVAGNA MESINGER
JONATHAN P. ASH
LINDA A. OUELLETTE
JOSHUA M. D. SEGAL*
LAUREN J. WEITZEN
JOHN R. BAUER
RYAN A. CIPORKIN
DONALD J. GENTILE*
PETER A. GRUPP

Direct Dial: 617-603-3732
E-Mail: TFarnsworth@Lawson-Weitzen.Com

March 17, 2021

VIA OVERNIGHT DELIVERY
Town of Falmouth Select Board
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Re: *Application for transfer of Stock and change of Officers and Directors
Norman's Liquors, Inc. d/b/a Kappy's Fine Wine & Spirits
21 Spring Bars Road, Falmouth, Massachusetts*

Dear Sir/Madam:

Enclosed please find an application for a transfer of 100% of the stock of Norman's Liquors, Inc. d/b/a Kappy's Fine Wine & Spirits and for a change of officers and directors. The current owner, Mr. Brian Moore, is gifting his ownership to his nephew, Steven L. Selby.

Please find the following submitted documents:

1. Monetary Transmittal Form;
2. Payment receipt for \$200 to ABCC;
3. ABCC Application for a transfer of stock and change of officers and director;
4. Applicant's Statement;
5. Corporate Vote;
6. CORI Form with copy of Drivers' License;
7. Proof of Citizenship;
8. Articles of Organization;
9. Statement of Change;
10. Gift letter and Stock certificate;
11. DOR Good Standing Certificate; and
12. DUA Certificate of Compliance.

* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ONLY ADMITTED IN PA
* ALSO ADMITTED IN DC
** ALSO ADMITTED IN RI
*** ALSO ADMITTED IN RI, CT, NH



Please place the legal ad and schedule this matter on the public hearing agenda and let me know the date.

Should you have any questions, or require any additional information, please do not hesitate to contact me. Thank you.

Very truly yours,

Patricia Lang Farnsworth

Encl.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00082-PK-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

\$15 Package Store Annual All Alcoholic Beverages

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

BUSINESS

#1. Discussion/update on COVID-19 issues

#2. Set June Special town Meeting date(s) and approve articles



Warrant for the Special Town Meeting
Monday, June 28, 2021
TOWN OF FALMOUTH
Select Board

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Falmouth High School, 874 Gifford Street, Falmouth on Monday, June 28, 2021 at 6:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 5th day of April, 2021.

Megan English Braga, Chair

Douglas C. Brown, Vice Chair

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date

April 2020 Annual Town Meeting Index

Article

- 1 Hear Reports from Committees and Town Officers
- 2 Amend - The Code of Falmouth; Article VII, Ch 65, s. 16, Promulgation of Regulations
- 3 Amend - Zoning Bylaw Article XXXIX - Site Plan Review, §240-192 - Applicability
- 4 Amend - Zoning Bylaw Article XXXIX - Site Plan Review, §240-198 - Lapse of Decision
- 5 Amend - Official Zoning Map, Remove Text Box of Footnotes 1-8; Add Reference to Zoning Overlay Districts
- 6 Petition: Amend Zoning Bylaw Article XLVIII Site Plan Review & Operation Standards; Sections 240-254B, 240-254D
- 7 Petition: Amend Official Zoning Map to Incl Addt'l Parcels in the Large-Scale Ground-Mounted Solar Overlay District
- 8 Accept Winthrop Drive (East Side) As Public Way
- 9 Purchase or Take by Eminent Domain - Permanent Easement at 241 Scranton Avenue
- 10 Purchase or Take by Eminent Domain - 20 Village Common Drive Easements
- 11 Purchase or Take by Eminent Domain - 28 Village Common Drive Easements
- 12 Purchase or Take by Eminent Domain - St. Marks Road Easements
- 13 Purchase or Take by Eminent Domain - Seabrook Drive - Permanent Easement
- 14 Petition: Accept General Laws Chapter 90, Section 18B
- 15 Petition: Change "Christopher Columbus Day" to "Indigenous Peoples Day"
- 16 Petition: Create a Domestic Partnership Bylaw for the Town of Falmouth
- 17 Petition: Acknowledgement of Mashpee Wampanoag Tribe at All Public Meetings
- 18 Petition: Create Select Board Taskforce on Sustainable Living for Falmouth's Workforce Families and;
Fund Early Education & Childcare Support Voucher Program
- 19 CPC: Fund Rehabilitation - Bell Tower Tennis Courts
- 20 CPC: Purchase or Take by Eminent Domain - All or Portion of Conservation Restriction at Millstone Rd
- 21 CPC: Fund Falmouth Affordable Housing Fund
- 22 CPC: Fund Budgeted Reserve
- 23 CPC: Fund Historic Preservation Reserve
- 24 CPC: Fund Capital Improvements to Guv Fuller Field

**WARRANT FOR SPECIAL TOWN MEETING
MONDAY, JUNE 28, 2021 AT 6:00 P.M.**

For action on articles in the Warrant

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 at Falmouth High School, 874 Gifford Street, on Monday, June 28, 2021 at 6:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 2: 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 organizes 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 3: 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 4: 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 5: 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 6: 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 Hughen.

ARTICLE 7: 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 Hughen.

ARTICLE 8: 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 9: 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 10: 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 11: 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 12: 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 13: 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 14: 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 15: 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 16: 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 17: 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 18: 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 19: 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 20: 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 21: 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 22: 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 23: 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 24: 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 5th day of April 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

#3. Report – Cape Cod Commission, Kristy Senatori

#4. Report on building permits

#5. Update on beaches

Memorandum

April 2, 2021

To: Select Board
From: Maggie Clayton, Acting Beach Superintendent
Cc: Julian Suso, Town Manager
RE: Select Board Agenda, April 5, 2021, Business Item #5
Update on beaches

Below are updates on planned activities to get ready for the start of the beach season.

Beach Improvement Projects

Fence replacement at Megansett (Completed)
Fence removal at Old Silver (Completed)
Culm planting at fence removal site at Old Silver (Completed 3/21)
Safety precautions at Menauhant West
Parking Gate repair at Bristol
Sand on road removed and posts placed with reflectors to maintain roadway at Chapoquoit (completed)

Routine Set-up/Cleanup/Repair/Installation

Repair of removable set of stairs at Chapoquoit
Maintenance of 1 trash barrel at each beach for off-season (more put out in late May/early June)
Blowing sand at all paved parking lots
Arrows, curb stops, parking lines repainted
Dirt parking lots grated (happened once already, will happen again prior to season)
Swim Area Markers/Buoys put out in late May/early June

Information on Portable Toilets

1 unit put out at Menauhant, Heights, Surf Drive, Chapoquoit, and 2 at Old Silver for month of April while contract for full-season is out to bid

Beach Parking Stickers

3,078 resident/taxpayer permits (\$40/each) sold as of end-of-business day Thursday, April 1
Awaiting direction on sale of the short-term (1-4 week increment) non-resident stickers, Beach Committee voted on recommendation to reinstate at their February meeting

The Department is also looking into a pilot program for extended hours for monitoring parking lots at a couple of west-facing beaches.

I will be in attendance at the Select Board meeting to answer questions.

Respectfully submitted,

Maggie Clayton
Acting Beach Superintendent

Diane Davidson

From: Maggie Clayton
Sent: Sunday, March 28, 2021 4:41 PM
To: Falmouth Selectboard
Cc: Peter Johnson-Staub; paulmiskovsky@yahoo.com; Jeffrey Billard
Subject: follow-up on Beach Committee's recommendation

Hello, all:

As the Beach Dept. continues with our spring preparations, I just wanted to reach out about the status of non-resident sticker sales for summer 2021.

In summer 2020, we suspended short-term beach parking permits of the 1-4 week variety, and sold 74 seasonal non-resident stickers. When all 5 options were available prior to the pandemic, in 2019 we sold 678 non-resident stickers, and in 2018 we sold 791 non-resident stickers. We kept the options on the Fee Schedule that was approved by the Board in the fall.

Replacement sticker	\$10
Resident/Taxpayer sticker	\$40
Seasonal Non-Resident sticker	\$275
One-Week Non-resident sticker	\$80
Two-Week Non-Resident sticker	\$130
Three-Week Non-Resident sticker	\$175
Four-Week Non-Resident sticker	\$225
Timesharing/Interval Ownership Sticker	\$40

Vice-Chair, Mr. Brown was in attendance at the meeting where the Committee voted to reinstate (minutes posted in Agenda Center), but we would appreciate formal language from the Board that can be shared with inquiring residents/taxpayers/visitors who are asking questions about the status of these stickers.

Thank you,

Maggie Clayton
Acting Beach Superintendent
Town of Falmouth
(774)392-6900

CALENDAR YEAR PORTABLE TOILET PLACEMENT AT BEACHES

LOCATIONS	APRIL	Qty Standard Unit	PRE-SEASON	Qty Standard Unit	SEASON	Qty Standard Unit	Qty Accessible Units	POST-SEASON	Qty Standard Unit	
Menauhant East	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	1	1	10/2-12/1/2021	1	
Menauhant West	4/1-5/6		5/7-6/7 2021	1	6/7-10/1/2021	1	1	10/2-12/1/2021	1	
Bristol	4/1-5/6		5/7-6/7 2021	1	6/7-10/1/2021	1	1	10/2-12/1/2021	1	
Falmouth Heights	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	3	1	10/2-12/1/2021	1	
Surf Drive	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	1		10/2-12/1/2021	1	
Wood Neck	4/1-5/6		5/7-6/7 2021	1	6/7-10/1/2021	1	1	10/2-12/1/2021	1	
Chapoquoit	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	1	1	10/2-12/1/2021	1	
Megansett	4/1-5/6		5/7-6/7 2021	1	6/7-10/1/2021		1	10/2-12/1/2021	1	
Old Silver - Private Side	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	2		10/2-12/1/2021	1	
Old Silver - Public Side	4/1-5/6	1	5/7-6/7 2021	1	6/7-10/1/2021	2		10/2-12/1/2021	1	
NUMBER OF DAYS	36 DAYS		31 DAYS		119 DAYS			61 DAYS		TOTAL UNITS
Sub-Totals		6		10		13	7		10	46.00

FALMOUTH BEACHES



Welcome to the Falmouth Beaches! We hope that you enjoy the beaches as much as we love them. We hope that you will treat our beautiful resources with love and respect by adhering to the guidelines on this card. - The Falmouth Beach Committee

1 SWIM SAFELY

Swim in designated areas with lifeguard present
Always swim with a buddy
Avoid high surf areas
Stay within your fitness and swimming capabilities



2 PLEASE NOTE THE FOLLOWING:



NO SMOKING



KEEP OFF ROCKS



NO ALCOHOL



NO LITTERING



NO FEEDING WILDLIFE



NO LOUD MUSIC

3 ADHERE TO SOCIAL DISTANCING GUIDELINES. BE COURTEOUS AND RESPECT OTHERS' SAFETY

4 NO ANIMALS

No dogs or other animals are permitted on Falmouth Public Beaches from May 1 to October 1 with the exception of service animals. This includes leaving pets unattended in parked vehicles.

5 HOURS OF OPERATION

Beaches are supervised from 9-5, weather permitting, with guidelines in effect at all times. Parking lots are closed at 10pm.

Be safe and have fun!



FALMOUTH BEACHES

Purchase a beach parking permit at the Ellen T. Mitchell Bathhouse, 56 Surf Drive.
For additional questions, call 508 548 8623 or email beach@falmouthma.gov



For a safer beach experience, apply your sunblock every two hours!

RESIDENT PERMIT PARKING ONLY:

Bristol
Chapoquoit
Falmouth Heights
Megansett
Menauhant West
Wood Neck

Water Wheelchairs are available for use; contact the Ellen T. Mitchell Bath House to reserve one.

Please secure umbrellas and tents well, especially on windy days.

RESIDENT, PERMIT OR MBL STICKER:

Stoney Beach

Don't forget to hydrate on those hot days, bring extra water!

LIMITED PUBLIC PAID PARKING:

Old Silver
Surf Drive
Mill Road Extension
Menauhant East

To become a member of Litter-Free Falmouth's Adopt a Beach team, email amrobinson@gmail.com

SCAN THIS QR CODE WITH YOUR PHONE FOR MORE INFORMATION!

FREE PARKING:

Grew's Pond at
Goodwill Park



#6. Vote to place Charter Review questions on the May 2021 municipal ballot, and Vote the order of the questions on the ballot

Question 1: SHALL THE TOWN OF FALMOUTH BE ALLOWED TO EXEMPT FROM THE PROVISIONS OF PROPOSITION TWO AND ONE-HALF, SO CALLED, THE AMOUNTS REQUIRED TO PAY FOR THE BOND ISSUED IN ORDER TO REPLACE THE ROOF FOR THE TEATICKET ELEMENTARY SCHOOL?

Yes _____ No _____

Question 2: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON JANUARY 25, 2021 RELATIVE TO GENERAL PROVISIONS SUMMARIZED BELOW? Sections C3-3A and -3B, Policy Leadership, is amended to provide for the Select Board to evaluate the Strategic Plan for consistency with the Local Comprehensive Plan, issue procedures for evaluating the actions of town agencies for consistency with the Strategic Plan and Local Comprehensive Plan, and participate with the Planning Board in formulating goals and policies for the Local Comprehensive Plan.

Yes _____ No _____

Question 3: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON JANUARY 25, 2021 RELATIVE TO GENERAL PROVISIONS SUMMARIZED BELOW? Section C4-6C, Planning Board, is amended to provide that the Planning Board shall seek participation by the Select Board in developing and fulfilling elements of the Local Comprehensive Plan.

Yes _____ No _____

Question 4: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON JANUARY 25, 2021 RELATIVE TO GENERAL PROVISIONS SUMMARIZED BELOW? Section C5-3A, Powers and Duties of the Town Manager, is amended to provide that the Town Manager shall assure that town agency actions are evaluated for consistency with the Local Comprehensive Plan, Strategic Plan, and Capital Improvement Plan.

Yes _____ No _____

Question 5: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON JANUARY 25, 2021 RELATIVE TO GENERAL PROVISIONS SUMMARIZED BELOW? Section C7-2G, governing vacancies caused by absences of members of appointed town governmental bodies, is amended to provide that the existence of a vacancy shall be determined by the chairperson of the governmental body and confirmed by a majority vote of the governmental body, and that the process to fill the vacancy shall begin within thirty (30) days of that vote or otherwise in accordance with the General Laws. This amendment clarifies the procedure to determine if a vacancy exists and timeline to fill it, but does not change the number of absences required to cause a vacancy.

Yes _____ No _____

Question 6: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON JANUARY 25, 2021 RELATIVE TO GENERAL PROVISIONS SUMMARIZED BELOW? Article VII, Appointed Town Governmental Bodies, is amended to delete sections C7-10, C7-11, C7-12, and C7-13, and to provide in section C7-16 that the Community Preservation Committee shall consist of nine (9) voting members, of which four (4) will be appointed by the Select Board, and one (1) each will be appointed by the Conservation Commission, Historical Commission, Housing Authority, Planning Board and Recreation Committee. This amendment removes Charter references to the Recreation, Waterways, Beach, and Human Services Committees, but does not discontinue the existence of these committees or alter their authority.

Yes _____ No _____

#7. Discussion on water conservation needs for the coming summer season



TOWN of FALMOUTH
DEPARTMENT OF PUBLIC WORKS, WATER DIVISION
416 GIFFORD ST., FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543
FAX (508) 548-1537

Cathal O'Brien
Water Superintendent
cathal.obrien@falmouthma.gov

April 1, 2021

To: Board of Selectman and Julian Suso, Town Manager

From: Cathal O'Brien, Water Superintendent

Re: Water Conservation – Request to implement a Mandatory Odd/Even Water Ban as of **5.22.21**

The DPW Water Division is requesting the Board of Selectmen to support the implementation of a Mandatory Odd/Even Water Ban that consists of the following measures starting **5.22.21**:

- Watering of lawns is limited to odd/even days based on house address between the hours of 8:00 PM and 8:00 AM. = **ODD houses on Tuesday/Thursday/Saturday, and EVEN houses on Wednesday/Friday/Sunday**: this would allow for automatic sprinkler systems to be set by the days of the week, which is how their automated system controls are programmed in the field
- Washing of sidewalks, patios and driveways is prohibited (excluding business for safety/health reasons.)
- Pistol grip nozzles (auto shut off) are required for all hoses used for washing cars and all hoses at dockside facilities.

Background:

- Snow and rain levels have been lower than in past years, so we want to be proactive
- The MMR Water Storage Tank is being painted now, so that may limit our peak use
- We are working with MA DEP to get Fresh Pond Well back online, but it is still under review
- If we wait too long to conserve, we may have to do an all out ban as we did last year

Notifications will be found:

- On the Water Bill mailed to all users.
- On the Department's web page
- In the Consumer Confidence Report
- Via FCTV bulletin's

#8. Approve 2021 Annual/Seasonal License Renewals

2021 SEASONAL LIQUOR LICENSE and SPRING LICENSE RENEWALS

Common Victualler License

Smitty's Ice Cream, 326 East Falmouth Highway, East Falmouth

The Tea Room, 196 Crystal Springs Avenue, North Falmouth

Lodging House License

Captain's Manor Inn, 27 W. Main Street, Falmouth

Elizabeth Hathon, 1665 North Falmouth Highway, North Falmouth

Frederick William House, 594 Palmer Avenue, Falmouth

Inn on the Sound, 313 Grand Avenue, Falmouth

Second Hand Dealer License

Falmouth Stamp & Coin, 11 Town Hall Square, Falmouth

St. Vincent de Paul Thrift Shop, 18A Davisville Road, East Falmouth

Trendy Tots, 426 Main Street, Falmouth

- #9. Review and Vote to approve minutes of meetings:
 - a. Public Session – February 1, 2021; February 13, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, FEBRUARY 1, 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 February 1, 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.*

Present: Megan English Braga, Chair; Doug Brown, Vice Chair; Doug Jones; Sam Patterson; Nancy Taylor.

Also Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 7pm by Chair English Braga.
2. Pledge of Allegiance
3. Proclamation – 100th Birthday Proclamation – Samuel N. Johnson

Mr. Brown read the proclamation as a motion. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Chair English Braga, aye.

Trish Wright, Samuel's next door neighbor, he is humbled and thrilled. They are having a celebration for Sam on 2/13/21 1pm at Fisherman's Cove, parade, Navy Honor Guard will lead it. All residents will have a drive by parade.

4. Recognition
Chair English Braga thanked all staff, IT, Town Clerk, Town staff that made Town Meeting possible last week.

5. Announcements - Davis Straits Reset Survey

Mr. Patterson noted the Falmouth EDIC looking for households to qualify for discount of electric costs and relates to the second solar array at the landfill. Falmouth EDIC 508-548-7440 if interested.

Falmouth EDIC and Chamber, Open Cape developing broadband services along Main Street, provide it to 35 businesses, it is Depot Ave. through Falmouth Heights Rd. They have grant money to offset installation costs and if interested, contact the EDIC, Chamber, or Open Cape for more information on whether your business qualifies for these services.

CPC Needs Assessment 3/11/21 via Zoom at 630pm, restricted applications based on need for November Town Meeting.

Mr. Brown noted Barnstable County Assembly of Delegates will have an opportunity for the community to learn how County Government works, 4pm on 2/3/21.

Public Comment for Complete Streets open until 2/25/21 comments to Cape Cod Commission.

Mr. Suso said that Town Planner Tom Bott has an announcement about Davis Straights reset survey.

Mr. Bott reported the Planning Board is working on developing form based code for 77 acre Davis Straights area, project website is live and he provided a tour of the website and encouraged folks to take the survey on the website. Access through the Town of Falmouth website, <https://www.davis-straits.com/> discusses aspects of the project, studies, and there is a survey about the plan. A hardcopy document of the survey will be sent out as well, comment period open at this time. Goal is to bring to Town Meeting November 2021. Mr. Bott does not know if the State will still be going with a roundabout, this is separate from the redevelopment of the area.

6. Public Comment-none.

7. Update/discussion on Rt. 151 traffic safety issues

Tragic accident on Rte. 151 that took the life of a four year old boy, that event has mobilized the community to ask once again what is happening on Route 151. The Town and Select Board have talked for a long time, while this accident was on a part of the highway controlled by the State and not an area that Falmouth has studied, this has brought the subject matter back to mind to ask what is going on with that road.

Mr. Brown noted a petition on Change.org asking the Town to do something on the conditions on Route 151.

Chair English Braga wanted to have an update and discussion.

Peter McConarty, DPW Director, provided history of Route 151; it is under Town jurisdiction to do repairs, upgrades to the roadway, but when the Town in early 2000's performed some improvements on the road they signed an agreement with MA DOT; any work completed or proposed has to go through MA DOT and they need to consent to it. Over the years discussions regarding Route 151, reports, and meetings by Town and State personnel. Latest report; three intersections: one of which is Sam Turner/Boxberry Hill, put together concept plans for that intersection last year; not a lot of traffic control on the roadway and there are five roadways at that intersection. The Town had a Road Safety Audit (RSA) completed on this intersection, he submitted a portion of the RSA report to the Select Board; Town officials, Cape Cod Commission, and MA DOT met onsite, walked through the area, the Sandwich Road, and Currier Road intersections. Fatality at the Currier Road intersection a couple years ago, Sandwich intersection has had a number of accidents. It is confusing. Sam Turner and Boxberry Hill/Rte. 151 is most dangerous, Sandwich Road and Route 151 is more ahead regarding identifying the issues. Looking to add a left turn lane with a portion of sidewalk from Ashumet Valley to the gas station and Dunkin Donuts area. In 2017 there was fatality at Cloverfield and Boxberry Hill, that sparked the RSA to look at these intersections. The report notes a lot of immediate, short, and long term improvements on the roadway. Immediate: clear edges of the road, a lot of signaling that needs to be reviewed, replace the signs with reflectivity. Street signs can be looked at, too; as work and projects are done in town, these signs are replaced. Route 151 is very dark at

night. Intermediate projects: looking at striping on roadway, center line of the roadway is about 1.5 ft wide, there is room with shoulders to look at widening the center line and put a rumble strip between the two lanes. Possibility for driver feedback signs, a station that is mounted and solar power, it has speed limit sign, flashing sign with strobe that will alert motorists they are over the speed limit. This is a 50MPH road, however many times vehicles are going faster, 60-65 MPH in the roadway. The fourth intersection is intersection of Route 28A and Route 151, was in front of the Select Board in 2016/17, since then the State has put it on and off the list; at this time that intersection is off the list. The intersection was reviewed by the Federal Highway Administration looking at crash rates for intersections, triggers may indicate need for review of the intersection. Sandwich Road, then Sam Turner Road, and Route 28A. Long term would need to look at the design of the roadway. MA DOT would have to review any suggestions such as a four way stops, if they want to do something different at Currier Road, there is an older light, not effective, and want to get the design done for intersection, then to Cape Cod Commission, then the State bond bill. Traffic consultants would be needed to provide recommendations. At this time, Sandwich Road project is ready to go; add the left turn lane and a couple other things. Sam Turner/Cloverfield is in conceptual planning, moving towards a public hearing on that now; consultant, DPW, and Town Officials are looking at designs. Signalized intersection because it is a wide area, this would be best option. Have the design funds on that and it's ready to go. Currier Rd., RSA done, design funding is needed to move that forward. 28A intersection, he can check with the State on the status.

Grants for these are usually for construction money, they like to see the design completed, but Mr. McConarty can take a look at that. Sam Turner/Boxberry Hill Road, if the Town goes to the Cape Cod Commission for design dollars, they would be in line, at year 2026 or 27. This may be faster to do as a Town Meeting Article.

Long range plan is to address the elevation of the road, the roadway follows the contour of the road, the vertical curves are hard to see when coming over the crest of another road.

These types of projects would go to a consultant, need to get funds to design the whole roadway. In 2017, the DPW considered doing additional lighting, signage, maybe driver feedback signs in the interim.

The Town can look at lighting; Route 151 does not have a lot of driveways; light is concentrated where the businesses are located; look at putting more lights on roadway poles. These would be on 12 feet arms to light up both sides of the road. That could make a difference at night.

Megan Simpson sent in a comment that center barriers could be used-even just reflective things to create that space.

Mr. McConarty said on route 6 going to Orleans, MA DOT has those stations, Route 3 Exit 4 towards Plymouth have them; vehicles knock them over/damage; it is a maintenance issue. Maybe a wider median strip with rumble strip in middle. Putting lights up and signs would not require going to MA DOT. Main report is 240 pages, much of it is crash related.

Senator Moran represents the delegation on actions the Town is taking tonight in response to the tragic accident. She is a member of Joint Committee on Transportation and offered to be available as a resource to the Town. Falmouth is well known for having shovel ready projects and getting things done. There is a lot of competition for resources and getting things moving.

Mike Heylin: The accident that happened last week, he found 2018 Cape Cod Commission report, he agreed with all the information Mr. McConarty provided. The smaller signs, flashing speed limit, etc. that can be done on Town property should be done asap. Rumble strips may be longer term. It would be a start if the Town can get stop signs, flashers, and paint the stuff. Hopefully they can work with the State and move forward.

Mr. McConarty said they can notify MA DOT of their plans to install lights, signs; these are a funding issue. Ones put up in other areas of town were about \$12,000-14,000 each. If you put a few in each direction, work out well. Striping usually a 4 inch center line, maybe make the center line could be wider and use a rumble strip. Brush could be cut back in some areas. Nighttime going eastbound, going up to the Cloverfield intersection, one can see the yellow and red light flashing lights at the same time and that can be confusing. There are longer heads that can be purchased for those lights so that you don't see both

colors. He suggested also talking with Police Chief Dunne for speed trailers while the Town is considering other options over the next couple weeks.

Jane Perry: Galleon Drive, 30 year resident of this neighborhood. This was a State highway, in 1997 it was swapped for Woods Hole Road, the State has the interchanges at Route 28. Her ideas are signs including speed limit posting, dangerous intersection ahead. There is a huge pothole you turn left into Boxberry Hill Road and Sam Turner Road. Roundabout will not work, they do not work, she would like to see a signalized intersection. Splitter islands do not work, even though it is a Complete Streets tool. Drivers go too fast, she was not aware of the safety audit, need more outreach, it needs to be at the top of the priority list, sidewalk from Route 151 to Mashpee to connect the East/West corridor of our Town. She likes the rumble strips idea. There have been several accidents on Route 151, her neighbor's son died on that road, others she has known have died on that road. She believes the consultant who did the Davis Straights/Davisville Road did a wonderful job. Those intersections are almost 100% compliant, but in real time so it works for people to travel from their neighborhood to Route 151. There is a fixed route CCRTA bus that runs Mon-Friday on Route 151. She hopes Mr. McConarty would check in from time to time, she will always be involved in transportation.

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, continued from 1/11/21

Continued from 1/11/21.

Chair English Braga read the hearing notice.

Atty.. Christopher Lebherz present for applicant and provided materials to Atty. Irie Mullin, Assistant Town Counsel and the Select Board. Chair English Braga explained they are looking to make a determination regarding whether there is enough of a distinction between the two entities.

Also present was Sarav Patel, applicant, and Atty. Allen Costa.

Atty. Lebherz said it was brought to his attention that there were some concerns about certain individuals having an interest in this license and another license. He obtained a copy of Atty. Mullins' memo and reviewed it with all individuals involved with this application. This is a proposed sale of the premises Jack in the Beanstalk, involving both the real estate and separate business sale. It is clear to Lebherz that the person managing and having the greatest degree of control of property is Mr. Patel. Lebherz reached out to Atty. Costa who provided some documents, Lebherz drafted a 1/27/21 letter to the Select Board. There is another license in Town owned by a corporation called MZ, Enterprises with two principals, Zahid Rashid and Mingma Sherpa; those two individuals are involved in this transaction in a limited capacity. They are the purchasers of the real estate and formed MMA, LLC; the original P&S was in name of MZ, it was then transferred to MMA, LLC. Two individuals through an LLC proposing to purchase this real estate, they have not proposed they will have an interest in the license in front of the board. MA Friends is a corporation with principals Sarav Patel and Doma Sherpa who is known by Atty. Costa. Neither Sherpa nor Patel hold any interest in MZ Enterprises which holds another license. He understands that Atty. Mullin is bringing this relationship to the Select Board's attention, there is no prohibition between one spouse holding an interest in one license and a different spouse holding an interest in another license. The actual license holder would be MA Friends, a separate company that is not an individual. The proposed manager is Mr. Patel, he is qualified, will be on site, and is a responsible individual.

Mr. Patel is the manager but holds a minority interest in the business; one third owner of business, but 100% manager of the business. Mr. Patel is proprietor of Seven Eleven on Main St., he will spend the vast majority of his time at the Jack in Beanstalk location. Mr. Patel said his brother-in-law in NJ is planning to come up here if the deal goes through and will run the 7-11. Mr. Jones said as Manager of liquor license, Mr. Patel is the one that will be held responsible. Mr. Patel lives in Falmouth.

Mr. Patterson asked what is the intent of the governing MGL and what they were going to regulate? Atty. Lebherz said the intent is to prohibit a person from holding two licenses, he has no problem with raising the issue, it is worth discussing, but just because a man owns a license or business, does not mean that his wife

does as well. There is a connection between the two people, however that is where it ends. No other connection with respect to this license, Sherpa or Rashid are trying to invest in real estate, not the business.

Mr. Jones noted another reason for the legislation is to prevent one business from transferring alcohol to another business.

Atty. Lebherz said that this is mainly a market with beer and wine, sale of alcohol is not the primary sales pitch they make over there.

Atty. Costa said there are two different principals that own/operate the business, two different principals that own/operate the license.

Mr. Patel said the alcohol business is about 5% or less of the entire business, that is not as important as everything else in the business.

Mr. Brown asked if there were any other financial interest the Select Board should be aware of? Atty. Costa said the lease agreement with MA Friends is to own and operate the business and the lease holder will be MMA LLC.

Mr. Brown asked if all parties would commit to nondisclosure of family members disclosing pricing, Atty. Costa responded that he would not see why not.

Public comment: None.

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

Mr. Jones motion to approve transfer of the wine and malt package store license. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

2. Wetland/Dock Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4' x 20' floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth

Mr. Jones read the hearing notice.

Continuing at the request of applicant to 2/22/21 at 7:30pm.

Mr. Jones motion to continue this hearing to 2/22/21 at 7:30pm. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Chair English Braga asked that Mr. Suso check to ensure the public notice is accurate.

3. Application for Transfer of an All Alcoholic Beverages Common Victualler License – Shipwrecked, LLC, located at 263 Grand Avenue, Falmouth. Application has also been made for the Transfer of the Entertainment and Sunday Entertainment licenses.

Chair English Braga read the hearing notice.

Atty. Kevin Klauer, Ament Klauer Law Firm, Rob Loewen and Alex Kahn present. Mr. Kahn under agreement for BBC restaurant and Inn surrounding it. Mr. Kahn has spent summers in Falmouth, his wife is a Falmouth native, they are attempting to continue operation of the restaurant and inn. Rob Loewen is the existing manager will remain in that position; staff will remain if they choose to. Potential rebranding of the restaurant.

Mr. Jones asked if the Select Board can vote all three transfers tonight or is this only a vote on the liquor license?

Notice reads all three.

Public Comment: none.

Email comments received by the Select Board were positive.

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

Mr. Jones motion to approve the transfer of the following: All Alcoholic Beverages Common Victualler License, Entertainment, and Sunday Entertainment licenses. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

4. Application for Transfer of an All Alcoholic Beverages Innholder License – Seacrest Concessionaire, LLC, located at 350 Quaker Road, North Falmouth. Application has also been made for the Transfer of the Entertainment License, Sunday Entertainment License and Automatic Amusement License.

Mr. Jones read the hearing notice.

Manager will be the existing manager, Clark Guinn. Mr. Upton present noted that all will remain the same, no difference. Mr. Guinn and his team are staying on, they want to keep the place as it is. Mr. Guinn is not a Falmouth resident, he works and is present there 7 days per week, 60-65 hours.

Public Comment: none.

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

Mr. Jones motion to approve the transfer of the following: All Alcoholic Beverages Innholder License, Entertainment, and Sunday Entertainment licenses. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

5. Application for a New All Alcoholic Beverages Common Victualler License – Train Bridge View, LLC d/b/a Sweet Rice, located at 167 Teaticket Highway, Teaticket

Mr. Jones read the hearing notice.

Atty. Collette present. Mr. Jones asked why not consider a wine and malt license? Atty. Collette said that the last establishment there had the full license and that is what they were going for.

Atty. Collette said the last establishment that was there had the full license and that is what they were going for.

Manager has been a manager of an all alcohol license, a Bourne resident and will be on premises a majority of the time.

Public Comment: none.

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

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

6. Application for Transfer of an All Alcoholic Beverages Package Store License – Gajanan Package Corporation d/b/a Falmouth Wine & Spirits, located at 322 Palmer Avenue

Chair English Braga read the hearing notice.

John Kenney, Atty., representing the applicant, Gajanan Package Corp. and Nimitaben Brahmhatt the owners of the company, acquiring the business, doing business under same name, intend to keep current employees, Mr. Brahmhatt will be the full time manager at the store, has experience in a grocery in NC that sold beer and tobacco products, and has completed TIPS training. He is familiar with training, ordering, monitoring.

Mr. Jones asked that you cannot have more than 1 liquor license per town, should the Select Board be concerned about having multiple liquor licenses around the Town. Across town lines are not a problem, but could still share liquor and price fix. Atty. Kenney said that separate liquor store owners could still do that, it is the quality and character of the people, they are of high character. The State is loosening up the number of licenses you can own, it was 3 at one time, now 9 licenses.

Public Comment: none.

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

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

8:00 p.m. SUMMARY OF ACTIONS

1. Administrative Orders

- a. Vote to accept donation in the amount of \$100,000.00 from an anonymous donor to the Conservation Department donation account for the Coonamessett Greenway Heritage Trail (and Gateway) and future river restoration projects.

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

- b. Vote to accept FY2021 Traffic Grant – Municipal Road Safety Program grant funding in the amount of \$25,000.00 awarded to the Falmouth Police Department from the Executive Office of Public Safety and Security's Highway Safety Division

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

- c. Vote to extend lease between the Town of Falmouth and the North Falmouth Village Association of the Old North Falmouth Fire Station ("The Village Junction"), 212 Old Main Road, for an additional 10-year term

This is an ongoing lease, would extend 10/31/21-10/3/31 and requires notification of extension given one year in advance.

Mr. Jones motion to approve and extend the lease. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

- d. Approve and execute access easement to Lawrence Lynch, LLC for solar project on Locustfield Road with appurtenant drainage and reserved area easement as authorized by Article 20, November 2019 Annual Town Meeting

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

- e. Authorize the Town Manager to allow a one-time additional vacation carry over for AFSCME Union and the Town's Technical, Administrative, and Management (TAM) employees due to the COVID-19 pandemic

Mr. Suso explained that staff have not been able to take their vacation time due to Covid-19. All operations have been fully open and in operation, seeking authority from the Select Board for a one time additional vacation carry over allowance with understanding it must be used within the

six months of the employee credit date within 2021. This is appropriate and warranted and Mr. Suso recommends this.

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

8:30 p.m. BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, said the vaccine situation is confusing. He has been on every call with State twice a week, mid February rollout to Phase 2, then Governor said it would be changed last week. Vaccine in short supply, will remain so for at least a few weeks. The State sets up the rules for the vaccine, online registration. The State and Town are working on registration help on local and state level to register online. Prepmo is the program the State uses, it had just gone live, he and his staff are taking the prepmo training. Barnstable County call center 774-330-3001, 2,500 calls per day last week, there is no wait list.

The Town is working on a local help line.

Reviewed the phases, close to being finished with Phase One. There are a number of ways to sign up to be vaccinated, through the State website and private sites such as CVS and Walgreens. The Barnstable County Fairgrounds vaccination site took an hour to register 600 doses. As vaccines become more available, they have a Falmouth focus on local clinics; a regional clinic, then filter it to the FHS and run additional clinics in the FHS to Falmouth residents. The VNA will be used for homebound special populations and senior housing. The Town is ready to start vaccinating as the vaccine arrives. Unknown how often the State refreshes the website. Need to keep looking for new sites and opportunities. Reviewed the traffic flow pattern for Barnstable County Fairgrounds.

2. Discussion/vote affirming site for future new fifth fire station at 860 Sandwich Road

Chair English Braga suggested this be discussed and vote at the 2/22/21 meeting so that there is time to take public comment and receive feedback from the Recreation Committee.

Mr. Suso said that there is information in the Select Board packet with more detail. Citizens Committee looked at this concept of fire station, they made their recommendation to the Select Board last year, central Hatchville site on Sandwich Rd. Mr. Suso attended most meetings, Trish Favulli Chair, most feasible one is the property on the agenda tonight, southernmost undeveloped end of the 14 acre parcel the Town owns located adjacent to the Unitarian Church and under care and control of the Select Board by Town Meeting vote for municipal purposes. Concept is to proceed with suggested lot split for section of property for fire station construction. Proposed warrant article that includes set aside of funds for project management, design, and some construction funds.

Trish Favulli reviewed what the committee did, reviewed the location, the study, some Thomas Landers Rd. locations, went immediately to this location. Good distance sight lines, location is perfect in what the needs are for the community.

Mr. Patterson asked when the capital exclusion would be done because interest rates are very low, if things were to progress and interest rates climb, may be better to get commitment to take advantage of low interest rates.

Mr. Suso explained Fire Chief Smith and Finance Director Jennifer Mullen as panelists. Debt exclusion for construction to be considered in May 2022; we do not have a solid construction cost estimate and should have that in place prior to going for a debt exclusion.

Ms. Mullen said the plan is to put an article on Town Meeting, asking to appropriate funds for project management funds, have to hire the project manager before the architect and funded through free cash. This process will take about a year, get a good construction cost estimate. May 2022 go to Town Meeting for debt exclusion. If we borrow money and do not spend it, we will have to pay it back; it is against IRS rules.

Mr. Jones said before asking the Town for this money, he would like a well conceived plan for the next station.

Ms. Taylor said the Hatchville Station would be fifth fire station, but this is actually the sixth station and primarily service Hatchville. Chief Smith said the proposed station would be in the northeast section of Town from Sandwich Rd, to Mashpee border, to Joint Base Cape Cod, and along Route 151. Should we look at another location at the same time so that we can minimize response time to the different areas? Chief Smith said that there has been discussion about both, now at the point where technology and data brought into recent report and looking at that one area knowing that majority of runs are Headquarters and East Falmouth station. Should we look at the best site for West and North at the same time so that everyone is serviced equally regarding the response time.

Mr. Suso is happy to begin the process of looking at a NW site, that was the secondary site recommended by the citizens committee and owned by the Town; there are no comparison sites like that in the area. The Select Board may consider consecutive construction. The five station model has been discussed, if the Select Board wants to operate six stations, the Town will need at least 8 additional firefighters and another override. The Select Board's recent plan and McGrath recommendation was based on a five station model, upon construction of the 5th station, one would need to be taken out of service.

Mr. Patterson does not view this as neighborhood fire stations, assets will be spread as needs change. He sees this as covering the whole community strategically. He likes this station location because the Hatchville/Ashumet area have been underserved for a long time and he would like to see how it goes after the Sandwich Station is up and operating. Maybe operate West as the 6 station model.

Mr. Brown noted the McGrath report did not have a six station option. Adding the fifth station from four reduces response time a small amount. Think about what we are creating if we agree to 5 station model, he does not see how that compensates for losing West Falmouth station. Decommissioning Woods Hole and West will increase response times in those areas. If west off line, response time is about 10 minutes; is that acceptable to the Select Board? He feels a six station model is needed, that will be another commitment, he does not agree with another override, he would like to hire those online, then consider the safer grant program. He would like to increase the number of firefighters to start a shift to 16, eventually getting to 18.

Chief Smith noted this is all valid and good concern regarding where we are at based on the study; Mr. Patterson had a good point overall Town coverage, the data and technology used in the McGrath report looked at station 4 as not being optimal because of the district it serves. The recommendation of station model reported essential station be built closer to Headquarters and close to Woods Hole. Based on the study, looking at that one area, is where the study is pointing us right now. If the recommendation is to combine stations 3 and 4, it was right around Thomas Landers to Winslow Rd. corridor. Depending on how the Select Board wants to map out the future, still have concern with West being 90 years old and would require work to maintain. Looking at need for 20-22 personnel per shift to staff two stations. The Town is on the path now to get personnel on board, in order to staff shifts than the West station will be able to be regularly staffed.

Ms. Favulli, Hatchville area has been read for a long time, the mission and charge of committee was to come up with the Hatchville location. Secondary vote was west Falmouth/north Falmouth, it is very limited re: parcels-only 3 vacant parcels in that area. We have a viable location at Sandwich Rd, bring to April Town Meeting, and deal with the one issue we can take care of now.

Mr. Suso said that everything in process to do is what has been described, need to get the firefighter hired and the FFD is working on that, they are very close to making offers for seven of the eight override positions. Voluntary overtime is temporary, it was an agreement worked out with the union for transition opportunity until full complement of firefighters is in place. The Town is still short firefighters and there have been problems with civil service, additional retirements and an existing vacancy, so they will have other positions to fill in addition to the eight from the override. The W. Falmouth Station is intended to remain open as long as it can be staffed. The Select Board needs to decide how many stations and if they want to go with the five model the consultant recommended.

Chair English Braga noted this is a multi-year process, so to be looking at the other challenge we have in the northwest region while the Hatchville station is under way would be appropriate. There is not a lot of

land available in West Falmouth. She would hate to see the Sandwich Road location off indefinitely, when a call out there it will take that much longer to answer other calls.

Ms. Taylor does not want to make this a short sighted and expensive decision. Hiring is difficult and complicated by the pandemic, maybe we are not putting the message out well for the community to hear.

Mr. Brown asked about a property owner who came forward with about 3 acres of property in the area they are talking about. Mr. Suso said that was looked at, it has some advantages and disadvantages.

Mr. Suso explained that a long timeline, going back to when joint meeting with the Finance Committee in 2019, prior to override on ballot in May 2019, it was discussed that it would take 9-12 months to bring on firefighters in a normal year; here we are 8 months into the process and close to engaging 7 of 8 positions, we are well within the time expected.

Todd Taylor: Does that mean West remains open after Hatchville station is built?

Mr. Suso noted that any decision to close West Falmouth station lies with the Select Board, all the issues are in play. Decision he understands is to move forward with construction of a single station at this time.

Maureen Harlow-Hawkes thanked for support refinancing engine. She explained that the reason there was misinformation out there is because that is what the community is hearing, an example was a 10/17/19 statement by Chief Small that the fire engine at West Falmouth station is at the end of its life. In 2021 Chief Smith said that, according to their mechanic, the truck there is adequate and mechanically sound. Two FFD Chiefs told two different stories. Hatchville needs a station there, never been a debate since 1951 report for six station model. She appreciates the hearing tonight, there is a lot more work to do, glad moving in the correct direction to keep West Falmouth station open and have 6 stations.

Mr. Brown hopes when they vote on 2/22/21 and vote a comprehensive plan on what they hope to be doing with regard to getting staffing to 16 firefighters as soon as possible and go to 18 firefighters to maintain what we have and open the new Hatchville station.

Mr. Suso hopes to come back to the Select Board with lot split and move forward with what is on the warrant article this evening and constructing the new station. Can talk about expanding staffing and funding that is needed.

Mr. Patterson feels they should consider the average response time to every part of Town, Hatchville station makes sense right now, in the future they can consider what is appropriate for north west areas. Consider what the responsible response time is for every part of Falmouth.

Megan English Braga heard a commitment to get to 16 firefighters as soon as possible, keeping West Falmouth station open, still 3 years out and it is hard to know where we will be beyond that. There is a commitment to review what is occurring in the system, and in NW quadrant. Real data will be available to look at in the future.

Mr. Jones feels if they build new station, they need to assure the Town there is a plan going forward; either a six model or building a northwest station quickly.

Chair English Braga suggested discussion on 2/22/21 and maybe ask the citizen group to assist in discussing how the vacant lots in the area look and what may be available.

3. Discuss format for upcoming April Town Meeting

Letter from Rep. Vieira, in order to have 4/12/21 town meeting be virtual, the Select Board needs to vote that.

Mr. Patterson motion the Town of Falmouth hold the Spring Annual Town Meeting be held on 4/12/21 through remote participation. Second Mr. Brown. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

4. Vote Articles and Execute Warrant for April 2021 Annual Town Meeting

Mr. Jones motion to add articles 1-8 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 9-15 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 16-18 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 19 and 20 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 21 and 22 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 23-28 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add article 23 and 24 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 25-28 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 25-28 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 29-33 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to add articles 34-40 to the warrant. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Presentation of petitioner articles will be on 2/22/21.

5. Approve 2021 Annual License Renewals:

COMMON VICTUALLER

The Buffalo Jump, 277 Hatchville Road, East Falmouth

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

6. Review and Vote to Approve Minutes of Meetings:

- Public Session

December 7, 2020-not in the packet.

January 4, 2021

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

January 25, 2021

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

Mr. Suso asked the Select Board to make sure a Select Board member attends the Recreation Committee meeting on 2/10/21.

7. Individual Select Board Members' Reports

Mr. Brown:

Attended the Transportation Committee meeting last week, reviewing Complete Streets.

Mr. Jones noted the parking group asked a representative from that committee join their next meeting, Ed Dewitt will be there on 3/10/21,

Mr. Patterson:

Friends of Nobska Lighthouse Board met on 1/25/21 and are still working out how to do the site work to make the facility ADA compliant so they can get occupancy permit.

School Committee meeting 1/26/21; they will be strapped, but able to fit within the guidelines that were provided.

MA Municipal Association Meeting: State Governor and Lt. Governor committed to improving chapter 70 money.

Attended the Transportation Management Committee meeting.

Ms. Taylor:

Jill Irving Bishop and Jim Vieira hosted a site visit to new senior center. The doors are not open, but the outreach they are doing is outstanding.

8. Town Manager's Report

Mr. Suso attended the Finance Committee virtual meeting, Transportation Management committee meetings, Select Board joint meeting Planning Board is scheduled for 2/13/21.

Town hall and admin. office closed 2/15/21 for the Presidents day holiday. Next Select Board meeting will be held on 2/22/21.

Chair English Braga said today is 2/1/21 start of Black History Month.

Mr. Jones motion to adjourn at approximately 10:30pm. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
JOINT MEETING – SELECT BOARD AND PLANNING BOARD
SATURDAY, FEBRUARY 13, 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 February 13, 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: Megan English Braga, Chair; Doug Brown, Vice Chair; Doug Jones; Sam Patterson; Nancy Taylor.

Planning Board Present: Patricia Kerfoot, Chair; Charlotte Harris, Vice Chair; Paul Dreyer, Clerk; Robert Leary; John Druley; Jim Fox; Pamela Harting-Barrat.

Town Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Peter McConarty, DPW Director; Tom Bott, Town Planner

1. Call to Order by Chair English Braga at 9am.
2. Chair Kerfoot noted the booklet provided by staff. Many studies for Davis Straits have been done, now talking about what Davis Straits could look like in the future. Today looking for conversational input with the Select Board and hope that the Select Board would fill out the questionnaire in the packet.

BUSINESS

1. Davis Straits
 - a. Transportation
 - b. Design Guidelines
 - c. Multifamily Housing

- d. Coastal Resiliency
- e. Site Plan Review
- f. Transfer of Development Rights

Tom Bott, Town Planner, shared his computer screen and reviewed the agendas for Planning Board and Select Board. www.davis.Straits.com link leads to the plans for the Davis Straits area. Form Based Code presentation will be reviewed.

Goals for the project of the Davis Straits reset, create a more livable, walkable zone in the area, redevelop strip centers with buildings closer to the street and more in character with a New England village style.

Form Based Code benefits include ease of use, more predictability of physical outcome of development, higher quality development, stronger connection with regulations, and a more efficient approval process.

Presentation made via PowerPoint on Form Based Code.

Mr. Bott reviewed a PowerPoint presentation. The schedule for adopting form based code was pushed back a bit, currently about a year behind. Reviewed plans of the building footprints of the area, the website shows the vision for the study area, which is about 77 acres, with three different character areas, Rte. 28, off Rte. 28, and residential edge. Do we look at creating a zoning overlay district or a new zoning district for Davis Straits? Replace zoning or overlay district to allow the two uses to coexist as best as possible. Design standards, not guidelines; the area would be connected to public sewerage, include updating street regulations and right of ways, street trees, street parking as called for in the Complete Streets Policy. Traffic and transportation improvements would include traffic calming along with better biking and pedestrian movement around the district.

Mr. Brown said overlay may be more cautious, the Town loses that people can do anything they are doing now; unlikely that anyone would do what the Town is envisioning. If just regulating look of the exterior of the building, could we lose control and have a manufacturing outfit that is loud in the space? Mr. Bott said there are permitted uses and those that are not permitted.

Mr. Leary would not want an overlay, CVS expanded their footprint by knocking down the structures next door, he does not want to see this occur in that area again.

Chair English Braga said overlay is not bold and transformative, so if we take this on as a project, just have to take it on. The Town has the ability to drive the development.

Chair Kerfoot noted that they want to make it easier for developers to come in and know this is what to expect, if done as an overlay it may be more confusing. Form Based Code is dependable, they know if they conform to that piece, the project is likely to go forward without all the hoops.

Big box stores and malls are not surviving, they are looking to recreate, it would be nice to say within these parameters you can do what you want to do. This will be years in the making, without a plan with guidance, we will get whatever.

How Form Based Codes have been used to promote affordable housing. Mr. Bott said form based code does not call out affordable housing, but at kick off meeting he talked about would the supply of housing affect the price in classic supply and demand curve. The law just passed for multifamily and mixed use developments includes the town is allowed to develop zoning as majority vote for housing in mixed use development if it has at least 10% affordable housing in the development.

According to Ms. Harris, Form Based Code does not say anything on affordable housing, but it has that effect because it encourages mixed use. Larger buildings with more units lead to more affordability.

Jim Fox said that allowing more units will force the smaller units in there; could have requirement for affordable housing. Volume of housing will result in more, existing zoning allows for 2,000 sq. ft. units, with Form Based Code, you can get down to around 500sq. ft. units.

Main Street has commercial with residences on top.

Mr. Jones asked if this is an advantageous for the developer/realtor? Mr. Fox said you get a lot more rent, not only retail rents, but also second and story and half rents. If the forms are designed right, it will work with a good financial incentive. Mr. Jones asked if realtors are pushing for this for their benefit? Chair Kerfoot said Planning Board pushing it, not the realtors.

This stems from LCP meetings, ways to have friendly 40Bs; friendly housing where the market would create the affordability.

Mr. Bott noted trajectory of retail is flat if not declining, amount of retail space and projections going forward; the ability of having multitude of tenants provides the property owner with more rents-more return because of more demand for those types of units.

Mr. Brown said giving developer the unlimited ability to determine the number of units is a great incentive, as long as controls are in place it could be good. This is a good idea; would it be as easy to convince Town Meeting? How about considering use of Form Based Code for historic districts? Chair Kerfoot noted they have not considered that specifically. If done as an overlay, they can do whatever they want with the underlying zoning. Mr. Brown noted a development done a few years ago with an old red barn on Route 28A, it had to be moved, but changed the landscape and is not the same road that you drive down.

Chair English Braga stated another good resource for more information on Form Based Code, Strongtowns.org, have a lot of helpful information about how Form Based Code helps make your economy more resilient.

Mashpee Commons was like the Pinehills in Plymouth, was not Form Based Code, more of a conventional neighborhood type of development. Started going to ZBA each time a variance was needed. The outcome is like Form Based Code.

Ms. Harris noted this benefits realtors, also benefit the Town, workforce, downsizing seniors, improved transportation, better lighting, and more attractive community. Old Main Street is the way Form Based Code zoning pushes you to look.

Mr. Fox said a realtor is interested in selling houses, developer/property owner would be more accurate. Most realtors do not care about affordable housing.

Ms. Harting-Barrat noted this is smart growth; you can live, work, provide affordable housing, shops below, apartments on top, and it fits into what society is looking for. The streets that are less travelled; concept does not benefit realtors; benefits the community; and a wonderful way to provide affordable housing.

Ms. Taylor asked when we think about planning and smart planning, bring families with young children, do we ever think about the schools and how they can participate in bringing young families into Falmouth?

Tom Bott noted no list of communities that have implemented Form Based Code, he can share some with the group. Encouraging younger and older families, we have predominance of single family 3 bedroom houses, that has become the default. Under Form Based Code, allow smaller units to allow folks to start off and grow their family and move into something else. Marketplace and zoning provides solely single family homes.

Rosemary Carey asked via chat: Does the plan include two family homes? Chair Kerfoot noted the plan would include all types of housing, we would need to determine how we want it to blend with the neighborhood. Getting to net zero will be addressed.

Mr. Brown asked how many different land owners are in the plaza area? There are five different land owners in the area, but that would preclude single family homes. We do not regulate zoning by owner or renting, it regulates the type and structures that are there. Smaller lot sizes and variety of lot sizes, in addition have plan with new connecting streets. Transportation issues and design of streets are also considerations.

Important for Select Board and administration to get behind this and meet with the property owners to explain this is what the Town would like to do moving forward.

Mr. Fox sent the Davis Straits Density Done Right proposal to the five property owners. Another way of looking at Form Based Code is really strict design guidelines. Types of housing, if you look at Davis Straits proposal, the single family homes are all two families, blended into the neighborhood with smaller units.

Ms. Barrat-Harting said the community is going to look more like a more heterogeneous community, until the Town brings fast internet, we will never bring young people back here. If we can entice them with high speed internet, family, community housing, multifamily to make it affordable, and make it appealing for a young family to come here. If we have duplexes, community with young families with pool or recreation area; need to look at larger ideas. South Weymouth built out housing, it was an overlay district and a twenty year program which may be coming to an end. Provided the overlay to dictate what was going on, at the end of twenty years the overlaying district could reclaim.

Chair Braga noted that in the future having someone from a community who has engaged in this process and is further down the line to speak with about challenges, where they are in the process. We can talk about it theoretically, none of us have engaged in this really transformative process. She is frequently in Mashpee, she was struck with all these thirty year old people, some live there, go to spin classes and then walk to Starbucks. Then go to brunch at a restaurant; dense development where one area draws people in for multiple activities. In Falmouth we do not see that it is a student base and then a big gap. There are about 80 property owners in the 77 acre area, would like to develop a focus group with larger commercial owners and another with resident property owners. The outreach will be to get their comments, input, and buy in from the development community and working on that with consultants.

Davis Straits as an umbrella; design guidelines, multifamily housing, site plan review.

Transportation is a big part of any Form Based Code for that area, with the types of envision there, can allow some parking, want to reduce reliance on individual vehicles. Mr. Bott shared screen and brought up images of roadworks and transportation, benefits of a denser, more compact development is an increase in use of transit. Mixed use is so you do not have to use your car to go get convenience shopping, day cares, grocery, have those in the neighborhood. Hierarchy of streets in Davis Straits were outlined, interconnection of streets. Primary roadway would have ability for sidewalk, travel lanes, shoulder, green strip for trees/furniture, multi-use path. Secondary streets were reviewed. Showed diagram of how the streets are laid out. Transportation Management Committee discussions with them, Davis Straits study was being done and reflect the management practices seen in complete streets. In addition, development of the greenway, conceptual plan to make these connections between areas, people will walk further if there are things to do and see if they walk along the way; in the diagram showed mall parking lot as wetland habitat greenway within the development.

Mr. Fox noted transfer development rights is a tool that can assist with this, needs to be refined and defined because it is currently vague.

Chair English Braga said that the Town can incentivize something like that. We want to encourage development that is on the Town sewer system, having a better hold in developing where there is already some infrastructure that we can take advantage of and improve.

Coastal Resiliency: as sea level rises, have to take that into account. Mr. Dreyer said attachment was a presentation to the Select Board a few months ago, they are pursuing the report moving forward. There are flooding areas to consider.

Chair Kerfoot would like the Boards to discuss on their own, maybe a small working group from the Planning and Select Board to continue to work on this and bring the ideas to the boards.

Ms. Harris would like to bring attention more about design guidelines and multifamily housing. Planning Board approved design guidelines, on their website it is called contextual design on Cape Cod, have not finished publication yet; need money to print it and get illustrations. This was adapted from work the CC Commission did; it advances Form Based Code because if a developer requires site plan review, have to show it adheres to the design guidelines. Multifamily housing, a subcommittee has drafted what will become their proposed bylaw that will go to Town Meeting and is under the new rules so a lot of what they are talking about trying to do the State is saying do it, it is now legal. Can do things now by right that were not possible before without two third vote of Town Meeting or special board. Much easier to get multifamily housing in Town, the bylaw they are developing says B1 downtown, B2 districts, and includes villages except Waquoit. Need to become familiar with the provisions of the new law that was just passed by the State. They wanted it to be rental, would get over the ten percent quickly, cannot do that because

cannot legislate ownership. Can say that in B1 and B2, you can build up to 20 units per acre by right and have to follow the design guidelines to do it. Changes in site plan review brings more in purview of Planning Board to review. It will go to Town Meeting in April 2021 and is in the packet.

Mr. Bott explained two changes for April Town Meeting were reviewed. Gas station next to Cape Cod Bagel: torn down and built another, not to Planning Board for site plan review or any other, because change did not come to 1,000 sq. ft. being changed. Idea is there needs to be a different threshold to look at site plan review and the Town gets the ability to have some connectivity such as improve sidewalk, pedestrian path. Currently two years to move on plan, they would extend this to three years.

Mr. Brown noted they can bolster the affordable housing fund and use it to incentivize developer to do rentals. He will ask to consider taking local portion of the short term rental tax and apply it to affordable housing and could increase funds for this purpose.

Ms. Harris noted they have used community preservation money that goes to affordable housing has gone to single family homes, but it is not the most desirable outcome, most money should go towards multifamily housing. The new law changes the way we should be thinking about the use of that money. Law just signed 2/5/21. Committee to look into this, would like to have support of Town Counsel, too.

There have been comments: there will be green space, playgrounds are anticipated, multigenerational housing, it appears the Boards are on board to work towards this concept. Mr. Bott said it is in the Complete Streets and the packet will be posted on website. Need for relationship between public and private spaces. Creating outdoor rooms, civic spaces, use of Complete Streets for folks to go to other spaces. Enjoy the benefits of the new community created by Complete Streets and variety of ways to get to the downtown area.

Mr. Brown, Ms. Harris, and Ms. Harting-Barrat are interested in the working group. Two members from each board can be on the working group without violating the open meeting law.

Chair English Braga noted Main Street has been talked about being the ideal. It is antiquated and limited, we are not looking to replicate a quaint, charming, old set of development. There are not great apartment space for families or multigenerational, have the benefits of Main Street walking to places, green space, but the idea of this is more than that-not holding onto the past, that can be a turnoff to younger folks, families, and professionals. Chair Kerfoot noted his is a continuation of the New England Charm.

Ms. Harting-Barrat said the YMCA has a location on other side of the development on Brick Kiln Road, looking to draw young families in, that is part of what will bring young people to Town. Pools, recreational facilities will be a big pull for the community. Shuttle to take people to and from Main Street, beach, so many issues that we need to cover in these meetings along with finding land or money to fund some affordable housing.

Mr. Brown thinks if creating this development, we may waive some restrictions for amounts of parking. Need to think about partnering with CCRTA with more frequent trips, maybe consider purchasing our own trolley to run it year round.

Mr. Leary noted FHS parking lot, there are 17 small busses that sit there all summer long. Falmouth is land rich, affordable housing advocates should be buying stock that is already built. If we can give a developer \$1 million to develop, why not give money to the Falmouth Housing Authority or Falmouth Housing Trust to purchase existing stock and transfer over to an affordable unit.

Mr. Patterson agreed with Mr. Leary, working group needs to include a developer, maybe the developer of the Weymouth naval station area and their vision can be included.

Mr. Leary said the developer on Brick Kiln Road that got \$965,000 because he was going to develop twenty affordable units; the Town gave that money so that he would make the entire development affordable in perpetuity.

Ms. Harris noted the subcommittee limits include the number from each board, but not the number from the community. Chair Kerfoot noted that a working group of more than five may not get a lot of product coming out of it, seven may be the maximum, but questioned whether that would be as efficient.

Committee up and running in March 2021, these two boards can work on this. Chair English Braga agrees with having developer included and someone from housing because so much is a discussion about that. Should not take more than a month to get the board created. Chair Kerfoot agreed. Have the group in place by mid-late March. Mission can be crafted and measurable actions. Mr. Bott could work to get someone who has worked through this in their community to make a presentation; to give some idea of pitfalls and challenges. Best to present it to both boards.

Mr. Bott noted the town passed the stretch code, gives people chance to own one less vehicle, best all around. Owning a car costs about \$9,000 per year, so if one less vehicle, that is money in a household pocket to cover housing costs. Opportunity for solar carports and solar garages behind the building facades. Survey will be available online; people can request hard copy.

2. Preliminary discussion of new fire station concept/location

According to Chair English Braga this conversation has been decades in the making, issues regarding the current fire station model has deficiencies in coverage. Studies have been done for years, Hatchville area underserved. Issues regarding fire stations came up the last couple Town Meetings. A group was developed and asked to look at data compiled by an outside consultant, where calls were originating from in the last 3 years and give us an idea where the new station should be sited, then looked at the property available. The Town owns property on Sandwich Road. The Select Board has not voted on this, it will need weigh in from the Planning Board if this becomes the spot, wanted to get feedback from the Planning Board before the Select Board votes on it at their next regular business meeting.

Mr. Suso noted that FFD Chief Smith and Peter McConarty, DPW Director, could be brought to the discussion, they have been involved in this process. 2/22/21 bringing suggestion to the Select Board asking to affirm a lot split at 860 Sandwich Road, a parcel of property that Town Meeting took action on in early 2000's slated to the Select Board for control. About 4-6 acres remain undeveloped and open, southernmost corner adjacent to the property line shared with Unitarian Church. Aerial photo reviewed, he has been in touch with Recreation Committee, Jewish Temple, and the Unitarian Church was advised of the discussion. Conceptual areas were highlighted in red. Two acres for the proposed fire station. If the Select Board votes to go forward with the lot split, split off about two acres and then working with Planning Board on a site plan review, important part of the process and hope would be to have a debt exclusion on the May 2022 ballot asking voters to give vote of confidence in one time debt exclusion funds to construct this station and have a lot to do for potential debt exclusion. An April 2020 warrant article that would provide initial funding for design, project management, and a few elements for construction so that can come forward with a reasonably firm construction cost for the debt exclusion. Will secure owners project manager, building committee, and architect.

Mr. Leary asked what is the greatest need for fire services? Chief Smith said they do dual activity, cross trained and include EMT/paramedics and firefighters; response based on the call. Nationwide most calls are more EMS related calls, but fire calls are more staff power intensive. This station would staff and use current resources used elsewhere, an engine and an ambulance.

Patricia asked if this was in lieu of West Falmouth Station? Chair English Braga responded no, the Select Board continues to discuss that this does not solve all challenges with fire stations; West is a 90 year old building with issues and taking it out of service creates concerns regarding responding to that section of Town. This station is meant to address a long standing deficiency in the ability to respond timely to Hatchville and this section of East Falmouth.

Chief Small said in a 1997 study, West was discussed and McGrath study used more technology and mapping and import run data to drive some of this. Hatchville station was being discussed but at the time it did not warrant that focus, but with buildup and activity in that area now, it is appropriate. On a good track and he is glad this is going forward with the productiveness it deserves. Falmouth has a central consolidated dispatch in the basement of the Police Department building. Looking at staffing, debt drop off that may be able to assist with addressing the northwest area. Challenges remain, but Hatchville station will fill some gaps.

According to Mr. Brown, we will be in a six station model for some time, requires another \$960,000 per year to fund eight additional firefighters. He would not want to hold up Hatchville. Ms. Taylor agreed not to hold up Hatchville, while looking at that we should be thinking concurrently about West. Chief Smith will do all he can do to keep West manned while this project moves forward.

Ms. Harris asked if it will be a two bay building? Chief Smith would like to consider building with at least three bays to accommodate future growth.

The Recreation Committee met on 2/10/21 Joe Olenick and Peter Johnson-Staub attended, will receive a letter from Recreation Committee Chair Bob Brown stating that there is an understanding and support of this concern, there has been some discussion with the Recreation Committee for further fine tuning of some of the remaining vacant areas of the property, but nothing voted.

Chair English Braga wanted to get weigh in from the Recreation Committee because those fields are highly utilized and includes a basketball area, it is clear that this project as conceptualized at this time does not anticipate displacing those resources for rec. The playground that used to be at the Gus Canty is anticipated to be moved to that location.

Mr. McConarty said all playground equipment is stored at public works, looking at surfaces now considering ADA requirements, both federal and State. If approved through the Select Board, a plan can be brought to the Planning Board by in house staff, he has been working with Mr. Suso and Chief Smith on a concept plan to show that the building with parking and site amenities will work on the lot.

Ms. Harris feels that because of the parking requirements, the Senior Center is surrounded by asphalt and she hopes that is not the case with the new fire station.

Mr. Brown asked if rubber surface like GUV field; Mr. McConarty said rubber is an expensive option, they are looking at other alternatives, synthetic field and approved as an ADA surface could be a possibility.

Mr. Leary would like to include in the plan the future option to move the emergency call center to the new station, noting that the PD basement flooded in 1938.

Mr. Bott noted information packet the Select Board had will be posted on the website.

Mr. Jones motion to adjourn the Select Board Meeting at approximately 11:25 am. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Chair Kerfoot adjourned the meeting of the Planning Board at approximately 11:25am. Roll call vote: Mr. Leary, aye; Ms. Harting-Barrat, aye; Ms. Harris, aye; Mr. Druley, aye; Mr. Fox, aye; Mr. Dryer, aye; Chair Kerfoot, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

#11. Town Manager's Report

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

JM Suso

DATE: April 2, 2021

- The Board will convene in executive session at 6:30PM on Monday to review two collective bargaining-related matters, including a proposed Agreement with the Falmouth Police Patrol Officers.
- As requested, I have drafted a letter to MassDOT on behalf of the Board asking for various accommodations related to expanding vehicular traffic on Woods Hole Road and welcome the Board's suggestions for changes or affirmation to proceed.
- Select Board members will be considering a large number of Special Event requests which have been fully reviewed internally, as per standard procedure. Be aware that among a number of applications received are some which **cannot be approved** at this time – given that they violate the Governor's emergency orders. Should these circumstances be altered by the Governor, reconsideration could occur as the calendar permits.
- As we discussed briefly with the Board during your last business meeting, this evening you will be considering setting a Special Town Meeting date and time and approving the list of STM warrant articles as well (this in advance of the coming April 12 "shortened" Town Meeting). We are suggesting that the STM convene at 6PM on Monday, June 26 at the High School site. Should weather permit, we anticipate an outdoor venue at the High School synthetic field (as in the past); if weather is inclement, we can meet inside the High School Field House.
- Building Commissioner Rod Palmer will be joining me for a Report to the Board on building permits.
- This will be followed by an Update on Town beaches as we approach the coming season.
- Select Board members will be considering a vote to place the proposed Charter Review questions on the upcoming May, 2021 municipal election ballot, including the preferred order of ballot questions. Keep in mind that you have already voted to place the Teaticket Roof replacement on the May ballot as a debt exclusion.

- Public Works Director Peter McConarty and Water Superintendent Cathal O'Brien will join us for an "early season" presentation on anticipated water conservation measures for the coming season. As we discussed with the Board last year, given continued increases in seasonal water demand, this situation is likely to be revisited annually as long as snow and rain levels continue to be lower than in past years. By collaborating on water conservation measures, we can avoid the more drastic circumstance where outright automatic sprinkler bans must be considered.
- I attended the first two virtual Precinct Meetings, on Wednesday and Thursday evening, in anticipation of the upcoming April 12 virtual Town Meeting.
- As a reminder, the Board has an upcoming virtual Joint Meeting with the School Committee set for 7PM on Tuesday, April 6. The primary purpose is to secure joint action/approval of the Diversity Officer job description which has been the subject of considerable diligent by many parties over a number of months. With Board concurrence, we hope to be able to advertise for this split School/Town position in the very near future.
- Town Meeting convenes virtually at 7PM on Monday, April 12 with primary consideration of the fundamental financial articles. Those articles not acted upon, with Select Board approval, will be included in the June Special Town Meeting warrant.
- We are very pleased that the downtown concrete sidewalk replacement process has been completed by the contractor, bringing that portion of the water main replacement project to closure.
- Main Street resurfacing from Shore Street to Falmouth Heights Road is beginning this week.
- Town Hall and Town administrative offices will be closed on Monday, April 19 for the Patriot's Day Holiday.
- The Board's next regular business meeting will be Monday, April 26.