

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, APRIL 29, 2019**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

Present: Susan Moran, Chairperson; Megan English Braga; Doug Jones; Doug Brown.  
Absent: Sam Patterson.

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

**7:00 p.m. OPEN SESSION**

1. Call to Order by Chair Moran at 7 p.m.

2. Pledge of Allegiance

3. Recognition

Ms. English Braga saddened to hear about the passing of Mary Schumacher; she was dedicated to work for the Town, and the Board of Selectmen sends their condolences to her family.

4. Announcements

Ms. English Braga announced 6/11/19 at 6pm at Falmouth High School a community forum will be held with the Board of Health, Human Services, Substance Abuse Commission, and State legislatures to talk about sober homes in our community. The community will hear from the Falmouth Fire Department (FFD), Falmouth Police Department (FPD), and allow individuals to express their concerns/questions to elected State officials. The Board of Selectmen will attend, the Town Manager is organizing putting it together.

5. Public Comment

Steven Knippel told the Board of Selectmen about Here and Now, Enterprises, an entity he established. He would like to put a youth center where the senior center is now and will be for all ages when children are not there. He described his vision of a youth center and referenced a children book he wrote called Pretty Bird.

**7:05 p.m. PRESENTATION ON FALMOUTH DRUG COURT**

Honorable Judge Christopher Welch

Judge Welch spent 23 years as trial lawyer, to the bench 12 years ago in Fall River for about 8 years. About 6 years into being a judge, things changed, it became apparent that sentencing a person with substance use disorder, he saw the same people over and over again. Crimes included theft, breaking & entering into cars/empty homes, thievery, crimes on their own families, credit card fraud, and you can sentence them and they would be back. For every day served in the HOC, you get a day credited off your sentence. He began talking to people in the Drug Court movement that had not yet come to MA. There was not a consensus on this, it looked like it was mollycoddling these defendants. They continued to do these crimes and then he noticed the death rate skyrocketed, many would overdose.

From 2010 going forward, the administration of the Trial Court was changed to a mission that recognized that Drug Courts were treated not only as criminal problem, but a medical problem. Standard began applied in MA, he started the largest Drug Court in the State in Fall River 5 years ago. He saw the HBO special, which triggered his interest in coming to Falmouth. Judge Welch learned a lot about the medical aspects of addiction and talking to people in the intensive treatment unit, mainly opioids, over course of time in Falmouth (substantial heroin problem and always has), they were very full. He asked people who were clean for 2 years in jail, why did you use after; people told him they did not stop using yet in their mind. Some died within 10 days of getting out of jail. The drugs courts try to address that not addressing the

addiction was not helping public safety because it was the root cause of a lot of property crimes. The Drug Court is not for everyone with a drug problem because some people are able to enter probationary term and actually do it. Those people are not for Drug Court, they can be handled in a less intense way. If you mix populations high risk users, the low risk users will migrate into the high risk category. The Drug Court is for people at high risk of offending and using continuously, they have high needs. Judge Welch is trying to demystify addiction in the court system, many started at 15 years old with Oxycontin. If you introduce heroin on your brain, it takes over on your ability to function scientifically. Once heroin is introduced, it changes the composition of your brain and has dynamic effects on your abilities to cope in the world and leads to crime. Facing a high percentage of people in this area committing these types of crimes who have this brain disorder and it takes a tremendous amount of time to address this. When Narcan came along, it's used to come back, but reality with Fentanyl, you do to come back with Narcan. The mission became how to increase public safety and jail was not doing it.

The Drug Court includes, rewards, sanctions, encouragement, feedback from caseworkers, FPD officer part of the team, clinician, people come into the court, they will be screened, and start week to week. First 3 months is dedicated to honesty, they can walk to court, get into court, and if pressed be honest. First thing is honesty and then into the medical aspects of using. The participants meet with the Judge weekly until through honesty phase, then regular 2 week intervals, if they move forward every 3 weeks, then treatment plans, until 5<sup>th</sup> phase when come in 1x monthly, still drug tested several times a week. When the participant leaves drug court, must have a place to live, job, family unification, and moving in a strong direction. This is about an 18 month program for each person coming through it. Looking at the numbers of people coming into court, about 70 % of cases are related to drugs. Judge Welch reviewed the section 35 which allows people coming in to get help for their family member, the individual can only be held for about 3 weeks, every day he has about 4 of those. People in their twenties/late teens, then see them in their 30s and they don't know how to live. He runs this program vigorously in compliance with the medical aspects of it. Need to be creative, this is based on science and it works. Judge Welch has a number of people to be interviewed and will begin every Thursday. Just that this is being recognized that this is a good thing is a good thing. If we try our hardest, it will make a difference.

According to Judge Welch, the sober houses need to be addressed, but that is a State issue, too. People of good faith come here to get help at Gosnold, but it is the second and third phases of it, they get out and they will relapse because they need structure. Relapse is part of it, if it occurs there are protocols involved, but if not a solid group like that it is hard. That is why we see certain crime because the treatment ends at some point. May need regulation, but that goes beyond what he does.

Police Chief Edward Dunne stated this will be a great program and another tool that will help them with crime and programs in place now. He is familiar with the success of the Fall River Drug Court. Chief Dunne is committed to having FPD Officers participate in this program. The FPD is still working with Gosnold doing home visits, FPOs are responding to overdoses, using Narcan, and this is one more piece that is needed.

Human Services Department Director Suzie Hauptmann noted this will be a game changer, introduces humanity and a multi prong approach is necessary. They will support this effort and one social worker goes to reentry meetings at the jail and they are looking forward to providing support to the Falmouth residents who are going through the program.

According to Ms. English Braga, people are trying and fighting their biology, this supports the team approach. Trying to make long term impacts, it is a crime reduction measure. There are many public benefits. The Drug Court will begin in May 2019 and the Drug Court is open to anyone interested in observing.

### **JOINT MEETING ON AFFORDABLE HOUSING**

(to include Affordable Housing Committee, CPC, ZBA, and others)

#### **- Present State of Affordable Housing in Falmouth**

Chair Moran noted they would like feedback to see what is working in producing affordable housing, ideas, and experiences people have had. Seeking feedback from the community regarding challenges and improvements.

- Roundtable Presentation/Discussion - Continuing to Build an Affordable Housing Production Process that is Right for Falmouth

The Community Preservation Committee Chair called their meeting to order at 7:41 p.m.

Mr. Johnson Staub explained the purpose is a dialogue, but helpful to review the Housing Production Plan Study and provided copies. Reviewed the 5 year DHCD Certification approval January 11, 2019. Presented slides from the consultant who prepared the Housing Production Plan and highlighted top priorities housing needs including rentals are the top priorities with goal of 85% of units produced. Existing housing stock is overwhelmingly home ownership. Priority is to produce accessible housing and suggested goal is 20% of units created for seniors or singles be accessible and 10% of family housing accessible. Challenges reviewed included: infrastructure, zoning, environmental concerns, costs, subsidies, and public transportation. Suggestions to address these challenges include outreach and education, provide support for the Falmouth affordable housing fund, formalize the monitoring of SHI units, and conduct additional research and planning. Zoning and regulatory strategies were reviewed including accessory apartment units, mixed use development, and more diverse housing types. Inclusionary zoning was reviewed, if that developer chooses this, any development must have a certain percentage be affordable and tax relief for year round rentals.

Carla Feroni, Housing Coordinator, reviewed slides, history of the Falmouth Affordable Housing Fund, and reviewed accomplishments that have taken place since November 2017. The fund was initiated in 2011 with the purpose to promote, expand, and retain affordable housing in the Town of Falmouth, primary revenue source is Community Preservation Act funds, revenue 2011-17 was about \$3 million and 63 units built. Town meeting voted to hire housing coordinator position for 3 years funded from the Community Preservation fund.

Ms. Feroni created a new letter of intent and application, developed new preview process, funding allocation guideline of up to \$65,000 per unit, launched new funding priorities, re-established working group for the fund, and built the FAHF website. The balance of the fund was \$1.3 million, it has been spent down to 20,000. The distribution process has been reviewed and it is in process now to include grants and loans. Became a participant in MassDocs, updated the Housing Production Plan, received 5 year state approval of HPP January 2019, amended HPP scope to include affordable units data collection, and assisted the resale of 6 affordable units and maintained affordability. Monitoring of the units is an unfunded mandate, use some funds to gather data and have it housed in one central location. Last year over \$700,000, 6 requests have been processed and created 61 affordable units at a cost of about \$38,000 per unit. Short term goals were reviewed and include seeking additional revenue sources, establish FAHF application funding rounds, fine tune the application review process, and continue to strengthen relationships with developers and the community.

Tom Bott, Town Planner, noted that housing is important. There is not enough affordable housing, 40Bs happen in a hot development market, in a down market there is much less of that activity. The local ZBA has the toughest job because abutters are not pleased with the proposed projects. People are busy trying to get things done before a downturn. The LIP process happens prior to the 40B, when developer applying to a subsidized agency, not required for 40B. The LIP process should provide support to the ZBA and only supported where the development is consistent with the Town goals. Other avenues used to create affordable housing were reviewed. He has talked with developers about various projects, always encourages them to take the project in the direction so the Town can support them if they meet the goals identified by the Town. The role of the Planning Office and Board will not change, they will continue to vet them. Reviewed the process in place, including monitoring marketing affordable units and acting as a LIP partner. Best practices include creating an ad hoc committee of department heads and board chairs to react quickly to applications. Communication and collaboration is important.

Chair Moran noted that when looking at rolling applications, may want to look at where there is a need to expedite and compare to rolling applications. Need to communicate what the dependable process is.

Mr. Suso acknowledged staff members in attendance including Jen McKay, Rob Palmer, Scott McGann, Noreen Stockman, Carole Sutherland, along with other board members.

Karen Bissonette, Falmouth Housing Trust Executive Director, the CPC committee members have seen how much money is needed for housing and she would like the community to realize that will never be enough money, the Town will need to kick in money and this will be talked about in the future. She asked that things get tightened up a bit, working towards a streamlined process. Falmouth Housing Trust has a good relationship with a bank in Town and was able to borrow money for the affordable home they closed on recently and have yet to receive the money from the Town even seven months later.

Chair Moran noted the Board of Selectmen is curious about funding rounds and whether that would close out certain projects. Mr. Johnson-Staub noted when discussed, the Board of Selectmen and developers were concerned about the purpose of fund being a quick turnaround, so a one-time yearly funding round may not be consistent with this purpose. A funding round may be appropriate at certain times, such as now when there is only \$20,000 in the fund. It might make sense to have a funding round closer to when funds are anticipated, so multiple applications can be reviewed and prioritized. The rounds can be driven by the availability of funds.

Mr. Brown asked about other options to fund the affordable housing fund. Mr. Suso noted the recent discussion about funding mechanism of a surcharge as part of the lodging tax which can be considered by the Board of Selectmen and a future Town Meeting.

Ms. English Braga noted that Pamela Barrett Harding suggested an idea where community members had a voluntary ability to contribute when they paid their water bill, excise tax, etc., and earmarked for affordable housing.

Alisa Galazzi, CEO, Housing Assistance Corp., she would like to keep it rolling. It is hard to fund a project, you have to make commitments quickly and if you had to wait a year for the commitment, it may prohibit the project from going forward. There are ways that can give you the assurance the project will go through but help the developer bring the project forward. Her agency has come together with others to ask Towns to apportion part of that new short term rental tax revenue for infrastructure improvements. Described the Rent Through 65 Program they started and notion of tax abatement if someone rents their house year round, if any of the units could convert to a year round rental will be faster than building. Their goal was to convert 25 homes, they have done 17 in the last 4 months. Falmouth has the 4th highest average income on Cape, about \$100,000, affordable measure for housing is about \$2700 per month. There is significant population that can afford \$2500 rent per month. They offered financial incentive to landlords, they pay \$1,000 to convert, there are tax benefits to year round renters. They are not focused on the short term market because they focus on Cape Codders remaining here. With seasonal workers housing, maybe subsidize that property for the homeowner and make it worth their while.

Marc Finneran, Precinct 6, sponsored and passed article for accessory dwelling units in the answer area in Town which was voted indefinite postponement by the Planning Board. Trying to fix a problem that was partially created by government. Affordable land is needed, but we buy it up for open space when this town is 50% open space. We need to stop buying the land out there that would naturally be bought by developers to develop cheaper housing. Let the industry do what it is best at.

Holly Wilson, Vice Chair Affordable Housing Committee, funding rounds maybe multiple. She did not hear mention about rezoning for multifamily dwellings and wondered what is going on with that.

Tom Bott noted the Planning Board was discussing multifamily housing prior to his arrival in the Davis Straits area. 40R at Davis Straits has benefit of creating affordable and market based housing. 40R is voted in, give incentive for voting the zoning. In Kingston they created a zoning of 720 units of housing on 100 acres and the State gave a payment. In mist of moving forward on the form based code, a framework needs to be adopted for zoning.

Chair Moran noted if the Town was interested in a project at the train station, they could see about fitting the 40R zoning. Mr. Bott noted work to date focuses on the Davis Straits area. Also need to consider unintended consequences.

Ms. English Braga commented that one place we fall short is to proactively go out into the community and talk to residents to dispel the fear and reaction to 40B projects. If the Town was having conversations about the character of their community, have affordable housing so people can stay here, summer employers, and need to do better job to lay the foundation. Also being more proactive about properties that may come up, maybe have another type of use and those who care about it. Include the conversation about what may be better for open space v. some better for development. For the Town to support it, need to create the community dialogue.

Chair Moran noted the Town was so smart about open space, but now have many who are ready to let go of big homes and move to a smaller affordable housing situation, but Falmouth lacks in that kind of market.

Heather Harper, member Falmouth Housing Trust, she can come back on long range planning. This is a long term problem.

Chair Moran would like to speak with the Cape Cod Commission at a future meeting.

Joan Bates, Falmouth Housing Trust and Real Estate Agent, said it is frustrating to work with buyers who cannot find a place to buy or rent in our community. Important to view who we are talking about; talking about our own people who need a place to live. Affordable units should be on the MLS.

Mr. Brown noted affordable housing is on the MLS.

Jessica O'Brien, Affordable Housing Committee, likes the idea of incentives to landlords to rent. She rents a home with her husband, mother, father, and son. The educational piece of presenting this to the Town, they have been working with Ms. Feroni and working on a housing summit 10/2/19 at the Falmouth Public Library.

Linda Clark, Falmouth Housing Corporation, feels one round will not work. Rolling would be the best in her opinion. Coordination of departments all at once, anything should go through Carla Feroni so she understands every step of the way. Massdocs will help tremendously, Little Pond is using this and funds from affordable housing will come with the documents and timely. Little Pond is funded 90% on first requisition for construction, so they do not have to secure and will save them on interest and 10% on occupancy. Every Town Department is there when you need them. Falmouth Housing Corporation is grateful for the Town's support. 704 Main St. was discussed, management was explained, including strict regulations, they have landscapers for every property, there for tenants in need but will not allow properties to be destroyed. 704 commercial units are condos, then tax credit units, and 120% so it works well. Condominiumizing that was the best thing. It sustains the character of the building. Go from 30%-120% in 704, nonprofit day care, nail salon, and chiropractor. They have a vision of continuing their mission, spring bars is next, then workforce housing phase 1 and 2. Once under way with these projects, they'll be looking for another.

Mr. Brown asked if there was capacity for another large building project for next year.

John Druley, Planning Board and CPC Representative, and local real estate developer. The Town lost Bob Murray who was doing affordable housing, nonone has been able to fill his shoes. Solving this problem may benefit from taking out a bond, next year the CPC will have an additional \$2 million per year to distribute. Housing problem other than land is what to do with the wastewater. Biggest problem is no appetite for affordable housing. 40B discussed, it gives developer relief from the density laws. The Town should decide where they want the housing, need zoning changes for multi-family housing and apartments, then Town Meeting has to pass it. Provided examples including 18.5 acres and additional 7.5 acres, he considered affordable housing, met with MA Housing and they wanted apartments and he could fit 300 apartments on that land. That is the kind of density MA Housing felt was appropriate for East Falmouth. Recently the

Town bought Tony Andrews Farm, he wanted to set some land aside for affordable housing, could have had 25 acres farmland and 5 acres for affordable housing.

Chair Moran noted the Board of Selectmen has been saying in strategic plan they hope to plan comprehensively, outreach to the community and what is the effect on the community. Comprehensive solutions are needed, the discussion needs to start now if in the future the Town will meet its goals.

## **BUSINESS**

- Presentation and Vote on Fund Request – ClipperShip Apartments, 550 Teaticket Highway

Continued to a future date.

## **ADMINISTRATIVE ORDERS**

Vote to approve special one-day wine and malt liquor license and Sunday entertainment license – Quicks Hole, LLC – Cinco de Mayo – Sunday, 5/5/19

**Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.**

Vote to approve special one-day wine and malt liquor license and Sunday entertainment license – Landfall, Inc. – Cinco de Mayo – Sunday, 5/5/19

**Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.**

**Mr. Jones motion to adjourn at 9:11 p.m. Second Ms. English Braga. Vote: Yes-5. No-0.**

**CPC Chair adjourned the CPC Meeting.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary