

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, AUGUST 19, 2019

6:15 p.m. SITE VISIT
New High School Athletic Field Complex – 874 Gifford St., Falmouth
Members will not deliberate on any matter during site visit.

7:00 p.m. OPEN SESSION
Selectmen’s Meeting Room, Town Hall
59 Town Hall Square, Falmouth, MA 02540

Present: Megan English Braga, Chair; Mr. Brown, Vice Chair; Susan Moran; Doug Jones. Sam Patterson.

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

1. Call to Order by Chair English Braga at 7 p.m.
2. Pledge of Allegiance
3. Proclamation: Suicide Prevention Awareness Week – September 8 - 15, 2019
Mr. Brown read the proclamation as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.
4. Recognition
Ms. English Braga stated the Road Race Weekend events were well organized and successful.

Mr. Brown stated the Falmouth Walk was a success.
5. Announcements
Mr. Brown attended Sea Education and learned about their programs tailored to those who want to go to sea.

Mr. Brown explained that 61 year old Floyd Black has been missing for a couple weeks, provided a physical description of Mr. Black, and ask that the FPD be contacted if Mr. Black is seen.

Mr. Brown announced that next Saturday will be the Bands for Badges concert at the Fairgrounds.
6. Public Comment

Grant Walker addressed the stretch code and affordable housing. The Goal of the Stretch code is superior energy efficiency and he reviewed what is exempt. There has been almost no difference since 2018 with stretch code and base code. Mr. Walker explained the difference. Energy efficiency can make a great difference for those in affordable housing.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Special One-Day Wine and Malt Liquor License –WM Cycling Events, Inc. – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. – Saturday, 11/2/19 & Sunday, 11/3/19
Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
 - b. Approve Application for Special One-Day Wine and Malt Liquor License – Belonging to Each Other Annual Gala – St. Barnabas Church, 91 W. Main St. – Thursday, 9/12/19
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
 - c. Approve Application for Special One-Day Wine and Malt Liquor License – Barnstable County Agricultural Society – Comedy Fest – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. – Saturday, 9/7/19
Ms. Moran motion approval. Second Mr. Brown. Vote: Yes-5. No-0.
 - d. Approve Application for Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild – Concerts – Highfield Hall, 7 Highfield Drive. – Friday, 9/20/19 & Saturday, 9/21/19
Ms. Moran motion approval. Second Mr. Brown. Vote: Yes-5. No-0.

- e. Approve Application for Special One-Day Wine and Malt Liquor License – Sea Around Us – Beth Colt, Quicks Hole LLC, 6 Luscombe Ave. – Sunday, 9/15/19
Mr. Brown motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Approve Eversource Energy Petition to Install one (1) 3“ Conduit on Scranton Avenue, South of Lowry Road
Mr. Brown asked if there has been notification to Eversource about moving double poles and tightening up their infrastructure. Mr. Suso noted a new individual as community representative who Mr. Suso met with recently and she is coming up to speed on the needs and issues in the community. Mr. Suso will reminder her of the importance of that as well.

Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Approve Eversource Energy Petition to Install one (1) 4“ Conduit on Hawthorne Court, North of Grand Avenue

Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones said the next time they have a petition on the agenda, he would like someone from Eversource present. Mr. Suso will advise Eversource.

- c. Approve Eversource Energy Petition to Install one (1) 4“ Conduit and One (1) Handhole #214/H9 on Allen Avenue, North of Clinton Avenue
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- d. Approve Eversource Energy Petition to Install one (1) 4“ Conduit and Two (2) Handholes #58/H8 and #58/H8A on Forest Avenue, North of Crown Avenue
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- e. Notice of naming request: Request for plaque at Taft Playground, Woods Hole. Per Naming Policy, Board will consider action after August, 5, 2020, continued from August 5, 2019.

Mr. Suso confirmed that this is a long time prior name playground so it does not qualify as a naming request under the policy and appropriate for the BOS to concur in the wording of the plaque.

Mr. Jones motion approval of the plaque. Second Ms. Moran. Vote: Yes-5. No-0.

- f. Authorize Marine and Environmental Services Application to Division of Marine Fisheries for \$15,000 Grant Funding for Waquoit Bay Boat Ramp

Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

- g. Vote to Approve Letter of Support for Regional Economic Development Organization (REDO) Grant Request by the Cape Cod Economic Development Council, Inc.

Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- h. Vote to Approve Conservation Department Application to the MassWildlife Habitat Management Grant Program in the amount of \$43,000 for Invasive Plant Control and Management at Coonamessett Fields

Ms. Moran motion approval. Second Mr. Brown. Vote: Yes-5. No-0.

- i. Vote to Accept Donation from Keegan’s Jewelers in the amount of \$600.00 to the Recreation Department Donation Account and to Approve Expenditure from the Recreation Department Donation Account in the amount of \$600.00 for the 2019 George Keegan Fishing Derby

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- j. Approve Falmouth Youth Baseball Application for CPC Funding to Replace the Athletic Fencing at the Falmouth Youth Baseball Complex Located at 575 Gifford St.

Paul Gonsalves noted putting fences on the field through CPC grant. Mr. Jones said this needs to go through the Recreation Department, the Recreation Committee reviewed and recommended favorable action and will carry it forward with assistance from the DPW.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Special Events

Recurring – Recommended:

- a. Main Street Mile – Falmouth Track Club – Village Green to Surf Dr. Beach House – Sunday, 9/8/19

Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

- b. Falmouth Dream Cruise – Falmouth Classic Car Club – Shore St. Extension – Saturday, 9/21/19
Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- c. Buzzards Bay Watershed Ride – Buzzards Bay Coalition – Bike Path (from Old Dock Rd. to Woods Hole) end at MBL – Sunday, 10/6/19

Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Main Street Stroll – Falmouth Chamber of Commerce & Falmouth Village Association – Main Street Closure (from Shore St. Ext. to Village Green) – Saturday, 12/7/19

Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- e. Jingle Jog & Elf Run – Falmouth Chamber of Commerce – Academy Lane to Walker Street to Shore Street and back to Academy Lane) Saturday, 12/7/19

Julian Suso noted in the past that has been a morning run, it is now an afternoon run with closure of Main St.

Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- f. 56th Annual Christmas Parade – Falmouth Chamber of Commerce – Dillingham Ave. to Davis Straits to Main St. to Village Green – Sunday, 12/8/19

Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

New – Recommended:

- a. Sea Around Us – Woods Hole Business Association – Waterfront Park and Luscombe Ave., Woods Hole – Sunday, 9/15/19

Beth Colt representing the Woods Hole Business Association, held last year, cosponsored by WHOI, MBL, NOAA, and it is one day with 3 phases of it. There will be a kid's area, anything but a boat race, then local bands, and serve beer/wine in secure outside area between 2 restaurants. Street closure same as Cinco de Mayo, which was approved in the past.

Mr. Jones motion approval. Second Mr. Brown. Vote: Yes-5. No-0.

- b. Wedding Ceremony – Old Silver Beach (Public Side) – Lifshin – Saturday, 10/5/19

Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. Flow Neutral Bylaw – Evaluation of Request for Variance – James Curtis, Managing Member, Falmouth Commons, LLC – 24 Spring Bars Road, Falmouth (Parcel 39 15 041A 001)
Ms. English Braga read the hearing notice.

James Curtis present and explained the project, each of the 2 buildings have two apartments up and 2 commercial spaces downstairs. The spaces have been on the market for a long time and no need for office space, market has shifted and he is hoping to convert to ground floor apartments with handicap accessibility. He does not know the code about handicapped bathrooms, he will talk with the architect and if the BOS requires, he will make a point in doing it. He believes in the importance for high walk ability factor, the developer intended it to be mixed use development, but there is a dearth of residential

apartments in the area and yet so much commercial development. He has no interest in making this an Air BNB. He would make stipulation any lease is 12 months or longer and tenant could not have short term rental in the lease. Issue regarding affordable housing, this is multiple size units, 1, 2, 3 bedrooms and the size dictates the price along with location. This area is robust, tenant makeup is diverse.

Mr. Brown noted an appropriate conversion because the Planning Board has identified this area for multi family housing and plaza area for mixed use development.

Mr. Jones noted if there is an affordable housing component, it would be best to get this approved. He would like these units to remain affordable workforce housing.

Frank Duffy, Town Counsel, commented on granting with a condition it be long term housing and specifically not a short term rental. Atty Duffy noted that there is no provision in the Flow Neutral bylaw, might be able to put a reasonable condition on the BOS decision.

Mr. Suso noted guidelines indicates affordable housing is priority and identified condition subject to town counsel.

Chair English Braga noted that their variance consideration is the feedback from Amy Lowell, there is capacity and does not really change the load and not significant increase. There is available load. The BOH noted space on the property for a Title V.

Ms. Moran noted first area of priority is economic development, need jobs, and this fits in the top priority of the BOS.

Public Comment: none.

Mr. Jones motion to close the hearing. Second Ms. Moran. Vote: Yes-5. No-0.

The BOS made the following Findings: use of the vacant business is better served as usable year round housing, with a 12 month lease without the option of subleasing. It falls within mixed use development and is a priority. The wastewater superintendent found available load and the BOH found a Title V Septic System could go on this property.

Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

2. Flow Neutral Bylaw – Evaluation of Request for Variance – James Curtis, Managing Member, Falmouth Commons, LLC – 200 Worcester Court, Falmouth (Parcel 39 15 030C 000C)

Ms. English Braga read the hearing notice

The two residential units converted from commercial units.

James Curtis noted this is a 4th building of the same property, upstairs are 2 3-bedroom apartments, downstairs smaller 3 bedroom and 2 bedroom. Structure surrounded by green space, looks like a house. This is raised off the street by 3 stairs and a ramp into the access point on back of building.

Mr. Jones noted the BOH said that a Title V Septic System could be put on the property. There is capacity in the flow.

Public Comment: none.

Mr. Jones motion to close the hearing. Second Ms. Moran. Vote: Yes-5. No-0.

The BOS made the following Findings: use of the vacant business is better served as usable year round housing, with a 12 month lease without the option of subleasing. It falls within mixed use development and is a priority. The wastewater superintendent found available load and the BOH found a Title V Septic System could go on this property.

Mr. Jones motion to close the hearing. Second Ms. Moran. Vote: Yes-5. No-0.

3. Application for a New, Seasonal All Alcoholic Liquor License and a Transfer of Common Victualler and Automatic Amusement Device Licenses – The Tea Room, LLC d/b/a The Tea Room, Located at 196 Crystal Springs Avenue, North Falmouth

Ms. English Braga read the hearing notice.

Matt Terry, Ament Klauer, Falmouth representing the applicant, operator of the Tea Room and applying for seasonal license to begin service next season. The Tea Room has been owned and operated by this family for 32 years. The premises was described as a food and entertainment establishment, it is 3800 square feet, 9 rooms, 4 open to public, seating for 24 people and a game area. Service was described, they want to expand their service and would like to serve 11am-11pm. Presented a PowerPoint presentation. The manager, Holly Pacella, has been in the industry since 1996 and operated the Tea Room, she and her husband, Mike Pacella, are TIPS certified. Reviewed the floor plan and where alcohol service will be, including outdoor area and the area will be supervised and delineated.

Mr. Pacella, explained that they plan to create a buffer zone, there are four entry ways into the building and the kids' game room and ice cream counter will be a separate area from the alcohol service area. The main entry area will have objects to create a buffer. The diagram was reviewed, Mr. Jones noted the plan shows the darker wall is on the plan delineating the areas and is temporary and can be moved around.

Mr. Jones noted seats outside but common victualler license does not allow that. They will not be able to go out there with the alcohol. Mr. Pacella said that is part of the seating area they are asking about.

Atty. Terry noted per local and state regulations, folks would not be able to exit internal or external area with an alcohol beverage. Existing conditions at this time have all orders at the counter, which will be separated so that the kids will order from one area and the other area will be for ordering food off the menu and alcoholic beverages.

Mr. Pacella said the alcohol will be stored behind the back kitchen.

Mr. Brown would like a plan to show where the kids and adults are going to be served. He does not see how the plan works because they need to go through a partition from the kitchen to the counter areas.

Ms. English Braga explained that the BOS received lots of input from both those in opposition and those who support, they will take comments and not hear the same comments from individuals. They received an email from FPD Captain Reed who conducted a site visit and wrote about concerns about this area and they were not in support from public safety standpoint with serving of alcohol at this location. Town Planner noted no additional parking required at this site if the license was granted. Atty Terry noted there was ample parking, but Town Planner and FPD find there is not ample parking. According to Mr. Parcell, most are walk up customers, this is not a driving destination.

Public Comment:

Ann Marie Moore opposes the granting of the license. She lives at 159 Silver Beach Avenue and described the area, there are 8 restaurants serving liquor within 3 miles of the beach. License threatens safety of all residents, there is no on street parking and limited narrow sidewalks. Added congestion and likelihood of DUI in the area, there have been times that fire engine does not get through without FPD assistance.

Barbara Contino opposes this and there are a lot of walkers, but people have come from someplace. She was confused with the diagram, is the license asking for alcohol service inside and outside by not beyond the fence. Parking has been a nightmare and they received something from association, but because none of the streets were 20 feet wide there was no parking on the streets.

Dennis Murphy, Precinct 5, in favor of the proposal. Parking is difficult, there will be additional people coming into New Silver to this establishment. Tea Room is heart and soul of New Silver. He would hate to see it go away, they have a limited option to make money, looking to add beer and wine. Future owners, if they sell that's an unfair burden on the owners. This is seasonal license request and they would have to come back next year. He believes they can give them a chance to keep the Tea Room open. There are events at the Tennis courts across the street that has special events, that is why he is looking to be open late.

Mr. Jones asked Atty. Terry what season are they considering now...applying for 2019 license but not utilized until next year. Atty. Terry said the reason is to get a head start in 2020 and apply for renewal in

2020. Not asking to use the license this year. Mr. Jones explained the ABCC will not see it as a renewal if it is not used. Mr. Jones would not because there will be no evidence that the organization has used it.

Ms. English Braga noted if they have the license, then they can make those modifications to the facility.

Dave Servenis, 15 Ravenwood, the character of the family is that they watch over the children that go into the Tea Room. He feels that Mike would watch over people, monitor the use of alcohol, short period of time, necessary to make it financially viable for the neighborhood, and sets New Silver Beach apart from other communities. Brings joy to families. He supports going forward with this proposal.

Bill Dynan, Precinct 5, New Silver Beach, supports the application. This is not a destination restaurant, it is a local gem, and most are walk in customers. Open since 1919, closed a couple times. Had liquor license 1923-38. Applicants will monitor all patrons, the association serves alcohol across the street. They allowed New Silver Beach Store to use their wifi for credit and debit cards, 4th of July horribles parade has free ice cream for the kids which is stored in their restaurant, they provide water supplies for Irish night supplies, Mr. Parcella has saved the association up to \$20,000.

Lloyd Becket, Bigatree Rd., in favor with 3 concerns: parking, DUI risk, and changes the neighborhood. Should walk to the beach, there is 7/8 places that serve alcohol and not walk able so people drive home from those locations could limit DUI risk.

Dennis O'Connell, 30 Silver Beach Ave., meetings were held over the weekend where the community got very little information and O'Connell is opposed. The Tea Room is not the Tea Room all remember, it has been changed. Bring alcohol into a neighborhood that there has been no alcohol where the bikes and kids are and have a right of passage when they can ride their bikes to the area. When alcohol is being served 11-11 the children are in jeopardy, it is a public safety issue where people will be on the road 11-11 with kids riding up and down the street. Tennis court is across the street from the Tea Room, he told the comity they only wanted to be open late on the nights that their were events at the tennis courts, which only occurs a handful of times. This is already in place, with understanding if you make a change with footprint of the building and added things on there should be community input. He does not remember any notice for changes made with notice. He is here for little kids who go up the street and kids can't bee seen. Presented petition of over 100 names in opposition to the BOS.

Paul Hunt, Raven Brook Rd., Mike and Holly have dedicated their lives to the children in this community. The movie starts at sunset, those in opposition to the Tea room he has never seen them in the Tea Room, have they ever gone down to have lunch or dinner? Most in opposition to the Tea Room do not support it anyway.

Kevin Murphy, Precinct 5, what they are trying to do is control a crowd; if you do not have a liquor license you can BYOB into the establishment, owners have no control in that case. If they have a license they have that control and make sure you are not served if you have had too much to drink. 11pm license would be great, there is no way to issue a license based on 1 day per week. The hours are set by the BOS. Many establishments do not do the improvements because they are not viable until they get the license. Mr. Murphy in support. The adults in New Silver area only get together on special events, this could be a place for adults to get together.

Penny Fleming, 69 Silver Beach Ave., thinks highly of the family and is opposed because the first time the neighborhood heard about the application for the license was through the paper. They were offered to go listen to Mike's vision of what he was going to do, there was no business plan, and questions were asked but not answered. Until there is a business plan that the community can understand what the business is she is opposed to it.

Joyce Martin Jones, New Silver Beach since 1950, she supports this. There are 3 generations of family who make this for the community. The beach was not the same when they did not have a Tea Room, brought life back to the community. All walk to the Tea Room, limited seating, it is a small area with few tables and seats. They offer dinners at night, many bring their own wine/beer, there are a lot of kids there at night maybe if parents came down they could see what is going on the beach, such as kids drinking on beach.

Pam Kurk, 19 Moses Rd., and property across the street that abuts the Tea Room, she has great respect for the family but objects to liquor license in this neighborhood. The Tea Room operates on a daily basis, now they want open air restaurant/barroom, voices carry and neighbors living nearby will be interrupted. She does not wish an all alcohol license approved for them.

Mr. Jones asked Atty. Terry to clarify whether this is all alcohol, Atty Terry confirmed the application is for an all alcohol license. Mr. Jones was impressed when driving through the community and envies what they have, which is rare and special. Decision made is not a reflection on Mike and Holly.

Marc Finneran, common victualler license, does anyone have the right and ability to ask for liquor license to compliment it? The BOS said yes. Opposition by neighbors has been denied in past based on location. Noise complaints can be addressed separately.

Carolyn Halloran, 600 homes surround the business, the potential negative effects of a 7 day per week liquor license should not be underestimated. The statements and arguments regarding the financial viability of their business with or without the license should be irrelevant to the fact it has been successfully run without liquor license for many years. The privilege of being granted a liquor license should be taken seriously.

Ms. Parcella has worked in a restaurant that served alcohol in the past.

Abutters notices were submitted to the office according to atty , sent out on 8/14/19, 11 abutters within a 300 feet radius and they received all but 5 of the 11 green cards back.

Ms. Moran asked applicant since early application, how would it affect his business if the BOS put hours of limitation ex: Friday and Saturday 4-8pm.

Mr. Parcella said that their original plan on Sunday night would be their customers. They would likely close at 9 pm nightly, not sure if open Monday and Tuesday. They are not looking to be open until 11pm picked the hours because of the few functions in the area. They want to serve the community. He will do whatever the BOS tells him to do.

Mr. Patterson asked if Mr. Pacella would accept the wine and malt beverages only. Mr. Parcella noted his vision is handcrafted mixed drinks served along with food. The BOS said he could apply for beer/wine only, Mr. Parcella said he would check with his atty.

Mr. Jones motion to close the hearing at 8:47 p.m. Second Mr. Brown. Vote: Yes-5. No-0.

Mr. Patterson noted needs specifications of the restaurant layout for serving and storing.

Ms. Moran asked Atty. Duffy is it procedurally possible for the BOS to revote and continue this to ask for more specific diagram. Atty Duffy notes it is a sketchy plan, but in order to consider more evidence, need to revoke the closure.

Ms. Moran motion to reopen the hearing. Second Mr. Patterson. Vote: Yes-4. No-1 (Mr. Jones.)

Mr. Jones feels they should close the hearing and make decision, he sees no reason to grant this license for this year and this should be considered as a new license for next year because will not have the information you have from an establishment serving alcohol.

Ms. English Braga noted that they would be granting a seasonal license once the season is done. The license is pretty meaningless.

Atty asked if the BOS would entertain withdrawal of the application without prejudice and another application may be submitted next year. Having a denial on record can be prejudicial.

The BOS noted neighborhood conversations need to be had.

BOS thanked all present.

Ms. English Braga called 5 minute recess at 8:53 p.m.

Ms. English Braga reconvened the meeting at 8:56 p.m.

7:45 p.m. BUSINESS

1. Interview, Vote and Appoint Committee Members:

- a. Conservation Commission
Susan Warren

Mr. Brown asked if she would be open minded to potential projects that may extend the life of our roadways in areas or a conservation advocate to the end.

Ms. Warren tries to be as open minded as possible, it is important to have local advocacy for conservation and she lives on conservation land. While she is proponent of conservation, she can see traffic problems, so what is needed on the Conservation Commission is open mindedness to the residents and what they want to do balanced with wildlife. She has always been open minded, a good listener, and a team player.

Mr. Jones asked about vistas. She has gone to the Conservation Commission, her project was to improve and maintain it. She felt the process was fair, they got what they wanted and are preserving the wildlife there, which is why they got the property in the first place.

Mr. Patterson noted the Conservation Commission needs to act within the regulations. She understands her role, there are regulations and then changing circumstances, need to go by regulations.

Mr. Jones motion to appoint alternate term ending 6/30/22. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Solid Waste Advisory Committee or Energy Committee
Zachary Ellis

Solid Waste is his first choice because his parents have always talked about recycling and solid waste disposal. Mr. Ellis has a degree in political science, he would like to do something more meaningful.

Mr. Patterson motion to appoint Mr. Ellis to a term ending 6/30/22. Second Mr. Jones. Vote: Yes-5. No-0.

2. Report – Veterans Council Committee-tabled and Mr. Suso will follow up on this.

3. Recreation Fields Report – Recreation Committee

Recreation Committee requested this be postponed because Joe Olenick is on vacation

4. Annual Committee Reappointment – Veterans’ Council Committee

Mr. Jones motion to appoint Teixeira to a term ending 6/30/20. Second Mr. Patterson. Vote: Yes-5. No-0.

5. Chapoquoit Beach Status Update

Mr. Suso explained that they are working with DPW on survey of the entire area regarding the impact on conservation and existing beach boundary with goal of making whatever adjustments the BOS finds appropriate regarding boundaries, parking, roadway access, pedestrian traffic, and where it will extend to. Have draft information available, they will bring review forward at a future meeting for potential adjacent for the coming beach season. 4-7 cars could live park, even though there was not supposed to be, if live parking line was full they had to do what they now do. The live parking was built but never used. Live parking will not solve the problem. They are attempting to seek a resolution to address the concerns.

Dan Shearer, Old Dock Rd., they have had problems on 7/4/19. He is the owner of a Chappy Island property and has complained about this for 7 years. The sidewalk was better than it has every been. There is a turn around, what the Town is trying to do now is not worth it. Let it go the way it is, moving the railing will be large expense and they will probably only be able to get 3 feet. It’s working now, there have not been many problems. People in West Falmouth do not need it, however over 50% of the cars in that parking lot are from East Falmouth. He does not want to spend tax payer money on something that will not improve anything. Nobody has their beach, the people with stickers own the right to use all beaches in Town.

Information is posted on the Town website when the beach is full, signs can be used as well.

6. Sign Variance – Off-Premise Special Event Signage – Buzzards Bay Watershed Ride

Mr. Brown motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

7. Follow-Up Discussion on Williams Hollow Road Abandoned House

Julian Suso noted discussion at last meeting about whether the BOS wants to reverse course and rather than demolish the house it be considered for affordable housing unit.

Ms. English Braga has heard from many at the last meeting and would give more time to individuals interested in a different trajectory for this property.

Karen Bissonnette, Executive Director Falmouth Housing Trust, said this is municipal and water resource purposes. Presented a power point presentation. Reviewed another affordable home sold. One argument is Williams Hollow Rd. is not an appropriate setting because of the road conditions and proximity to convenience store. This is .45 miles to Blacksmith Shop Rd. there were many people who wanted to purchase this house. This house is not convenient to a convenient store, but is in a wonderful location. Dense woodland area. Neighbors on either side of the property, a neighbor said he was happy that was what was going to happen. Baker House pictures were taken, the road was shown and in better shape, .15 miles from Sam Turner Rd., bus stop will be where the children are. Reviewed area median income, whoever purchases the home will have to be able to qualify for a mortgage. Reviewed the housing expense calculator, assumption for homeowners association fee. Recently an affordable home that sold for \$201,000 had a \$130 monthly assessment that is normal thing when you have that.

Ms. Moran thought they were looking for an association to be created.

Ms. English Braga noted an added value to the community would be to create an association where you would pay dues and that is part of the ownership in that community.

The cost of getting the house up and running would be about \$250,000 and if subsidized enough so they pay \$170k, then okay to take care of it.

Reviewed the expenses and revenue, Falmouth Housing Trust would come to the Town for Affordable Housing Fund, \$65,000 is about what the fund has been giving to each unit for housing. They can get Cape Cod 5 to lend the money and be paid back later. Architect visited the property, he thought the property was a good project. They are asking the Town place an article on the November warrant for an RFP for this property and suggest 2 acres with 75% conservation. She is also asking to let Town Meeting decide on this project.

Housing production plan recommended 15%, there was 1 this past year. Falmouth Housing Trust homes go on the tax rolls. Homeownership people pay the taxes. The Town needs to do something about affordable housing funding. To depend on CPC money it is not realistic.

There is Town water to this property.

Mike Duffany
Price includes Title V Septic System.

Ms. Moran asked what is the difference in cost to rehabbing this house v. building. You would not build this house today due to cost, the foundation and steps, chimneys are in good condition and require very little maintenance. Fir frame in good condition. Needs new Title V, new water service, and new electric service.

Mr. Johnson Staub explained the Falmouth affordable housing fund, current balance of \$20,000 and approval for other projects under way or expected to be in the pipeline that are looking for funds as well.

Bill Buchanan, Williams Hollow Road, told the BOS the issue is private dirt road maintenance and private utility. Electric company would not take over any pole unless 10 years or newer. They put first 5 poles in, which was about \$30,000. There are still another 8-10 poles that need updating. They have not addressed the cost, they cannot define the cost because they do not know. They have maintenance all the time. They

have to take care of the poles and tree trimming. The Town is an owner of property on that road. How will they reimburse the maintenance of the private line?

Tom Weaver, Williams Hollow Road, the purpose of the land purchase was water protection and potential well site. One of 2 well sites left in Town. Water needs to be protected. This road is within 200-300 feet of Crooked Pond Conservation Area and pristine coastal pond left in MA. Putting more housing with septic in it can cause damage to it. They were not asked for hard numbers of what they have spent. It is constant expense, tree work every winter, cannot drive in/out of the road often because the line is down.

Ms. English Braga noted the issue was what mechanism would be put in place so there was a guarantee of those funds for maintenance cost sharing.

Joanne O'Sullivan, President Falmouth Housing Trust, there is a pole adjacent to the property and houses past this property on the same road and it is not creating a new line. They will sink utilities and will not increase damage to the pole there. It is unfair to have one new homeowner create an association structure and absorb the cost.

Mr. Brown noted the costs are unpredictability of living in that area, if the homeowner is putting \$1400 yearly aside towards costs. The calculation of the costs reported to them, it is about \$800 per year. They are factoring in \$1400 yearly a year given the information they were provided.

Mr. Patterson noted association is voluntary, some do not pay their dues and they are not the poor people in the community. This home doesn't create any more risk for existing homeowners, they have to cover the costs already. This is a water recharge area and contribution of another septic system. There has been no progress in decreasing that impact and it comes from septic systems across cape cod. It is something to worry about and eventually will need to look at regulations re: nitrogen reducing septic systems.

Nancy Williams said this house has 2 small bedrooms and kitchen is small. This is a summer house. Crooked Pond has conservation restriction, when the house she is in now and paid the first real estate tax she suggested it was high and the lady said you live on a very good pond.

Ms. English Braga said request is that the BOS put request to Town Meeting for RFP for this project.

Mr. Jones motion to approve going to Town Meeting and getting their opinion. Second Ms. Moran. Vote: Yes-5. No-0.

8. Presentation of Seacoast Shores Association Beach Plan and Request to file with Conservation Commission

Mr. Jones motion to continue to another date. Second Ms. Moran. Vote: Yes-5. No-0.

9. Recycling Education and Outreach

Mr. Suso noted discussions with staff and DPW Peter McConarty has been active in securing state funding for education and related matters is moving forward with concept for expanded education program this calendar year.

Chair English Braga noted need to do recycling education, there is lack of clear information and the website is not always accurate. Solid Waste Advisory has pointed out that education is required under the contract, Town has funds and can educate themselves. They will look at potential looking for Fiscal Year 21 budget to see how we might be able to look at someone being in charge of solid waste to address these issues in a proactive way.

Dr. Barbara Schneider noted that when the East Falmouth Village Association met she called for recycling demonstration there it was not available. Need to have pop up demos around the community at meetings like this. She has been working on getting posters up around town and asked that they be posted around Falmouth Academy.

Carl Cavossa mentioned to Ms. Moran that it is the solid food that is a huge issue and ask one of the Eagle Scout or high school student to do the demonstration around composting. Taking food out of the system.

Mr. Patterson noted models in place in other areas such as ME and CT.

Sandy Faninsilver, Davisville Rd., had a cast iron bucket in the ground and garbage men picked up the garbage once a week in the 1950's. Her issue is proposal to deal with education, she talked with someone at the FPS and suggested k-12 curriculum to educate kids so they can go home and educate their parents. Reinforces knowledge from year to year and importance of recycling. Another proposal was to include in tax bills or water bills a pamphlet about recycling rules in Falmouth. Once a year all Town residents would be given a pamphlet reminding them, including the possibility of penalties if not in compliance with the rules.

Linda Davis, Chair Solid Wasted Advisory Committee, the committee appointed by the BOS make recommendations on solid waste and related topics. This committee has made many recommendations repeatedly. They have no staff, no budget, and cannot make decisions. It is a shame that the Town is not doing what it is supposed to do regarding solid waste. The Town has been violating the state regulations regarding what is brought to the Bourne landfill.

Peter McConarty is working on the plan and implementing the grant that was referred to, Mr. Suso will ask him to come speak to the BOS in the next month or so.

10. Discuss Public Input Process for Proposed Consolidated Northwest Falmouth Fire Station

Mr. Suso updated the BOS, consultant engaged and funded by Town Meeting to analyze potential locations. September/October Community Meeting and will bring final report to the BOS at a public meeting. Welcome emails regarding alternative sites to be considered for station location. Mr. Suso hopes that they may go to Town Meeting as early as November seeking authorization to option what might be deemed the most appropriate location. They would like to move forward engaging or setting aside a property to move forward most effectively. Consultant is studying 3 years worth of responses for the Town and focusing on North and West to better balance workload between the stations.

Ms. Moran noted that Dan Shearer, member West Falmouth Village Association, this is happening at a time when summer residents will not know anything about it and what ideas for outreach to them and opportunities for meaningful outreach. Mr. Suso is asking for emails and letters from the community.

Ms. English Braga noted summarizing this and through the village associations get that information out and give a heads up. Could also put out a press release so people understand what is going on including anticipated timeline.

Dan Shearer can get it to the Village Association and in their newsletter.

Dan Shearer noted he hates to spend lots of money if Chappy Beach is not going to be nourished. There is not any beach at high tide in sections. Need to decide if going to do anything about sand there.

Marc Finneran asked about consolidating West and North into one station. If there are problems with response times with locations of stations we have and most underserved area has always been Hatchville, he does not see how to improve coverage by reducing coverage. It would be nice to quantify how many calls go to Atria and senior facilities in Town, maybe they should be required to do a little more. Biggest issue has always been response times and need for Hatchville Station.

Ms. English Braga indicated the study will look at potential spots where it may be appropriate for a NorthWest station. They are also looking at call data.

Mr. Suso noted this has been presented at Town Meeting and money was voted to do this next step. Need to have the appropriate response including equipment.

Ms. Moran would like to have the summary of the charge for the consultant and what is expected.

11. Minutes of Meetings:

- a. Public Session July 22, 2019

Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

12. Individual Selectmen's Reports

Mr. Jones:

Mr. Jones worked out yearly schedule and when to invite committees, then BOS can edit.

Julian Suso clarified for Diane, she has a list just like this and advised adjustments but Diane has been working on the dates, part of the challenge has been declinations, postponements. Diane has been working on this and welcomes these thoughts and suggestions. Mr. Jones would defer to any dates Diane has.

Mr. Brown:

Attended Beach Department awards night.

Attended Sea Education.

This week a lot of comments about people not getting recycling picked up. Ms. English Braga has reached out and asked to get an answer and invite someone from Republic for response. Mr. Jones noted timetable has changed.

At the last Water Stewards meeting, voted to pay the money and do testing for bacteria in two ponds in Falmouth.

Mr. Patterson:

Attended Cape Cod Summit and noted progress being made on sewer systems in other communities.

Unknown if there will be a significant impact. Representatives from State, Cape, EPA, all say we are moving in the right direction. Other topics included the lack of affordable housing.

Attended site visit by Lt. Governor Polito and New Secretary of Housing looked at the Spring Bars Road site and Gifford street site for workforce housing.

Attended East Falmouth Village Association, they are looking at their issues in a broad way.

Mr. Jones:

Asked if there has there been feedback regarding the mosquito testing. Mr. Suso noted his understanding is all the areas tested came back negative.

Ms. English Braga:

There will be a future meeting on transportation and CC Commission is willing to work on some of these projects get over the hump regarding transportation studies. This person talking with MA DOT and can be a resource for the Town to take advantage of their assistance.

13. Town Manager's Report

Mr. Suso noted beach staffing throttling back, begun cutting back on Old Stony Beach, Megansett, and others. That will continue through the month.

Mosquito spraying information will be coming as available.

Cable Advisory Committee meeting attended.

Thanked all for their work over the Road Race Weekend.

14. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn at 10:55 p.m. Second Ms. Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary