COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:  David T. Vieira
TOWN CLERK:  Michael Palmer

Monday, April 3, 2017
7:00 p.m.

Carol P. Tinkham
Professional Court Reporter
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Choose Town Officers</td>
<td>1-26</td>
</tr>
<tr>
<td>2</td>
<td>Hear Reports of Committees and Town Officers</td>
<td>1-28</td>
</tr>
<tr>
<td>3</td>
<td>Authorize Selectmen to settle claims, suits</td>
<td>1-59</td>
</tr>
<tr>
<td>4</td>
<td>Authorize Selectmen to apply, accept grants</td>
<td>1-23</td>
</tr>
<tr>
<td>5</td>
<td>Fix Salaries of Town Officials</td>
<td>1-60</td>
</tr>
<tr>
<td>6</td>
<td>Authorize Revolving Funds</td>
<td>1-24</td>
</tr>
<tr>
<td>7</td>
<td>Amend Ch. 240 Code Accessory Apartments</td>
<td>1-68</td>
</tr>
<tr>
<td>8</td>
<td>Amend Art. 240-69.A Business Redevelopment</td>
<td>1-24</td>
</tr>
<tr>
<td>9</td>
<td>Accept Laying Out Hooppole Road</td>
<td>1-24</td>
</tr>
<tr>
<td>10</td>
<td>Affirm Recreational Marijuana Establishments</td>
<td>1-134</td>
</tr>
<tr>
<td>11</td>
<td>Amend Ch. 156 Code Synthetic Marijuana</td>
<td>1-24</td>
</tr>
<tr>
<td>12</td>
<td>Amend Ch. 1 Code Synthetic Marijuana</td>
<td>1-24</td>
</tr>
<tr>
<td>13</td>
<td>Pet.: Amend Ch. 235 Code Wetland Protection</td>
<td>1-143</td>
</tr>
<tr>
<td>14</td>
<td>Petition to MA General Court N. Fal. Library</td>
<td>2-95</td>
</tr>
<tr>
<td>15</td>
<td>Coonamessett River Restoration Project</td>
<td>2-96</td>
</tr>
<tr>
<td>16</td>
<td>Amend Town’s Classification Plan</td>
<td>2-97</td>
</tr>
<tr>
<td>17</td>
<td>Amend Town’s Classification Plan</td>
<td>2-143</td>
</tr>
<tr>
<td>18</td>
<td>FY 2018 Operating Budget</td>
<td>2-144</td>
</tr>
<tr>
<td>19</td>
<td>Fund - General Stabilization Fund</td>
<td>1-24</td>
</tr>
<tr>
<td>20</td>
<td>Fund - Capital Improvement Stabilization Fund</td>
<td>1-24</td>
</tr>
<tr>
<td>21</td>
<td>Fund - Other Post Employment Benefits Tr.Fund</td>
<td>1-24</td>
</tr>
<tr>
<td>22</td>
<td>Fund - Workers Compensation Trust Fund</td>
<td>1-24</td>
</tr>
<tr>
<td>23</td>
<td>Fund - Cost of Living Adjustments</td>
<td>3-7</td>
</tr>
<tr>
<td>24</td>
<td>Fund - Debt Stabilization Fund</td>
<td>1-24</td>
</tr>
<tr>
<td>25</td>
<td>Supplement Prior Votes to Apply Bond Premium</td>
<td>3-10</td>
</tr>
<tr>
<td>26</td>
<td>Fund - Design and Construction Senior Center</td>
<td>3-12</td>
</tr>
<tr>
<td>27</td>
<td>Fund - Town Hall Telephone System</td>
<td>3-72</td>
</tr>
<tr>
<td>28</td>
<td>Fund - Construction of New Skateboard Park</td>
<td>3-73</td>
</tr>
<tr>
<td>ARTICLE</td>
<td>DESCRIPTION</td>
<td>PAGE</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>29</td>
<td>Fund - Robbins Road Bulkhead Repair</td>
<td>3-88</td>
</tr>
<tr>
<td>30</td>
<td>Pet.: Fund Maintenance Shining Sea Bike Way</td>
<td>1-24</td>
</tr>
<tr>
<td>31</td>
<td>Pet.: Fund Comprehensive Wastewater Man. Plan</td>
<td>1-24</td>
</tr>
<tr>
<td>32</td>
<td>Fund - Unpaid Bills</td>
<td>1-24</td>
</tr>
<tr>
<td>33</td>
<td>FY 2017 Budget Transfers</td>
<td>3-89</td>
</tr>
<tr>
<td>34</td>
<td>FY 2017 Budget Appropriations</td>
<td>3-96</td>
</tr>
<tr>
<td>35</td>
<td>CPC - Habitat for Humanity Cape Cod</td>
<td>3-97</td>
</tr>
<tr>
<td>36</td>
<td>CPC - Coonamessett Greenway Gateway Park</td>
<td>3-107</td>
</tr>
<tr>
<td>37</td>
<td>CPC - Woods Hole Pub. Library Exterior Rehab.</td>
<td>1-25</td>
</tr>
<tr>
<td>38</td>
<td>CPC - Conant House Fence</td>
<td>3-108</td>
</tr>
<tr>
<td>39</td>
<td>CPC - West Falmouth Library and Archives</td>
<td>1-25</td>
</tr>
<tr>
<td>40</td>
<td>CPC - Nobska Light Station Preservation</td>
<td>1-25</td>
</tr>
<tr>
<td>41</td>
<td>CPC - Oak Grove Cemetery Preservation</td>
<td>1-25</td>
</tr>
<tr>
<td>42</td>
<td>CPC - Falmouth Historical Comm. List Building</td>
<td>1-25</td>
</tr>
<tr>
<td>43</td>
<td>CPC - Falmouth Housing Production Plan</td>
<td>1-25</td>
</tr>
<tr>
<td>44</td>
<td>CPC - Administrative Expenses</td>
<td>1-25</td>
</tr>
<tr>
<td>45</td>
<td>CPC - Community Housing Reserve</td>
<td>1-25</td>
</tr>
<tr>
<td>46</td>
<td>CPC - Historic Preservation Reserve</td>
<td>1-25</td>
</tr>
<tr>
<td>47</td>
<td>CPC - Falmouth Affordable Housing Fund</td>
<td>1-25</td>
</tr>
<tr>
<td>48</td>
<td>CPC - Budgeted Reserve</td>
<td>1-25</td>
</tr>
<tr>
<td>49</td>
<td>CPC - Land Bank Debt Reserve</td>
<td>1-25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FY 2016 Budget Transfers</td>
<td>2-11</td>
</tr>
<tr>
<td>2</td>
<td>FY 2016 Budget Appropriations</td>
<td>2-48</td>
</tr>
<tr>
<td>3</td>
<td>Fund - Unpaid Bills</td>
<td>2-76</td>
</tr>
</tbody>
</table>
THE MODERATOR: All Town Meeting Members please come forward, take your seats. Don’t forget to sign in; your attendance will be published in the Falmouth Enterprise.

This evening, our tellers: in the first division will be Mr. Netto; in the second division will be Ms. Cuny; and in the third division will be Dr. Schneider.

At this time, we’ll establish a quorum to open the Annual Town Meeting. Would all Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: I want to remind all Town Meeting Members and guests to introduce yourself by name and precinct each time you speak for the record. We’re also being televised live on FCTV Channel 15, so your identification each time you speak helps the folks at home know who’s addressing Town Meeting.

In the first division, Mr. Netto.

MR. NETTO: 40.
THE MODERATOR: 40.
In the third division, Dr. Schneider?

DR. SCHNEIDER: 64.

THE MODERATOR: 64.

[Pause.]

THE MODERATOR: In the second division, Ms. Cuny?

MS. CUNY: 85.


By a counted vote of 189 members, we have a quorum and I call the Annual Town Meeting into session.

This evening, all rise for the presentation of the colors by Falmouth’s new coed Venture Crew 37 of the Waquoit Congregational Church, followed also by the Brian Baru Pipe Band, and to be led by our Town Crier, John DeMello.

[Pause.]

THE MODERATOR: John DeMello, our Town Crier.

MR. DEMELLO: Hear ye, hear ye, all gather for the Town Meeting. Hear ye, hear ye, all gather for the Town Meeting. Hear ye, hear ye.

[Laughter.]
THE MODERATOR: The reason why you don’t hear his bell, is I’ve been a little under the weather this week and the bell is still not on my list of things to put in my bag. I’ve got the gavel, but I forgot the bell.

Thanks, John.

[Laughter and applause.]

THE MODERATOR: Presentation of the colors by the Brian Baru Pipe Band and Venture Crew 37.

[Pause.]

THE MODERATOR: Please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, the Falmouth Town Band Brass Choir will play our National Anthem.

[National Anthem played.]

THE MODERATOR: At this time, I’ll have an invocation by Mr. Haddad.

MR. HADDAD: Heavenly Father, may our meeting this evening not only be an exercise of care and concern for our community and its residents, but also an example on how a community can agree and disagree and still be a community.
We ask you to watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.

THE MODERATOR: At this time, the Brian Baru Pipe Band will play Amazing Grace in honor of our moment of silence for those members who have passed since our last meeting.

[Moment of Silence taken.]

THE MODERATOR: Colors post.

MR. DEMELLO: Hear ye, hear ye --

[Applause.]


[Applause continuing.]

THE MODERATOR: As we begin, Ms. Lichtenstein has an announcement on our town cleanup.

MS. LICHTENSTEIN: It’s spring, Folks, and fortunately there’s a whole mess of unmentionable stuff all along the roads. Mostly they’re nips. I don’t know where all these nips are coming from.
But, April 22\textsuperscript{nd} through the 30\textsuperscript{th}, starting on Earth Day, we’re going to have Falmouth’s Clean Up Week. There will be something in the paper. Please, get your neighbors, get your kids, get your significant others — oh, just grab somebody and get ‘em to walk with you.

But there will be bags available at the Chamber of Commerce. So let’s get the town cleaned up and look nice to start the spring.

Thanks.

[Applause.]

THE MODERATOR: Thank you.

And at this time I’d like to just start with the dispense of the reading of the warrant.

Mr. Chairman for the motion.

CHAIRMAN JONES: Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer’s Return.

THE MODERATOR: You’ve all heard the main motion to dispense with the reading of the warrant. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.
[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’ll read the Officer’s Return of the Warrant. By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed by Constable Ronald Braga.

Mr. Braga’s with us as our constable for the meeting this evening, as well.

Mr. Clerk, I ask that the warrant become an official part of the record for this meeting.

At this time, the Chair would entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees.

So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.
[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for Town employees who are not residents of the Town the right to speak on any issue before this Town Meeting.

So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’d recognize the Planning Board for notification of public hearing.

MR. DREYER: Mr. Moderator, my name is Paul Dreyer, Clerk of the Planning Board and Town Meeting member Precinct 2.

In accordance with Chapter 40B - 40A, sorry, Section 5 of the Massachusetts General Law, Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on February 7th, on
Article 7 for this 2017 Spring Annual Meeting and all who wished to speak were heard.

In like manner, a second meeting was held on February 21st on Article 8 for this same meeting under the same conditions and all who spoke were heard.

Thank you.

THE MODERATOR: Thank you, Mr. Clerk.

So we have a new Town Meeting Member with us this evening. In 1936, when Falmouth went from open Town Meeting to representative Town Meeting, it was created by a special act of the legislature. And in that special act, it said that any members of the General Court, whether they be from the House of Representatives or the State Senate, are by virtue of their election to the General Court, Town Meeting members.

So, with us tonight is our new state representative and newest Town Meeting member, Dylan Fernandez.

Dylan, congratulations and welcome to Falmouth Town Meeting.

[Applause.]
THE MODERATOR: I think Dillon was a little surprised when I sent him an email: “By the way, you’re now a Town Meeting member.” [Laughs.]

At this time, I’m going to read the simplified rules of Town Meeting procedure. If you look in the last page of your warrant booklet, the last white page of the warrant booklet: Town Meeting Rules.

Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the meeting only with the consent of a majority of those present.

Only Town Meeting members may vote.

Time Limits. Reports of committees and officers shall be limited to 5 minutes unless a request for additional time is made and approved by a 2/3rds vote.

Opening presentations for motions shall be limited to ten minutes unless a request for additional time is made and approved by a 2/3rds vote.

Speakers may only speak twice on any
motion. Speakers shall be limited to 4 minutes on their initial presentation and 2 minutes on their second speech. Limits on speaking shall not apply to the answering of fact-based questions directed to the speaker through the moderator.

Motions and Amendments. Motions and Amendments may be made only by Town Meeting Members.

Two amendments will be accepted on any article.

Long or complicated motions, and other motions which he shall so request, shall be presented to the Moderator in writing.

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money.

If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

The Moderator shall determine if the
motion to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our hours of operation: for the first night, start at 7:00 p.m.; subsequent nights at 7:00 p.m.; and we will close at 11:00 p.m. unless a motion to continue is made and approved by a two-thirds vote.

At this point, we’re going to go and do a blanket vote. On the blanket vote, I will read through each of the articles and draw your attention to the recommendation in the warrant booklet. If you would like to ask questions, debate, or make any other motions or amendments on the article, please stand up and yell “Hold”. The clerk and I will make a note of it, we’ll pass over that article.

After I go through a brief description of all of the articles in the warrant, I’ll run through a second time just giving the number of the article. And then I’ll entertain a motion from the Finance Committee to accept all of the
articles that were not held as recommended as the
official action of this Town Meeting, and then
we’ll have notice of reconsideration and we’ll
start back with Article 1.

So, Article 1 is to choose necessary
officers, and that is a hold.

Article 2 is to hear reports, and that
is a hold.

Article 3, to authorize the Selectmen to
settle claims and suits.

Article 4, to authorize the Selectmen to
apply for and accept state grants and federal
grants.

MR. SHEARER: Hold.

THE MODERATOR: Hold.

MR. SHEARER: No, I’m sorry –

THE MODERATOR: No? Okay, anyone on

Article 4?

Article 5, to fix the salaries of
elected officials.

MR. SHEARER: Hold.

THE MODERATOR: Hold.

Article 6, to authorize the continued
use of the following revolving accounts: the
Emerald House, the Recreation Department, the Historical Commission, Shellfish - and two shellfish propagation accounts.

Article 7, single residence districts of the zoning bylaws.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 8, to amend Article 240-69 by amending the section for the district maximum percent of lot coverage: Business Redevelopment 20 percent; structures, paving, parking 60 percent.

Article 9, to accept the doings of the Board of Selectmen in laying out Hooppole Road from Ashumet Road to the Mashpee town line as a public way.

Article 10, to affirm the action of the Board of Selectmen to place upon the ballot of the Annual Town Meeting to be held from May 16th a question for action by the voters prohibiting the operation of all types of recreational marijuana establishments.

Article 11, to vote to amend the Code of Falmouth Chapter 156 for synthetic marijuana.
Article 12, to vote to amend Chapter 1, Section 2, non-criminal disposition of the Code of Falmouth dealing with synthetic marijuana.

Article 13 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 14 is a hold. The recommendation will be made on Town Meeting floor.

Article 15 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 16 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 17, to amend the town’s salary administration plan for Community Preservation Fund Administrator.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 18 is the omnibus budget.

That’ll be a hold.

Article 19, to raise and appropriate $440,000 to transfer into the General
Stabilization Fund. I’m sorry, it should say Capital Stabilization Fund.

[Pause.]

THE MODERATOR: So, number 19 is General Stabilization Fund. To transfer – to raise and appropriate $440,000.

Article 20, to raise and appropriate $1,032,079 to transfer into the Capital Improvement Stabilization Fund.

Article 21, to raise and appropriate $100,000 and transfer into Other Post Employment Benefits Trust Fund.

Article 22, to vote to raise and appropriate $100,000 and transfer into the Worker’s Compensation Trust Fund.

Article 23, to raise and appropriate $450,000 for the purpose of the article for the cost of living adjustments.

Article 24, to raise and appropriate the amount of $2,500,000 from Certified Free Cash and transfer into the Debt Stabilization Fund.

Article 25, to vote to supplement each prior vote of the town that authorizes the borrowing of money to pay costs of capital.
projects, premiums received by the Town upon the
sale of bonds or notes, unless any premium
applied to the payment of the cost or issuance of
such bonds or notes may be applied to pay project
costs in the amount authorized to be borrowed for
each such project shall be reduced by the amount
of any such premium so applied.

Article 26 is a hold. The
recommendation will be made on Town Meeting
floor.

Article 27, to vote to transfer the sum
of $65,000 from Certified Free Cash for the
purchase of a new telephone system --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 28, to vote to transfer the
amount of $300,000 from Certified Free Cash for
the construction of a new skateboard park.

FROM THE FLOOR: Hold.

THE MODERATOR: Is that a hold? Yeah.

Article 29, this is a hold. They’re
going to change some language in the
recommendation.

Article 30, vote to transfer the amount
of $50,000 from Certified Free Cash for the
maintenance of the Shining Sea Bikeway and other
Town bike/pedestrian accommodations.

Article 31, to appropriate a sum of
money to fund wastewater management studies.
The recommendation is indefinite postponement.

Article 32, if Town will vote to
appropriate a sum of money for paying unpaid
bills from a previous fiscal year for $10,125
from Certified Free Cash.

Article 33, to transfer $1,245,000
within the Fiscal 2017 budget as listed in the
recommendation.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 34, to vote to transfer the
amount of $212,000 from Certified Free Cash for
the purpose of funding line item 019415760 court
judgments.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 35 –

FROM THE FLOOR: Hold

THE MODERATOR: Hold.
Article 36, to appropriate the sum of $137,164 from the Community Preservation budgeted reserve to develop a conceptual plan for the Coonamessett Greenway Gateway Park.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 37, to vote to appropriate the sum of $19,550 from the Historic Preservation Reserve for the Woods Hole Public Library project to preserve the exterior cobblestone and granite stone work facade of the Woods Hole Public Library.

Article 38 –

FROM THE FLOOR: That’ll be a hold.

THE MODERATOR: Is a hold.

Article 39, to vote to appropriate the sum of $122,500 from the Historic Preservation Reserve for the West Falmouth Library Project to partially fund the exterior and interior restoration of the 1895 original West Falmouth Library building.

Article 40, to vote to appropriate the sum of $264,850 from the Historic Preservation Reserve to Friends of Nobska Light, Inc., to fund
the preservation of the lighthouse at Nobska Light Station.

Article 41, to vote to appropriate the sum of $6,730 from the Historic Preservation Reserve to Oak Grove Cemetery Association, Incorporated for the purpose of preservation of historic gravestones and monuments in Oak Grove Cemetery.

Article 42, to vote to appropriate the sum of $30,000 from the Historic Preservation Reserve to the Falmouth Historical Commission to conduct phase one of the town-wide inventory of historic resources.

Article 43, to vote to appropriate the sum of $35,000 from Community Housing Reserve to update the Falmouth Housing Production Plan.

Article 44, to vote to appropriate from Fiscal 2018 Community Preservation Fund estimated revenues the sum of $166,838 for the purpose of funding Community Preservation administrative expenses.

Article 45, to vote to transfer the amount of $367,043 from Fiscal 2018 Community Preservation estimated revenues to the Community
Housing Reserve.

Article 46, to vote to transfer the amount of $367,043 from Fiscal '18 Community Preservation estimated revenues to the Historic Preservation Reserve.

Article 47, to vote to transfer the amount of $300,000 from the Falmouth Affordable Housing Fund of which $150,000 will be for the Community Housing Reserve and $150,000 will be for the Community Preservation budgeted reserve for the purpose of community housing.

Article 48, for a budgeted reserve, the recommendation is indefinite postponement.

Article 49, to vote to appropriate or transfer the sum of $575,000 from the Undesignated Fund Balance to the Open Space Reserve to fund conservation and land acquisition debt service payment obligations beyond Fiscal 2020.

Okay, we’ll run through them one more time by number.

Article 1 is a hold. Article 2 is a hold.

Article 3. Article 4.
Article 5 is a hold.

Article 6.

Article 7 is a hold.

Article 8. Article 9. Article 10 –

FROM THE FLOOR: Hold.

THE MODERATOR: Article 10 is a hold.

Article 11. Article 12.

Article 13 is a hold. Article 14 is a

hold. Article 15 is a hold. Article 16 is a

hold. Article 17 is a hold. Article 18 is a

hold.


Article 22. Article 23.

FROM THE FLOOR: Hold.

THE MODERATOR: 23? 23 is a hold.

THE MODERATOR: Article 24. Article

25.

FROM THE FLOOR: Hold.

THE MODERATOR: 25 is a hold.

Article 26 is a hold. Article 27 is a hold.

Article 28 is a hold. Article 29 is a hold.

Article 30. Article 31. Article 32.

Article 33 is a hold. Article 34 is a

hold. Article 35 is a hold. Article 36 is a
Article 37.
Article 38 is a hold.
Article 39. Article 40. Article 41.
Article 42. Article 43. Article 44. Article 45. Article 46. Article 47. Article 48.
Article 49.
Madame Chairman for the main motion on the blanket.

MR. Noonan: [No mic: inaudible.]

THE MODERATOR: Oh, hold on, yeah.

MR. NOONAN: [No mic:] John Noonan, Precinct 7. Can you put a hold on 3, please?

THE MODERATOR: Article 3? Okay,
Article 3 is a hold.

Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move that all articles that have been passed and not held be and hereby are adopted as recommended as the official action of this meeting, and that the necessary monies for the same shall be raised and appropriated or as otherwise specified.

THE MODERATOR: Okay, you’ve all heard the main motion to approve the blanket. All
those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman for notification.

CHAIRMAN VOGEL: I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Okay, notice of reconsideration has been served.

Article 1, Madame Chairman.

CHAIRMAN VOGEL: I move Article 1 as recommended.

THE MODERATOR: Okay, Article 1 is to choose necessary Town officers; this is for the Finance Committee. We have a nomination of five individuals: three returning and three new members for the Finance Committee. For the class of 2017 for a five year term, Judith Magnani, Deborah Maguire, Peter Hargraves, Kathleen Barrio [sp?], and James Marnell [sp?].

Are there any further nominations for
Finance Committee?

Hearing none, the Chair would entertain a
motion to close nominations.

So moved. All those in favor, signify by
saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

At this time the Chair would entertain a
motion to accept the nominees. All those in
favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it and
the slate is accepted.

At this time, I’d like to thank our
current Selectman, former Finance Committee
member Megan English Braga for her term, and Mr.
Peter Giaccommozi for his term on our Finance
Committee. Thank you both for your time on the
Finance Committee. And welcome to our two new
members Kathleen Barrio and James Marnell.

And, just so you know, James is a member of the current Citizens Academy and he got interested and applied to be a member of the Finance Committee, and had a background that made him worthy of such an appointment on such a short time having just made it through our academy. So, welcome aboard to both of you.

[Applause.]

THE MODERATOR: Article 2.

Article 2, Madame Chairman.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 2 as recommended.

THE MODERATOR: As recommended. This is to hear committee reports. I have a number of individuals and Committees that are going to make reports. Remember, we’re limited to five minutes unless we vote to add some additional time to the reports.

We’re going to begin with a report from the Disability Commission. The Disability Commission is going to report on their work, but also give us a report on the Big Fix project coming up in Falmouth. And since they’re doing both, they’re asking for an additional three minutes. So
we’ll take that vote right at the beginning.

All those in favor of an additional
three minutes for the Big Fix presentation and
the Disability Committee update signify by saying
aye.

[Aye.]

THE MODERATOR:   All those opposed no.

[None opposed.]

THE MODERATOR:   The ayes have it by the
two-thirds and I recognize Ms. Kathleen Haynes,
Chair of the Falmouth Disabilities Commission.

MS. HAYNES:   Hi, as you can see, I’m
short.   And one of the things that we are doing
as a Commission is that we’re trying to raise
awareness about disabilities in Falmouth.   And
did you know that there are buildings in Falmouth
that I will never be able to go into?   There’s a
store that’s almost brand new that sells cupcakes
- which shall remain nameless - that I don’t
need; but I can’t go in and look.   Because it’s
inaccessible.   And it’s not their fault.   It’s
the fault that that building is too old to have
as grand - it’s grandfathered in.   It doesn’t fit
under the guidelines to become accessible.
[A Town Meeting member comes over to help with the microphone.]

FROM THE FLOOR: Got it?

MS. HAYNES: Yes.

FROM THE FLOOR: There you go.

MS. HAYNES: So, given that – no, my height has not risen.

Another thing I’d like to bring to you guys’ consideration is: your name signs. Do you know your signs are back too far and you can’t see them from down here? Push them forward so I know who I’m talking to – about. Okay.

So, anyhow, Falmouth is not accessible like everybody thinks. Because of some of the structure, some of the things that we can’t, just can’t change. And, as one person in town told me, you have to take it brick by brick. You can’t change everything. And I have to accept the fact I won’t get a cupcake. And I won’t go to the toy store because I can’t get in the door. But that’s the breaks.

But, Dunkin’ Donuts, that’s another story. There’s no reason why Dunkin’ Donuts is
inaccessible. That’s a chain. But I can’t go into any Dunkin’ Donuts in Falmouth alone. If somebody opens the doors for me, I can go in. But I can’t. And these are some of the things that the Commission on Disabilities is looking at.

We have worked with the DPW very closely this year. We had a sidewalk put in over at Walmart with curb cuts. The Town paid for it because the state wouldn’t because the curb cut that we asked for was in front of CVS, runs right to the road, but it’s on the curb. But yet you can see from one end of the road to the new intersection, but that was not allowed. So, Mr. Grady from the Highway Department got us a sidewalk, with curb cuts. See what happened? Town owned the sidewalk. There’s no more sidewalk. There’s curb cuts; no sidewalk.

These are things that we’re trying to make aware, and that’s what the Commission has been doing. We’ve rebuilt this year. We were almost non-existent last year. We rebuilt. We have new members. We are on a roll. We’re trying to get a survey done. It’s going to take
a lot of work. It’s going to take a lot of legal wrangling, you name it. Because it will involve HIPAA laws. But we want to know who’s disabled in Falmouth. How is rescue squads in a litigation circumstance know where there’s a
disabled person?

I was in a house alone the day after I had an operation. Not this one, another one last year. And the lights went out the next day. I’m alone in there. I have stitches. I’m a fall risk. My mother said call the police department; let them know where you are. They say, “What do we do? We can’t help you if you fall. There’s nothing we can do.”

Does anybody know where there’s disabled in Falmouth who need help? This is what sort of the survey is about: trying to get people to know the disabled, who they are, what their needs are, what the needs they have and what they’re looking for in life. It takes a lot of money. I’ll probably be coming before you to sees if I can get funds to have a consultant do a survey. That’s in the future, but that’s what the Commission is looking at.
The Commission is looking at innumeros possibilities for the disabled. We just donated a large amount of money to the Challenger Club. It handles every disability, every group. They run soccer programs, they run baseball programs. It’s incredible what some of these organizations are doing, but they also need funds. Which we have limited funds available, if you know of organizations that are looking to do things.

This year we have I think $1500 more that is until July 1st, or June 31st. Or is it the 30th? So, next year, if that $1500 doesn’t go, we have $2700 to work with next year. If you know of an organization that helps the disabled, not just one or two people but a large section of the disabled with accessibility issues.

There’s also a municipal disability grant. I didn’t bring all the information. I didn’t have time. But its statewide through the Mass. Office on Disabilities. Municipalities who wish to undergo projects that aid the disabled with accessibility and the like can apply for this up to $250,000. That’s something that DPW could look at for curb cuts. And, you
know, thanks to the DPW all over Falmouth you’re
going to be seeing curb cuts, sidewalk repairs.
We’ve worked with them on all these things and
this is what we’re about. And why I’m here is to
raise your – your level of knowledge on what is
out there for the disabled and what isn’t. And
the what isn’t is the really important part.

So, I have Ms. Reckford over here who’s
going to give a presentation on the Big Fix. And
how it ties into the Disability Commission is it
will help 15 people, about, in town on a Saturday
in September. And people who are disabled who
can’t afford a lot of fixtures in their house,
handrails, ramps, talk to Ms. Reckford, she can
help you.

[Applause.]

MS. RECKFORD: Thank you. Thank you,
Kathleen. Good evening, Mr. Moderator, Madame
Chairman, members of Town Meeting, I’m Laura
Reckford, Director of Community Relations at
Housing Assistance Corporation and a Falmouth
resident in Precinct 2. Some of you may know me
from my years sitting in the back of the room
taking notes and it’s great to see so many
familiar faces here tonight.
My presentation will be brief.
Slide one, please. Excellent.
Housing Assistance Corporation is bringing our Big Fix event to Falmouth on Saturday September 16th. The Big Fix is a one day community service event where we at HAC organize about 250 volunteers to make small home repairs and landscape improvements at the homes of income eligible senior citizens – that’s age 60 plus, believe it or not – veterans and disabled people. And the vision of this event is to enhance the comfort, safety and quality of life for our neighbors who may be unable to do these necessary repairs.

This is the eighth year of our Big Fix. We have done it in the Towns of Barnstable, Dennis, Yarmouth, Mashpee, Sandwich, Bourne and Brewster. Over those years we have helped 88 homeowners and engaged 1300 volunteers.

Outcomes. The outcomes are truly heartwarming. It is amazing how small gestures like cleaning up someone’s yard can make such a big difference in someone’s life.
We choose ten to fifteen recipients. We visit anyone who signs up and fills out an application and then we see whether their needs match the needs of the event. It is a four to five hour event so we are unable to do big things like repair an entire roof, but we are able to do smaller things like re-shingling, for example, building handicap ramps, fixing doors and steps, and of course yard work.

The HAC team. We have a HAC staff member as a team leader at each house who organizes the volunteers. The team leaders work with the team of volunteers, which can be individuals or groups. In the past we’ve had boy scout troops, Rotary clubs, a Coast Guard team, teams from banks, other companies, other philanthropically-minded companies. As I like to say, anyone who can use a rent - I’m sorry, anyone who can use a rake can help. But we particularly need skilled workers, like landscapers, contractors, plumbers, electricians.

Our sponsors are the wonderful Heros in Transition, the local nonprofit out of Mashpee, who have stepped up to help with the cost of
repair and cleanup of all the selected veterans’ homes. Another sponsor is everyone’s favorite, the 99 Restaurant, which supplies a free lunch for all the volunteers. We’re still looking for a sponsor to provide a light breakfast.

So, people or groups can sign up to volunteer on our website, HAConCapeCod.org. I also have recipient applications up at the front, at the entryway, if you want to sign up. There are also recipient applications at Town Hall, at the Senior Center, the Veterans Department and with the Disabilities Commission.

That’s it and thank you for listening.

[Applause.]

THE MODERATOR: Thank you.

At this time I recognize the Conservation Commission for a report. Ms. Gladfelter.

MS. GLADFELTER: Good evening. My name’s Betsy Gladfelter. I live in Precinct 6 and I’m representing the Falmouth Conservation Commission.

[Pause.]

MS. GLADFELTER: This doesn’t seem to
MS. GLADFELTER:  Are we all set?

Okay, can I start my time again?

THE MODERATOR:   Yeah, I’m going to re-

start your time, yeah.

MS. GLADFELTER:   Good evening again.

My name is still Betsy Gladfelter.   I still live

in Precinct 6.   And I’m still representing the

Falmouth Conservation Commission.

Tonight we want to explain to you some

of the responsibilities of Con Com and some of

our goals and activities to achieve them.

We all like our natural environments in
town because we enjoy the outdoors, and because

they’re vital to our Town’s economy.   As a

community, we’re also concerned with coastal

resiliency and recognize our first line of

defense in face of coastal hazards is a strong

network of healthy coastal and wetland

ecosystems.   The Conservation Commission has the

responsibility to manage Town conservation lands

and to regulate activities in its jurisdiction,

to conserve these resources for the public good.
Now, and in the future.

Con com has a busy regulatory schedule. There are on average forty meetings a year and commissioners visit a hundred field sites and issue about a hundred permits with standard and special conditions each year. As well as reviewing about 150 other projects of a lesser scope. Almost 99 percent of these 250 projects per year are approved because applicants have worked with Town Conservation staff to ensure compliance with regulations before they appear before the Commission.

There are also management activities, with a goal of conserving and restoring ecosystems. Restoring critical buffers to resources through mitigation planning. Maintaining field habitat in the Peterson Farm parcel. Creating new vernal pool habitat at the Brievogel parcel. Providing access to the shoreline at Shiverick’s Pond. Restoring riverine habitat in the Coonamessett River.

The Coonamessett River Restoration Project was supported through greater than $1.5 million in federal and state grants awarded to
the Town, plus in-kind services from a number of federal, state and local partners. The Town works closely with the Massachusetts Division of Ecological Restoration and Inter-Fluve, a river restoration firm. Both have partnered on dozens of wetland restorations and dam removals throughout the Cape and the state. The goals are a more resilient natural system that will increase wildlife, help absorb nitrogen and increase educational, recreational and research opportunities.

The natural ecosystem services of the river will be restored by re-establishing connectivity of the flood plain by barrier removal.

It is Concom’s goals to increase awareness of the importance of stewardship of its natural system through increasing public access and education for residents and visitors of all ages and all abilities. This includes grammar and high school programs with field trips and classroom activities, opportunities for the Boy Scouts to assist in trail creation and outreach events with neighborhood associations,
stakeholders such as realtor and adult education programs.

With a number of groups and individuals in town, we’re developing the Coonamessett Greenway Heritage Trail through three and a half miles of linked conservation lands owned by either the Town or The 300 Committee. For a series of interpretive signs and stops along the route, the natural history, as well as the changing land use history of the valley, including indigenous use of resources, a 200 year period as a mill stream, cranberry cultivation and finally restoration to a natural system will be explored.

A number of groups in town have been active in discussions in the development of these panels, which is in its early stages, and we welcome additional ideas. We have additional partners for other conservation restoration and public access efforts. With Mass. Audubon, the reintroduction of the spade foot toad. With The 300 Committee and Americorps, restoring kestrel and Wood Duck populations.

An Americorp volunteer is creating a
baseline for public access to the water, updating 
an effort that was last done in the 1990s. 
Americorp work days help in maintenance of open 
space parcels. An habitat for critical 
pollinator species is being created with the 
Friends of the Mashpee Wildlife Refuge. 

Finally, all of these efforts to 
maintain and improve the natural systems in town 
could not be done without the help of many people 
working for the Town, for supporting 
organizations and the many individuals in town 
who shoulder the responsibility for stewardship 
of all the natural beauty that exists in Falmouth 
by their daily actions. 

Thank you.

[Applause.]

THE MODERATOR: Okay, Conservation 
Commission.

Next we'll have a project update on the 
Lawrence School Window Project by Nick Lowell. 
If you guys want to queue up if there's 
anything for the CPC. I’m going to put them up 
next.

MR. LOWELL: Hi, my name’s Nick Lowell,
Precinct 5. I’m on the Lawrence School Building Committee.

I just wanted to briefly first point out that I hope all of you admired the windows on your way in. If you didn’t, admire them on your way in tomorrow or take a look at ‘em at the break from the interior, because the project has come out really well. Last November, I told you the project was substantially complete, which was 99 percent. At this point it’s very, very, very substantially complete. There’s one item left on the punch list, which is some minor window glazing on the octagonal windows.

Otherwise, the project remains under budget. We’ve received over a million dollars from the Mass. School Building Authority reimbursement and the expectation is this will be completely wrapped up by next November. At that time I’ll give you a full accounting on the budget. That’s it.

Thank you.

[Applause.]

THE MODERATOR: Thank you.

Community Preservation Committee. Ms.
MS. CARMICHAEL: This is Virginia Carmichael. I can do it myself? Virginia Carmichael from the Community Preservation Committee.

This gives you an idea of the distribution of the Community Preservation Fund projects around Falmouth. It’s amazing that, without planning it, the distribution has fallen pretty much in the same density around the town and in the four funding categories. You’ve seen this before but I just wanted to remind you that the line – the line circle that makes up half of it, of the pie chart, is what we have been using to pay down Land Bank debt.

The Community Preservation Fund when it was formed in 2005 took over $30 million worth of Land Bank debt, which is structured to go through 2035. On the right hand side of the pie chart you can see a pretty even distribution among the four funding areas of Community Housing, Historic Preservation, Open Space -- we continue to fund open space projects in addition to the Land Bank
I’ll show you now a photograph of each of the projects for which we are recommending funding tonight. Nobska Lighthouse Tower Restoration.

West Falmouth Library Historic Restoration. And this is the beautiful reading and music room, an historic room in the library.

Habitat for Humanity. I have someone here tonight who can answer questions, since you put a hold on that, who is the director of acquisitions and permitting for Habitat on Cape Cod.

This is a 12 home development, affordable homes, ownership homes, on Barrows Road.

Wood Hole Public Library stone pointing, repair and pointing.

A housing production plan. Many of you probably realize that if we have a housing production plan and are meeting our yearly goals, we have much stronger negotiating position in regard to 40Bs and especially hostile 40Bs. And we let our housing reduction plan lapse in 2014.
You’re supposed to keep it going and have it certified by the Department of Housing and Community Development.

Oak Grove Cemetery restoration. This is the third or fourth small project to help the association restore deteriorating gravestones. For example, Mary Weston aged one year, nine months and 19 days.

The inventory of historical resources is something the Falmouth Historical Commission needs to update, and this is just an example of how Community Preservation funds have been used to restore and preserve Falmouth Historical resources.

The Community Preservation Fund money was used at the old dock to repair and reposition the pink granite footing, historic pink granite footing for the dock.

This is community housing that was also adaptive reuse of Odd Fellows Hall for contemporary apartments.

Another example of historic resources for which Community Preservation Fund was used: the village fence restoration.
And this is what Betsy just spoke to you about: The Heritage Trail. And the Community Preservation Committee is recommending funding for phase one of the construction of that trail and the park and the entrance to the park.

Thank you.

[Applause.]

THE MODERATOR: Thank you.

Next I have the Planning Board. Ms. Kerfoot.

MS. KERFOOT: I’ve been here before many times speaking about the Local Comprehensive Plan as you have voted each of the elements, the goal and the policies. Well, tonight I’m here to say: it’s finished.

[Applause and cheers.]

MS. KERFOOT: It’s been a long and thoughtful process. My notes go back to 2009. It was not just the Local Comprehensive Plan Subcommittee creating the long range plan, but also all of you, your comments, and the many, many interested residents who gave voice to their visions for the next 50 to 100 years of Falmouth’s future.
Town Meeting’s responsibility was to comment and vote on the goals and policies that will guide governmental decision for each of the plans eight elements. This is a considerably smaller amount of elements than the plans that have preceded it; much easier to use, we believe. And only has in it that which government can do.

Your votes were completed at November’s Town Meeting and now here we are, at Spring 2017 with the completed documents. Yet it is never intended to end, but to be a living document. The narratives can change as the times and vision change. The action items will change as they are completed and as new action items are determined to be necessary or desirable.

Town Meeting’s role is by no means complete since many of the action items will require funding and zoning changes.

At this point, I want to briefly go through the eight elements, when they were voted by you, and the overarching goals set forth in each one. These are in the order in which they appear in the Comprehensive Plan.

The Land Use element is the first. We
thought it deserved that eminent place because so much depends upon how we use our land. You voted it at the November, 2014 Town Meeting. The goal is: Falmouth shall use land appropriately to create places to live, work and play by encouraging sustainable and balanced growth. There are policies that follow this. And these are the guidelines that we hope that the Town will use.

The second is the Transportation element. We move all over that networks us together. You voted it at November 2016 Town Meeting. It was one of the last two that you voted. Falmouth will increase the local and regional transportation system’s efficiency, flexibility and resilience. Not only do we move within the town, but we move over the bridges, we move throughout the Cape.

Coastal Resiliency element. This one was a brand new one. We had to create it out of whole cloth. We voted it at November 2014 Town Meeting. Falmouth shall retain it’s cultural identity by balancing use, access and enjoyment of coastal resources in response to weather.
related impacts and sea level rise. I don’t even want to argue what’s causing it. The sea level is rising. Our storms are becoming stronger, more dire in consequence, and we have to make our decisions based upon that knowledge.

Water and Wastewater element. Voted at the April, 2013 Town Meeting. Falmouth shall provide its residents with a high quality water supply and shall protect the health of its citizens and water bodies from the harmful effects of wastewater. You know we’re moving ahead with that, with a filtration plant. Very necessary to the health of our community.

The Housing element. Voted at the April, 2015 Town Meeting. Falmouth will meet the housing needs of the entire community and will allow for greater in-fill residential density and encourage the market to create multiple housing opportunities. We need housing for the young, we need housing for the elderly, we need housing for the poor. We need housing for the rich, we need housing for the middle class. That’s what this element is about.

Economic Sustainability element.
Voted at April, 2013 Town Meeting. Falmouth shall encourage emerging sectors in order to increase the economic opportunities available to residents to ensure that the local economy is sustainable, resilient, adaptable and innovative.

The Energy element. Voted at April 2013 Town Meeting. Falmouth’s Town government and residents will use the best available cost effective technologies to minimize dependence on carbon-based fuels. And we’ve got a nice photovoltaic field now.

Historic character element. Voted at November 2016 Town Meeting. This is the second last one that you voted in. Falmouth will respect its rich historic culture while building its future. We can’t do without all these underpinnings that got us to where we are now. And it’s part of why people come to visit Falmouth, too. It’s very important to our economy and our culture here.

THE MODERATOR: Okay, Ms. Kerfoot, we’ve hit the five. Do you –

MS. KERFOOT: That’s – I’m on the last slide. I’m saying if you can write fast enough,
you can get the link down. If you can’t, you go
to the Planning Board’s site.

THE MODERATOR: Thank you.

[Applause.]

THE MODERATOR: Okay, any further
committee reports? Hearing none, the question
comes on the - oop, yeah. Bikeways.

Yeah. I knew there was another email I
didn’t add to this list. Falmouth Bikeways
Committee.

MR. LINDELL: I don’t have any slides,
this time. Scott Lindell. I represent the
Bikeways Committee here in town. But I do have a
show and tell, which is even more exciting.

Falmouth has earned the certification as
a Bicycle Friendly Community.

[Applause.]

MR. LINDELL: And a lot of citizens
here deserve credit. A lot of citizens put
great time and effort --

FROM THE FLOOR: Microphone.

MR. LINDELL: Sorry. A lot of
citizens here put time and effort into building a
bike plan that the Board of Selectmen approved
last year, or earlier this – yeah, last year.
And now we are one – this is real bragging
rights, because we are only one of ten
municipalities state-wide that have this, have
earned this: Cambridge, Nantucket being some
others. And we’re the only one on Cape Cod of
the 15 towns. So, that’s a really great feather
in our cap.

I just want to make – I know people can
only remember three things at once, so I’m going
to just tell you three things, three challenges
that we have, besides the many good things that
we have happening around town.

Active town transportation, like biking
and walking are really happening because DPW is
actively engaged in making bicycle transportation
improvements in town. We’ll see some new bike
parking around town, the lit crosswalk across
Locust Street on our bike path has really
improved the safety there. And the Bikeways
Committee is really productively engaged with the
Police Department, our Mass. Department of
Transportation coordinators and the Falmouth Bike
Club to educate motorists and cyclists about how
to share the road together.

And, if any of you have better ideas
that you are not seeing put into action, please
come to our meetings or contact us through the
website.

I want to take two more minutes to make
three important points about challenges and
opportunities that lie ahead. First, the Town
will soon conclude and engineering study for
design and repair of our current old section of
the Bike Path for three and a half miles from
downtown to Woods Hole. And the Town has been
waiting very patiently in line for funds from the
Environmental Bond Bill to make those repairs.
And hopefully we’re now that much closer to
having a real shovel-ready project, and if
anybody here in this room has some influence in
Boston to bring those Environmental Bond Bill
funds to Town – Dylan and David -- please, we’re
ready to help.

THE MODERATOR: We’ve gotten the bill,
now we gotta bring home the dough.

MR. LINDELL: We’re ready to help.

I also want to point out that the newer
seven mile path extension of the Bike Path from downtown to the north has really suffered some serious deterioration in the pavement in just the five years it’s been around. And it’s in serious need of repair. And this is a case where a stitch in time saves nine and it may spare some possible injuries, too.

However, there isn’t a dedicated budget in our Town Budget for the Shining Sea Bikeway repairs, and we’re going to be working with the DPW and the Finance Committee to correct that omission in the year after next Operating Budget. In the meantime, I want to recognize the Town for its wisdom in approving Article 30, as I understand we have already now, which provides a stop-gap measure to take care of many of those repairs.

And the next point I want to make is that, besides bicyclists and pedestrians who really enjoy the bike path, some of the greatest beneficiaries of the Shining Sea Bikeway are the Town’s businesses and institutions who can attract customers and employees and tourists to this town by the virtue of the great public
bicycling opportunities we have.

So the Bikeways Committee is actively trying to seek partnerships with businesses to make bicycling in town even better by encouraging businesses to apply for their own certification as bicycle friendly businesses. There’s a simple process that the League of American Cyclists will help you do for that. And that improves the rating that we get as a bicycle friendly community. The businesses can help us provide better right way finding signage in town, bicycle parking for their customers and for their employees, and hopefully help us leverage ways to find more funding for on-road paths and connectors between different parts of town and the Shining Sea Bikeway.

And finally, my last point, I want to urge the Town and its leaders to join with other regional interests to find the political will to connect the Shining Sea Bikeway all the way to the canal. I mean, if we had this 25 mile unbroken shared use pathway, that would be just terrific. And I think it would really - it would really put the old railway right of way to
the best and highest use for the greatest public
good.

So that would conclude and thank you for
your time.

[Applause.]

THE MODERATOR: Thanks, Scott.

Any further committee reports?

MR. FINNERAN: Solid Waste.

THE MODERATOR: Solid Waste Advisory Committee.

MR. FINNERAN: Mark Finneran, from Solid Waste. I actually don’t know what’s up there. Linda just called me. She’s home with a fever. She said that you had a slide, some slides?

FROM THE FLOOR: The clicker, right in front of you.

MR. FINNERAN: Oh, all right. We got new hours at the dump. Because the guys used to go to the bank on their own time. So they’re closing it at 3:00, now. So everybody keep that in mind because if you show up at five past, they’re not going to let you in.
And that same applies to the compost site.

What’s this? Oh, yeah, and we convinced the Selectmen to give us a – or allow a one time pass for $10, hopefully to kind of eliminate some of the dumping that’s been going on all over town. Please, take advantage of this and don’t dump everywhere, like in our bogs.

And also, I just want to remind you that you can bring motor oil, antifreeze, batteries, mercury items and anything anytime without a sticker. It all goes in before the gate. Just keep it out of our one aquifer that we all share.

And I think there’s – yeah. There’s a hazardous waste pickup where you can bring any of your paint, solvents, almost anything. There’s one – and any town can bring it. So you can go to Sandwich on April 22nd. The one in Falmouth is June 17th. There’s one at Mashpee you can utilize and then, at the end of the fall, in October, there’s going to be one at the Bourne landfill.

And again, please don’t dump all over our town. Thank you.

[Applause.]
THE MODERATOR: Thank you.

Any further committee reports?

Hearing none, the question will come on

the main motion to accept the reports that you

already heard. All in favor, say aye.

[Aye.]

THE MODERATOR: All opposed no.

[None opposed.]

THE MODERATOR: The ayes have it

unanimous.

Article 3, to authorize the Selectmen
to settle claims and suits. Madame Chairman for
the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move

Article 3 as recommended.

THE MODERATOR: As recommended.

Who wanted to speak on this one? Yes,

Mr. Noonan.

MR. NOONAN: Mr. Moderator, John

Noonan, precinct 6. My question is is there any

money attached to this article?

THE MODERATOR: This particular

article, no. This is an authorization for them
to settle claims and suits.
MR. NOONAN: Just to clarify. So, if this article passes, there’s no money attached to it ever?

THE MODERATOR: Not to this article, itself. There are other areas in the budget that might fund claims or suits that have arisen and been settled. But this is an annual authorization that the Town Meeting votes to the Selectmen.

MR. NOONAN: Thank you.

THE MODERATOR: Okay.

Any further discussion on Article 3? Hearing none, the question will come on the main motion as recommended.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 5, Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move
Article 5 as recommended.

THE MODERATOR: As recommended. This is to fix the salaries of elected officials.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.

Mr. Moderator, I would like to table this article until after Article 16, where we are hiring a person that’s going to take a lot of the responsibility away from our Selectmen and administrative officers, and I think we should look at that first before we decide any salaries for the gentlemen.

Thank you very much.

THE MODERATOR: Okay, so we have a motion to table the main motion on Article 5. This requires a two-thirds vote. Any discussion on tabling?

All those in favor of tabling Article 5, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It the opinion of the Chair that the nos have it, there is not a two-
thirds majority.

Is there any further discussion on Article 5? Mr. Shearer.

MR. SHEARER: Then, at this point, I would like to change some of our figures, here. I would like the Selectmen’s salary to go down to what it was before: $3,000, and the Chairman’s salary to go down to $3,500.

Why I’m doing this is that they are taking a very important part, in Article 16 away and giving it to somebody else to take care of. This is sort of being snuck through. Because I don’t know if anybody read this. There’s no description of it in this book. There is no notification of it, just Article 16 has a big salary and our budget has a big salary. And I think that this is something that I feel very strongly about that is being underhanded to all of us in this room. I don’t think this should be happening in our town, and I feel very badly about it. And it’s up to you to decide what you want to do.

Thank you very much.

THE MODERATOR: Okay, further
discussion – this is – yes, the amendment is to
change the Selectmen 4 line item to $3,000 and
the chairman of the Selectmen line item to
$3,500.

Mr. Jones.

CHAIRMAN JONES: I won’t speak on the
reduction of salary, you can do what you want. I
will have to respond to any attempt on the Board
of Selectmen to be underhanded in moving forward
on Article 16. We brought this up in the Fall
Town Meeting; we had a significant presentation
on Article 16, talking about the position. We’ve
been very clear at every Precinct meeting where
we pointed out that it is in – amend the
Classification Plan. But we were very up-front
about it. We want it discussed. We are not
trying to sneak anything by you. We believe it
is a good project to put this plan forward.

If we have your support, we’ll be
thrilled. If we don’t have your support on that
plan, we’ll come back with try to move forward
with it.

THE MODERATOR: Okay, Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne,
Precinct 2.

I’ve been coming to these meetings for a lot of years. The people up here on the stage earn what little money we pay them. The aggravation that goes along. I’ve had several jobs in the Town of Falmouth, and the aggravation that goes along with being a Selectman. When I stood up and seconded the motion to increase their salary from $3,000 to $5,000 – unfortunately I wanted them to go back to every week. They didn’t do that, but right now we should not be discussing Article 5, with the aggravation that’s going to come along when we start discussing our Article 16. And I would ask that this body vote this article as printed. Leave the salaries the way they are.

THE MODERATOR: Okay, further discussion on the amendment.

Hearing none, the question will come on the amendment. This is to reduce the Selectmen’s salary to $3,000 and the Chairman of the Selectmen to $3,500.

All those in favor of the amendment, signify by saying Aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the no’s have it and we’re back on the main motion.

Any further discussion on Article 5?

Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3. I would like to amend line 2, Town Clerk. From $88,991, I would like to add $11,009.00 to that. The reason I’m asking for this – and I’ve asked for this for this position before, and thank God you guys went along with me – is because we are possibly going to authorize a position that starts off at $80,000 and goes up to $100,000. I think a man who’s been here over 15 years, who is a department head of a very, very important department, not a trivial department, a very important department, should be paid, recognized through a salary, at least equal with other department heads or chiefs, or what other title you want to give the person who’s in charge of that area.
Thank you, Mr. Chairman.

THE MODERATOR: Okay, this is the Town Clerk’s line item to bring it to $100,000. Any discussion on the amendment?

Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Moderator. Cheryl Williams, Precinct 3.

You know, this is the second time that Mr. Donahue has made an amendment on the floor to raise an employee’s salary. This is not the proper procedure for the Town to move forward with and I would hope that everyone would vote this down.

THE MODERATOR: Mr. Palmer.

CLERK PALMER: Though I appreciate Mr. Donahue’s effort, here, I have to say that the salary that I am presently at is in line with other department heads and at what other Town Clerks are making within the area, and the 88,000 is an appropriate salary at this time. I think to go to 100,000 would bring me way above the average salaries of other department heads and other Town Clerks in the area.

I do appreciate your consideration, Mr.
Donahue, but –

[Laughter.]

CLERK PALMER: — in all honesty, I couldn’t — I could not do that.

[Applause and cheers.]

THE MODERATOR: Well, we’ve already had two amendments so I can’t get a raise.

[Laughter.]

THE MODERATOR: Mr. Dufresne. [Laughs.]

Mr. Dufresne, yeah.

Okay, any further discussion on the amendment? Hearing none, the question will come on the amendment to the Town Clerk’s line item.

All those in favor of the amendment, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair is that the no’s have it and we’re back on the main motion as recommended.

Any further discussion on the main motion as recommended?

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 7. This is the accessory bylaw.

MR. NOONAN: Mr. Moderator.

THE MODERATOR: Yes. Mr. Noonan.

MR. NOONAN: I would just like to say that I am impressed that we have a Town Clerk that says that he’s in line with everyone else and refuses a raise and I just appreciate that and I thought I should recognize it.

THE MODERATOR: Thank you.

[Applause.]

THE MODERATOR: Okay, the Planning Board for the main motion on Article 7.

CHAIRMAN FOX: Mr. Moderator, I’d like to move the motion as recommended.

THE MODERATOR: As recommended. So this is what is printed in your article and then there’s one change there which deletes, “or
Okay, Mr. Fox.

CHAIRMAN FOX: Okay?

THE MODERATOR: Yes.

CHAIRMAN FOX: Good evening, my name is Jim Fox. I’m the Chairman of the Planning Board. And tonight we’re presenting Article 7, the accessory apartment bylaw. This is something that we’ve been working on for three or four years.

The background on it is about in 2014, many of us on many, many committees, spent days and weeks going through the Falmouth Housing Demands Study and looking at all the different housing that we need here in Falmouth. And everyone had a chance to comment on it.

The most important things to take back from that study, as really shocked me, is we actually shrunk as a town. I always thought Falmouth would continue to grow, but we lost 3.5 percent of the numbers in our town over a ten year period. There’s a lot of reasons for it.

The other number that was really pretty
shocking is that we aged quiet a bit. Our average age went from in the 40's to the late 50's. So we’ve had some pretty substantial demographic changes to our town. And it’s time to start thinking about how we can do things about it. And that’s what got us goign on making some of the recommendations here.

And this report, it was real specific that we needed to make some of the changes to current zoning that added small residential units needed to attract younger workers. Because that’s what you don’t have: there are no real apartmentns in our town. You ahve to have a single family home and the young person doesn’t have the money to buy it, put it down, and that’s what we’re – we’re trying to solve.

The recommendation was small, incremental-scale strategies. But not big steps to change the whole town, but small steps. And the accessory apartmentn bylaw was the – they called it the low hanging fruit, but I can tell you: we’ve been working a long time to get this piece of fruit; it’s been pretty hard.

For other things in the pipeline that
this report recommended was multi-family conversions and then multi-family housing districts, also. Which we don’t have. We do not have an area in town where you could build multi-family. It does not exist. That’s not part of this bylaw, but that was just one of the recommended things that the Planning Board’s been working on for a couple years.

And then, the other important thing is mixed use. We have a new area in town, Business Redevelopment; it does have a mixed use, where we could have both residential uses and businesses uses, and this report recommended we should have more of it.

So we incorporated all these things in the Local Comprehensive Plan. We had specific goals on housing. And the goal was that Falmouth will meet the housing needs of the entire community. We set up the two policies – we set more than two, but two in particular -- to allow the market to create multiple housing opportunities and multiple choices for our residents, not just the single family home.

And policy three, that we will provide –
- that Falmouth will accept the responsibility for providing houses for everyone in our town at all stages of their life. And part of this bylaw was - that we put forward -- will allow people to stay in their homes. And for a considerable amount of time. And we figured that that’s really important. So the same accessory unit that will may have, you know, young people living in it the first ten years, the homeowner will be living in it in the last ten years of his life. So it’s dual purpose. And these goals were approved in the April Town Meeting of 2015.

The Local Comprehensive Plan set out action items to be referred. And what an action item is, it basically turns into a warrant article. So the accessory apartment bylaw is an action item coming forward from our Local Comprehensive Plan where we’re going to explore innovative zoning tools that will increase housing choices, including a by right accessory apartment. There have to be new districts to allow for multifamily housing and cottage courts and other types of housing, and the revision of the conversion bylaw.
We have a bylaw in town that you can convert a large structure, and up to four units. It’s been on the books for a long time. That has a date of 1984 or something on it, and it really hasn’t been used very often.

So those things are things that are coming in the future. All these goals were supposed to be taken in the next – in the short term, in six months, and the responsible parties on it were the Planning Board, the Planning Department and us, you folks, here. The Town Meeting. So that we all got together and voted to approve these in 2015.

So, coming forward, here it is, Article 7. It’s something that we’ve been working on for a long time. It has some restrictions on it. The accessory apartment will have no more than two bedrooms. It’s going to be small in nature. Only 800 square feet, or 40 percent of the structure that it’s going into. So, by definition – I know we’ve read a lot of articles with people saying we’re putting duplexes in 19,000 homes around town. These have to be accessory; they’ll be 40 percent of structure.
And we have design standards that were put through that it has to have an architectural effect that it looks like a single family residence and it has to be compatible with the neighborhood. So, a little addition on the back of the house will not turn it into a duplex.

We also put together that there’ll be a site plan review, that when these plans come forward, that they’ll have to come up with a design review, as well. They have to come up with a sketch of the building. They have to show us what it looks like. They have to show us where the parking is going, and how it fits in the neighborhood.

And then, we also have pretty extensive enforcement and monitoring. These have to be owner occupied. Okay, either – one of the units, either the smaller one or the larger one, has to be owner occupied. So that we’re not – people aren’t going to be building apartments for rental units except it’s in their own home. And the enforcement’s going to stay in place. It’s going to be by the building commissioner.

We have a clause in here that every
owner of the place has to submit an affidavit
every year proving that they live in the house.
And that has to be filed with the Town with the
Building Commissioner and it’ll be on file for
every one of these approved apartments.

This is what we have in the town right
now, we’ve already approved. This is an
accessory apartment that’s been approved under
the existing bylaw. That’s what the house looks
like; it looks like a single family home. It
doesn’t look like a duplex. We have these
throughout town.

And this is an example of where we could
put them. Some of the people here will tell you
tonight they want to put a cap on this at 10,000
feet, 10,00 square foot per lot, per lot. This
is a 9,600 square foot lot that’s a house in
Maravista. It is now on the sewer so it is well
protected as far as the embayments and nitrogen.
And we have lots of these that are being built in
town, and if we were to cap it at 10,000, it
would prohibit something like this. And this, as
you can see, you could very easily have an
apartment, if you wanted to, above that garage.
And it fits really nicely on a 9,000 square foot lot.

This is another 9,300 square foot lot also in the Little Pond Sewer Service area. And as you can see it’s a Cape house with an attached garage, and under our bylaw they could apply to put an apartment above that garage and it would be by right. Because it’s not detached from the structure; it looks like a single family home. That’s one of the important components we had.

And that’s it. I’ll be glad to answer any questions that anyone has on it.

THE MODERATOR: Okay, Mr. Fox, we actually have an organized presentation on the other side. Do you want to do the other presentation and then open it up, or do you want to just do questions?

CHAIRMAN FOX: Well, why don’t we let them go and then we can answer questions. Do you want them to present first, is what you’re saying?

THE MODERATOR: I think so, because what’s going to happen --

CHAIRMAN FOX: I’m all set.
THE MODERATOR: – is when I tell people to just ask questions, they’re going to go on and on; not just ask questions.

CHAIRMAN FOX: All right, fine.

THE MODERATOR: So.

[Laughter.]

THE MODERATOR: So let’s have the other presentation so we get our two presentations done, and then we’ll come back and be able to direct questions.

Do we have folks from the Zoning Board?

CHAIRMAN BIELAN: Thank you and good evening, I’m Kimberley Bielan. I’m the Chairman of the Falmouth Zoning Board. Luckily I have tonight off from Town Meeting, so I’m going to introduce T. J. Hurrie, the Clerk of the Board, will be speaking, and Paul Murphy as a regular voting member of the Board and he’ll also be speaking. Thank you.

MR. HURRIE: Good evening and thank you for the opportunity to speak tonight.

The Zoning Board of Appeals appreciates the Planning Board’s efforts regarding affordable housing in Falmouth. And the Zoning Board is
also cognizant of the needs of housing in the
town. However, the Board of Appeals recommends
that Town Meeting not approve this article.

The Board is opposed to the proposed
accessory apartment bylaw. As proposed, the
applicants would be permitted as of right to
allow accessory apartments with minimal oversight
from the town. Areas such as Woods Hole,
Falmouth Heights and Maravista would be greatly
affected by this.

The proposed bylaw would allow accessory
apartments on approximately 19,000 parcels in
residential and agriculturally zoned districts,
and effectively eliminating single family
districts in the town.

Accessory apartments will be allowed by
right through site plan review, with little
opportunity for abutters to comment or even
object.

Site plan review does not allow for an
application, either. The proposed bylaw has no
requirements to insure affordability, and will
not add any units onto the subsidized housing
inventory.
Here we have a GIS photo of Maravista and the Heights, and a few pictures — that’s Montauk on the left. And, as proposed, there’s no minimum lot size requirements. And we’re all familiar with the density in the Maravista Heights and the Woods Hole areas. Maravista alone, Chestnut Street has an average of 7,923 square feet for lots. On nearby Montauk, it’s 5,599. And on Maple, the average is 4,799 square feet.

On Hawthorne in the Heights, the average is 6,250. On Pennsylvania Court, the average is 7,599. And on Massachusetts Ave., the average is 3,820.

And I apologize for Precinct one, Woods Hole, we didn’t add any pictures, but on Gardiner’s Road, 6087 square feet is the average. On Mill Field Street, 5614, and on Park Drive the average is 4,000 square feet for the lot.

This proposed bylaw I feel and the board feels is against the purpose of the Falmouth bylaws which is located in Section 204-1. And the purpose of the bylaws is to lessen congestion, conserve health, secure safety,
prevent overloading of the land, avoid undue concentration of the population, prevention of blight, and to encourage most appropriate use of land, including consideration of the Master Plan and the Town’s Comprehensive Plan.

The proposed bylaw will not grandfather in any existing illegal apartments in town. These illegal apartments will be unable to satisfy the requirements of the proposed bylaw simply Because they are too large.

And the Planning Board has stated that the proposed bylaw takes advantage of the sewered areas in town. In the Maravista area, there’s no sewering of sites north of Nickerson Street and east of Maravista Ave. And in the Heights there’s no sewering west of Worcester Court and north of Grand Ave., until you get to the condos up by McDougall’s. And in Woods Hole, only a small area of the properties around MBL and Water Streets are sewer.

Since 1989, 824 units of affordable housing have been built, which represent almost 3.9 percent of the housing stock in the town. In 2016 alone, 154 rental units have been proposed,
and all of those units count toward the affordable housing inventory. Under the existing bylaws, 189 accessory apartments have been proposed.

For the existing bylaw, the current special permit process regarding accessory apartments has been described by the opponents as onerous. Since its inception, the Zoning Board of Appeals has accessory apartment application by a special permit. A principal or accessory unit is owner occupied for seven months out of the year or run by a non-profit providing affordable housing. And the accessory unit occupies no more than 30 percent of the floor area of the principal structure and is in between 450 and 750 square feet. They must be located on a lot equal or greater than 15,000 square feet.

Parking and additional entrances must be screened or placed appropriately to ensure compatibility with the surrounding neighborhood and to reduce visual impact.

There’s also no commercial accommodations and the unit is monitored to ensure affordability or rented to a family.
The Zoning Board of Appeals respectfully suggests coming back to Town Meeting to either delete or modify the existing bylaws. The existing bylaws requires and accessory apartment to be monitored in order to ensure affordability. And in doing so, this would return control of the accessory apartment to the owner of the residence itself.

We also suggest a reduction, but not to abolish the minimum lot size requirements.

On behalf of the Board of Appeals, thank you for the opportunity to comment on the proposed bylaw this evening. As previously stated, the Board of Appeals recognizes the work of the Planning Board regarding affordable housing, however the Board of Appeals believes the proposed bylaw is not in the best interest of the Town.

I believe Paul Murphy also has a few words to say. Thank you.

[Applause.]

THE MODERATOR: Okay, now we’re going to open it up. Mr. Latimer.
I’m sorry. Oh, oh, you’re still presenting? Okay.

Hold up, Mr. Latimer, I’m sorry, there’s a second presenter on behalf of the Board.

Go ahead.

MR. MURPHY: Good evening, my name is Paul Murphy, and I’m a regular voting member of the Board of Appeals. Thank you for giving me the opportunity to speak tonight.

I’m actually the Building Commissioner for the Town of Dartmouth and so I deal with zoning enforcement every day, and I deal with how to resolve those issues. And this bylaw as written is impossible to enforce because it requires an affidavit from a property owner, which is nothing more than good will. And this bylaw will be abused because of where we – you know, because of where we live and the strong demand for short term rentals. And when a complaint comes in, there are no tools in the toolbox for the Building Inspector, the Building Commissioner or the Zoning Enforcement Officer to get to the bottom of what’s taking place. You make a phone call, people don’t call you back.
You make a site visit, no one answers the door.

You know, it can turn into an uncontrollable situation and it’s – it’s a bad bylaw and I would urge the Town Meeting members to vote against it. And that’s all I’ve got to say tonight.

Thank you.

THE MODERATOR: Okay, Mr. Latimer.

CHAIRMAN FOX: [No mic:] I’d like to comment.

THE MODERATOR: Okay. Go ahead, Mr. Fox.

CHAIRMAN FOX: Well, first of all, they say that, you know, they showed you 3,000 square foot lots. We already have a bylaw: the Board of Health requires septic systems in your yard if you don’t – if you’re not on the sewer. And we have caps on lot coverage ratios. You can’t fit a four bedroom house on a 3,000 square foot lot. For them to bring that up just is clearly showing they’re throwing everything they can to stop this.

We have had the bylaw in place, set up this way, for years. I think we’ve had 16 of them maybe come up in the last five or six years.
The current bylaw requires to have someone to monitor who you rent your place to. You cannot rent it to just anybody. It’s got to be – they’ve got to be income qualified, and you have to go through a third party agency. And they tell you who you can rent from. This bylaw’s been in place for years and it’s not working.

Other towns are doing this. The Town of Lexington has done it. They didn’t have an onslaught of 19,000. They’ve had 20 of them come in in just a couple years. It’s really not – it’s position like it’s going to – People are saying they’re going to turn every house into a duplex. That’s one of the comments that they’ve talked about. By it’s nature, it has to be accessory; that it can only be 40 percent of the structure. It has to look like a single family home. It has to – they have to submit architectural plans.

The lot coverage ratio already on small lots requires setbacks. This bylaw does not change any setbacks. It does not change any Board of Health requirements. All those protections we have in our zoning and the Board
of Health are still in place and we’re not
touching it.

Basically you can add onto your house
right now in the new sewer system and you can
make it a four bedroom, which -- because that’s --
we’ve given that. All this bylaw does is they
allow you to put an extra stove in. But it also
requires that the Building Commissioner comes in;
that you’ve got a building permit; that
everything you do will be done to the current
codes and made safe. Right now people are
building these things all over town and they
don’t even bother getting a permit because they
don’t want to deal with it.

I think to fit these on a small lot, by
the nature of their size, that they’re only up to
800 square feet, that they will be affordable
within reason, but not restricted.

The whole other process about this is to
be able to age in place right now. So I have a
lot of people right now that have a four bed -- a
great big four bedroom home. This bylaw would
enable if you’re on -- even if you were on a small
lot, would enable without making any changes to
the outside, divide your house up and make two of
the rooms: one a kitchen, one a bedroom, and you
could live there - you could rent that out for
the next five years and then, when you get older,
you could actually move into it and rent out the
main house.

This is a way for people to have housing
for people that live here in Falmouth in our own
homes and we can grow in our neighborhoods. We
have all kinds of restrictions in place to
protect this. We do not address any building
code issues, set back issues or any Board of
Health issues. All those issues are still in
place and we’re not touching them. We’re simply
allowing to change the use of the structure and
by having an apartment inside the structure of
the house, but it still has to meet with all the
building codes that are already in place. So the
only real difference is you can have an extra
stove in the unit.

On all those small units right now the
bylaw says if you can meet the setbacks, you can
put four bedrooms in anyone of those little
houses. But you can’t. Because there’s a 25
foot setback in the front, and ten foot setbacks
on the side. They just don’t fit. We don’t need
lots of restrictions; we need some more housing.

[Applause.]

THE MODERATOR: Okay, folks.

The person in the aisle’s on my list, if
you’d like to take a seat.

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

I’m Richard Latimer, from Precinct 1. I was a
long-time member of the Falmouth Planning Board,
but I don’t really have any axe to grind here
from that perspective.

I did want to make a comment, though.

On how great this is. This is how our system
works, now. And it’s good, because we have one
board who is answerable only to the people, and
they’re coming up with a plan. We have another
board that is answerable also only to the people.
There’s nobody supervising them or regulating
them. And they have a difference of opinion and
they’re bringing that to us. So that we get to
decide what that difference of opinion is.

I’m not going to tell you how to vote on
this. I’m not going to suggest that one side is better than the other. But I hope everybody here appreciates that how this system is working and how we do not need to have some kind of Super Director of Development who is going to regulate I-regulate and supervise these other boards. I think we need these independent boards.

Thank you.

[Applause.]

THE MODERATOR: Okay, Ms. Putnam.

All roads lead to Article 16, huh?

[Laughter.]

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Good evening, Rebecca Putnam, Precinct 9.

I have a couple of issues with this actual article. I do commend the Planning Board on trying to find a way to create affordable housing. This week alone I’ve had 25 people call me, looking for affordable year round rentals, and I’ve got zero. It is extremely hard to find people affordable housing in this town and I don’t think people appreciate that because they don’t receive these phone calls from
young family members – families, and, you know, they have two year olds, three year olds, and they can’t find housing.

So, my first issue with this article is I don’t think it should be the Planning Board’s purview to determine what an accessory should look like on the outside, dependent upon the neighborhood. Everyone of us know that we live in neighborhoods that have gambrels, capes, ranches, there are multitudes of different styles of homes in particular neighborhoods, so I don’t – I would like to see – I would like to make a couple of amendments, here, Mr. Moderator.

THE MODERATOR: Do you have them in writing?

MS. PUTNAM: Actually, if you could please bring up the Zoning Board of Appeals’ second to last slide.

[Pause.]

MS. PUTNAM: The one before that.

I got a tech guy next to me, if you need one.

THE MODERATOR: In the warrant booklet, where are you looking to make changes? Refer to
the warrant booklet.

MS. PUTNAM: Okay.

THE MODERATOR: Where are you going to make the change?

MS. PUTNAM: I would like to see -- to take out on (4)(a), to remove “compatible with the surrounding neighborhood” and leave in the “single family home residence”.

THE MODERATOR: So, in (4)(a), paragraph (4)(a), we strike the end of the sentence “compatible with the surrounding neighborhood”.

MS. PUTNAM: Correct.

THE MODERATOR: Okay. Any thing else in your amendment?

MS. PUTNAM: And then adding to (3) and make it sub G, “The unit is monitored to ensure affordability under regulations of the Commonwealth or is rented to a family member.”

THE MODERATOR: “The unit is monitored for affordability”.

MS. PUTNAM: Under - it’s the paragraph at the end, here, on this slide.

THE MODERATOR: It’s going to be
“(3)(g) Unit is monitored for affordability” - let’s have the rest of the language, “monitored for affordability” and -

MS. PUTNAM: “Under regulations of the Commonwealth or is rented to a family member.”

THE MODERATOR: Okay, so using that language up there.

MS. PUTNAM: That language.

THE MODERATOR: Okay.

Discussion on the amendment. Just on the amendment. Okay, because I have you on the original list, as well. Okay, Ms. Connolly. On the amendment.

[Pause.]

THE MODERATOR: I think it’s on the bottom. Push it up from the bottom.

[Pause.]

THE MODERATOR: Is it on the bottom; push straight up? No? Is there not a button on the bottom, or do we have different style mics than we used to have?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Anybody knows a high school student that would like to be our second
microphone carrier tomorrow night, have them come on down at seven o’clock.

Yeah, let’s pass her the one that we know how it works. And if the young lady could see if she could make that one work the same way that she makes the other one work.

MS. CONNOLLY: Is this on? Oh, okay, hi. Annie Connolly, Precinct 6. Former Executive Director of the Falmouth Housing Trust.

You know, the Planning Board and the Zoning Board of Appeals should correct me if incorrect, but it appears that we’re talking about two different things, here. The Planning Board’s article seeks to create housing opportunities that are not – that do not fall in the subsidized housing inventory. Subsidized housing inventory is 80 percent of area median income or below. Those should be monitored and reported to DHCD.

Now, there’s also another – I mean, I may be wrong, but I don’t think I am. If you have a subsidized housing inventory unit that’s deed restricted as affordable, you have to conduct an affirmative marketing campaign and you
have to have – you may not rent that preferentially to a family member. You have to do a fair, affirmative marketing plan. Our current bylaw contradicts the state’s statute on that.

Perhaps, if I’m wrong, someone will correct me, but I think we’re not – we’re getting into two different things. And I think that the Planning Board’s intent is to increase housing options without going through onerous permitting, and I frankly support it.

Thank you.

THE MODERATOR: Okay. Mr. Fox, do you want to address that?

CHAIRMAN FOX: Just quickly. In our bylaw there is no affordable component. That’s one of the things we’re taking away. So that, to be clear, we feel the reason why these aren’t happening is because in the current bylaw requires you to get it deed restricted if you want to rent your apartment out and you have to have the person you renting to be qualified.

We just want housing for everybody as fast as we can get it. And we think that the
smaller units will be affordable. We’ll rent them to our kids. We may be living in them ourselves and renting the house to our kids later on. But we need to just need to start building them.

The towns that have put these in place have not been turned into 19,000 duplexes. They have about ten or fifteen of them happen a year. It’s going to be a slow, incremental step. And it’s not working under our current bylaw right now. I think in the last ten years there’s been only been 16 of them done under the current bylaw.

We went out and spent a lot of money about what we need for housing and this was their number one recommendation. And we spent a long time trying to make it work and fit into our town and I hope you consider it.

THE MODERATOR: Okay, Ms. Lowell.
I’ve got you on the list.

MS. LOWELL: Vicki Lowell, Precinct one. I have a question for Mr. Fox.
You want to open it up more, but you’ve really opened it up a lot by making it as a right
with only a site plan or and design review. Why
are you – why do you think it’s too burdensome to
get a special permit so abutters will get
notified and people in the neighborhood would
know what’s happening?

CHAIRMAN FOX: The experience we’re
getting from other towns that have this in place
is that the by right is the way to have it. Most
people don’t want to go through the special
permit process. It’s long, it’s expensive, it
requires attorneys -- and they don’t do it.

As a realtor, I go through an awful lot
of houses and I see these things that are already
built and they’re not getting permits. They’re
just happening on their own. So we thought if
we made it easier, at least they’d come in, get
them inspected, get a building permit. You know,
have the actual construction inspected. So a
way to bring them back in, and not just have
them be underground apartments that happen
everywhere. Because I’m sure everyone here
knows somebody that has one of these illegal
apartments in their house right now.

THE MODERATOR: Okay, we’re on the

MS. LICHTENSTEIN: Thank you. Leslie Lichtenstein, Precinct 8.

I had a call from a neighbor, an elderly neighbor, who wondered about this and I wonder about your amendment, that put in affordability or family member.

THE MODERATOR: Or a family member.

MS. LICHTENSTEIN: My friend’s question was if she puts in an apartment for someone to live there to take care of her – this is not necessarily affordable and it’s not going to be a family member. But if she wants to stay in her home instead of moving into senior housing somewhere and she wants to make a small apartment that she can have a live-in person have so they can have their own separate living area, is this allowed under this? I didn’t know. I couldn’t answer her. So I said I would ask. Thank you.

CHAIRMAN FOX: That’s exactly why we’re doing this. That’s the whole intent of it, to allow them to age in place. And under the current bylaw you couldn’t do this and under our
bylaw you could.

THE MODERATOR: And, in respect to the

amendment, Ms. Putnam?

MS. PUTNAM: I don’t think people

really realize what affordable is. So, you could
go to housing and you can get a one bedroom

apartment for a maximum of $1,000 a month. Two

bedroom I think is up to $1300 a month. How

many people here know somebody who can only

afford $1300 a month and can’t afford the 14 and

1500 dollars a month it costs? That a lot of

these private homeowners want to charge because

it’s going to cost them to put the addition on.

If the point is to add housing for

people who need the housing, what is the problem

with putting on the books what is already on the

accessory apartment bylaw? Remember, we all

voted in to allow these people with illegal

apartments to come in for amnesty. I don’t

think asking that somebody has to rent a place

for not more than a two bedroom, $1300 a month is

a lot to ask of us to help people in our town,

our neighbors. And I think that we all forget

what the money costs really are. And we really
don’t think about what is it our neighbors or the people that are working as CNAs.

I had a call, like I said today, from a girl who’s a CNA, working at one of our -- Royal Megansett, I believe she said, with a two year old who can’t afford more than $1300 a month – or can’t get assistance for more than that so that she can stay here in town. I think it really is not a lot to ask to amend it to add what’s already on the books and still allow it to go through.

I’m not against the article, I’m just against the two items – well, adding the one item and removing the other item. But I think that will help us and help our neighbors.


MS. WILSON: Well, the point has been made that this accessory apartment bylaw that’s on the books right now has been – has not been utilized, and a big reason for it, my understanding, is that it does not allow people to bring in who they want to bring in.

When you go to the state, there’s – it’s
a very complicated process. Ann Connolly referred to it. It’s a very complicated process. There’s wait lists. And the affordability guidelines are quite low. We are lacking housing for people who are in a middle income place right now. My children cannot move here and work here and afford to live here. I would like them to be able to do that, and quite possibly a way to do it would be to be able to make an apartment in my home. I don’t want them living in my home as if they’re still my children, you know?

[Laughter.]

MS. WILSON: Thank you very much [laughs].

The other thing is, if you think about the houses in Falmouth, three, four bedroom houses, these are houses that did house families with three, four, five, six children in the ‘50's, ‘60's and ‘70's. What’s the difference? They’re not going to add bedrooms to these houses. They’re going to take probably a four bedroom house and take two of those bedrooms, make a kitchen/living room out of one of them,
and a bedroom out of the other one. You’re going to add, you know, two or three people, so then you have maybe a widow who’s in the main part of the house or decides to be in the little apartment. Or you have a small family move in or a couple or a single person move in. You’re not going beyond what was actually housed in that house when it was built.

I grew up in North Falmouth in a four bedroom house: five children, two adults. And a grandmother who lived there most of the time. Eight people in a four bedroom house. It was very comfortable. That same house could have an accessory apartment built in it under this new bylaw, this revised bylaw, and maybe - it would probably have four or five people living in it.

I don’t understand what people are worried about. The Board of Health regulates septic. You have to have a system that can handle it, the number of bedrooms, et cetera.

Okay, so, I don’t understand people’s arguments. I really don’t.

The Planning Board worked on this for years. They put it out there to the public to
come and work with them. They put it out to all
the committees to come and work with them. All
of the questions or ideas that people have right
now should have been worked out over those two or
three years when they worked very, very hard. It
was on their agendas every month, every meeting,
for years.

So, I would encourage people to stop
this, let us get through Town Meeting, get things
passed. People have been working really hard.

THE MODERATOR: Okay, Mr. Cook. Mr.
Cook on the amendment.

MR. COOK: I support this amendment.

One of the things I’ve been thinking about, it
affects thinking about our society that we’ve
become a society where we send off our children
to far-flung locations around the country; they
move away and we’ve moved away from the nuclear
family, the keeping everybody in the same
neighborhood. But I’ve noticed, you know, from
people who’ve lived here all their whole lives
that their kids want to come back, but they don’t
have a place to go.

For me, personally, this article and
this amendment is very important. My wife and I, we fit that demographic that was mentioned. We’re in our late 50’s. We’re in the greying area of this town. This town is becoming a very old, grey town. Sorry. My hair’s greying on the sides. We’re not attracting the young people and by voting against anything in this amendment or article is sending a big, huge negative message to young people, saying, “Sorry, try moving somewhere else. Move off Cape.” And before you know it you have a population that’s all seniors.

I personally, right now, with my family, my wife, we have a son who’s going to be 22, shortly. He’s autistic, and we don’t want him to have to go to a group home in Boston, or somewhere else off Cape. We would love to have an apartment next to our house where he can live there and live his own life. And whether that’s another bedroom within a house when we downsize, that would be perfect. Because he can live independently and he can be close to a family.

So, for me, this has personal reasons. So I’m in favor of this.
THE MODERATOR: Okay, Mr. Netto. Mr. Netto. On the amendment?

MR. NETTO: [No mic: inaudible.]

THE MODERATOR: All right, I’ll put you on the other list. Ms. Tobey.

MS. TOBEY: [No mic:] Not on the amendment.

THE MODERATOR: Not on the amendment. All right. So, when we’re on the amendment, stop raising your hand. Sorry. This list is self-populating with folks for the amendment.

Is there anybody that wants to speak on the amendment? Ms. Williams.

FROM THE FLOOR: I was unclear on the last speaker. I don’t believe he was speaking –

THE MODERATOR: Yeah, he wasn’t speaking to the amendment. That’s why it gets a little difficult when folks that are Town Meeting members don’t listen to what we’re doing.

I am asking for folks who want to speak on Ms. Putnam’s amendment. So don’t put your hand in the air unless you want to speak on the amendment so we can dispense with the amendment and go back to the main motion.
We are on the amendment; Ms. Williams has the floor.

MS. WILLIAMS: Thank you. Cheryl Williams, Precinct 3.

I agree with what Annie Connolly said about the units being monitored for affordability under the regulations of the Commonwealth, or as rented to a family member. I guess my question would be: who’s going to do the monitoring? And haven’t we had some issues where we lost rental units on the subsidized housing inventory because they weren’t being monitored?

I don’t – I guess that’s my question: who would be doing the monitoring?

THE MODERATOR: Ms. Putnam. It’s your amendment; who’s monitoring this?

MS. PUTNAM: If you’d like, I’ll monitor it.

[Laughter.]

MS. PUTNAM: I used the language that’s already out there. I was trying to make it very simple in using what we already have on the books and adding it to this. All I want to do is make sure that people who are doing this are giving
the folks who need a house who can’t afford 1600
a month, because that’s what happens when you add
a big structure or add any extra structure to a
house, because there is immense costs nowadays –

THE MODERATOR: Okay, Ms. Putnam,
you’ve already spoken twice on your amendment,
and so unless you have a direct answer to the
question who’s monitoring it, I’m going to move
along.

MS. PUTNAM: It would be whoever is
currently monitoring the current bylaw.

THE MODERATOR: Okay. Mr. Murphy.

MR. MURPHY: Mr. Murphy, Precinct 5.

I was on the Board of Selectmen when
this original bylaw passed and I spoke against it
because of one particular situation. It was the
affordability aspect. I’ve always been an
advocate for affordable housing, but the
affordability aspect of an accessory apartment
makes it a non-starter for many people. To make
that unit affordable, you have to put a deed
restriction on your house, and that is in
perpetuity. So what you’ve just done is
encumbered your estate. You’ve encumbered your
family’s estate. If your kids go to inherit your house, they’re always going to have an affordable apartment in that house. You can’t take it away.

So, I ask you — that’s the reason people didn’t build under the old affordable — under the old bylaw.

Many folks want to do this, but they don’t want to encumber their estate. They don’t want to encumber what the future potential is of selling their home. Once you put an affordable housing deed restriction on there, it’s in perpetuity. So you could sell your house, but it goes with an affordable apartment.

No one can buy it and say, “Well, I’m going to convert it back to a four bedroom house.” So I’d ask you, for the success of accessory apartments in this particular situation, there are abundant locations in this town for affordable housing. This is an additional tool to be able to get folks to be able to have the access to smaller housing, accessory housing.

Thank you.
[Applause.]  

THE MODERATOR: Mr. Brown. Mr. Brown.  

MR. BROWN: Douglas Brown.  

I would ask you to vote against this amendment. If you don’t want the new accessory bylaw, just stick with the old one. It’s not working. We talk about wanting affordable housing or making options for people, but we can’t just talk about it forever; we have to do something. This new accessory apartment bylaw will do something.  

The old one isn’t working, so, I mean, if you want to put that affordability in it, you’ve already got that with the old one, so just keep the old one. Which isn’t working.  

THE MODERATOR: Mr. Clark.  

MR. CLARK: Peter Clark, Precinct one.  

Mr. Murphy said most of what I wanted to say, and I won’t repeat it. But I think that the existence of additional housing without affordable restrictions may well help the availability of affordable housing without having all of the restrictions. So those people who want affordability may get it by allowing this to
happen but without all those regulations.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Mark Finneran, Precinct 6.

It seems that perhaps during this process there wasn’t enough communication between the Zoning Board of Appeals and the Planning Board. I’m not sure of the nuts and bolts of it. But we did hear from the Zoning Board of Appeals that they would recommend lowering the lot size in order to facilitate this. And I see that that’s hasn’t been done in this amendment and I’m just wondering if maybe we should.

THE MODERATOR: Okay. The far right.

MR. MURPHY: Hi, Dennis Murphy, Precinct 5. I’m going to agree with my uncle, and not just to keep family harmony.

The whole point of this article, here, is to make housing easier here in Falmouth. I think the amendment will make it more difficult. The amendment comes from a great place. It’s looking to help affordable housing. This article here is designed from a different perspective. It’s designed from the perspective
of the owner, not of the tenant.

So I think that it’s a well-meaning amendment, but one that should not be approved.

THE MODERATOR: Okay, Ms. Budrow.

Mr. Herbst, you’re on the list.

MS. BUDROW: Good evening, I’m Sari Budrow, the Zoning Administrator for the Town.

It’s not true, the Planning Board and the Zoning Board of Appeals did worked together on this, we just happen to have a difference of opinion. To correct Ms. Connolly, none of the houses or the accessory apartments count on the housing inventory; not one of them.

And to correct somebody else, deed restriction is not in perpetuity. Anybody can remove a deed restriction. Anybody can take out an accessory apartment. It doesn’t always convey; it depends on the owner.

Monitoring right now. Monitoring under 242 16J that the Planning Board put in in 2010 requires Housing – [laughs] I forget the name of it -- Annie Connolly, Falmouth Housing Trust, her company or organization, used to monitor. CHAPA in Hyannis used to – or do monitor. CHAPA is a
monitoring. So it is an organization that is required to do that.

When the Zoning Board of Appeals approves an accessory apartment, the bylaw requires a deed restriction. The Zoning Board of Appeals feels that you can take the existing bylaw, remove the affordability because it is burdensome. Remove the monitoring under 242 16J. Reduce the size of the lot and you’ll have protection through - excuse me - through zoning because the Zoning Board of Appeals does have teeth; if there’s a violation or anything, it can go back to the Zoning Board of Appeals and have those privileges removed through the Building Commissioner.

Right now, to get any enforcement on an accessory apartment, any violation under this bylaw would require a written letter, complaint, on your neighbor or whoever in your neighborhood to the Building Commissioner. Does the Building Commissioner have the staff to do this? I don’t know. But, just for clarification, I had to get those things straight.

Thank you.
THE MODERATOR: Okay, Mr. Latimer, on the amendment. I’ve got a couple more on the amendment, then I think we’re going to take a vote on the amendment.

MR. LATIMER: Again, Richard Latimer, Precinct one.

I’m just talking about this amendment. There are two parts to the amendment and they’re at odds with one another.

The first part is a point of liberty, why can’t I can make my house look any way I want to; total anti-regulatory. But the second part of it is extreme regulatory: you have to put these conditions on it for affordability and it’s – it’s just: which is it? Are we in favor of giving the homeowner the liberty of doing what he wants with his land, or his house, or are we against it?

As far as the restriction on neighborhood compatibility, that’s kind of a de minimus restriction. Most people aren’t going to change the way their house looks, anyway. They’re not going to totally remodel the outside of the house just to put an accessory apartment
in. So that’s probably not a very significant part of the bylaw.

What everybody’s been talking about, though, is the affordability unit, and I would just follow up on what Peter Clark said. The law of supply and demand applies everywhere. You increase the supply, prices go down. That doesn’t mean they are affordable within the meaning of any law, but it does mean that the more housing that’s out there, the more affordable it is for more people.

Thank you.

THE MODERATOR: Okay, Mr. Herbst. On the amendment.

MR. HERBST: Hello. Thank you.

Ralph Herbst, Precinct 8. I’m against this amendment.

As a former Planning Board member for 14 years I know what effort has gone into this bylaw and it – I’m going to offer an amendment shortly, but it’s very brief and it will be easily understood.

First of all, on the first portion of the amendment, to remove the reference to
compatible with the surrounding neighborhood.

It’s important to know that the Planning Board is now the Design Review Committee in town, and they look at all aspects of zoning and building that comes before them and apply Design Review criteria. So they’re totally capable of making sure that anything – any accessory apartment that would be developed would be – would not be offensive to the neighborhood.

As far as the affordability aspect, I believe Mr. Murphy hit it right on the nose. This bylaw is designed to accommodate the homeowner or the person applying for the permit, not the person who’s – may dwell in that area. The availability – the affordability aspect of it has to go and it is not, as Mr. Murphy’s uncle said, it’s not in perpetuity. It can be removed. And so, and a family member, that’s neither here nor there. It’s extremely important that the affordability aspect be removed and that it be by right, so that we can increase the amount of housing for people and, as Mr. Fox indicated, if a person owns a home and then they want to move into the accessory apartment themselves and rent
the portion of the home where they were
previously living, they may not be able to – they
may not be qualified to move into the accessory
apartment because they make too much money after
they retired.

So you just defeated the whole thing.

It’s so obvious that this bylaw is
absolutely worthy of consideration, especially
after I give you my amendment, thank you.

[Laughter.]

THE MODERATOR: Okay. So the question
will come on Ms. Putnam’s amendment. This is to
add a section (3)(g), that the unit is monitored
for affordability under the regulations of the
Commonwealth or is rented to a family member; and
in Section (4)(a), striking the last five
sentences of the sentence “compatible with the
surrounding neighborhood”.

All those in favor of the amendment,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of
the Chair is that the nos have it by a majority
and the article is not amended.

Mr. Herbst, do you want to throw it on
the floor?

MR. HERBST: Thank you. Mr.
Moderator, I’d like to propose an amendment to
this bylaw. If everybody would turn to page
four –

THE MODERATOR: We have different
books, so tell us what section you’re in.

MR. HERBST: Really. Okay.

THE MODERATOR: There are seven
subsections, so which section?

MR. HERBST: Yeah, the monitoring,
number 7, Monitoring.

THE MODERATOR: Okay.

MR. HERBST: Okay. And I believe I
gave you a copy that you could read to the
audience –

THE MODERATOR: Oh, that’s what that
is.

MR. HERBST: – after I mention it.

But under Monitoring (a), my amendment
is to help the Building Commissioner with
enforcement, and it’s been brought up here already tonight. And to make it much easier for the Building Inspector to allow a – and a person to live less than seven months in the home, and it lists some reasons there such – and it’s in the last line, it says, “Such as military assignment, academic sabbatical or similar circumstances.” I’m asking this amendment to include just two more exceptions, so that the Building Commissioner will have a more complete bylaw to make his decisions and it won’t be up in the air as to whether or not they qualify.

So, after the word “academic sabbatical”, I’m asking the –

THE MODERATOR: What you gave us in writing is after “military assignment”.

MR. HERBST: I’m sorry, after “military assignment”, excuse me. After the military assignment, I’m asking you to – the Town Meeting to include in this amendment “working-related issues, health issues”, those two to be added to the exceptions. So that, when it says at the end of the sentence, “or similar circumstances”, those two will be eliminated as similar and they
will be very specific and allow the Building Commissioner to apply those as exceptions.

So, work related issues and health issues, I think that most people would understand easily that those would be very obvious reasons to – for an exception. Many times people have work related issues that exceed seven months. They may get a two year assignment somewhere or something and they shouldn’t have to forfeit their affordability – their affordable – I’m sorry, their accessory apartment.

And, obviously health issues. Many times people leave their home for more than seven months to deal with a health issue. So thank you.

THE MODERATOR:  Okay, so the amendment is to add work related issues and health issues. Any discussion on the amendment?

Hearing none, then the question will come on the amendment to add those words: work related issues and health issues to section (7)(a). All those in favor, signify by saying aye.

[Aye.]
THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair the ayes have it by a majority and the amendment passes.

The question is now back to the main motion as amended.

Dr. Schneider.

DR. SCHNEIDER: Barbara Schneider, Precinct 4.

So, many of you know that I’ve been going through some changes with my mom and I think in a lot of cases we’ve all mentioned children coming back, but I think there are probably plenty of us in the room facing where do we put a parent, or parents?

And that’s really important to me and I’ve considered how could I convert my shed for my mother, but that’s not happening.

[Laughter.]  

DR. SCHNEIDER: Anyway, um – and my husband won’t say yes.

I do want to say one thing to Jim. I really appreciate the work everybody’s put into
this on the Planning Board and on the Zoning Board. I do want to say that 15 years ago I attended – I was the only one from Falmouth to attend a presentation put on by the Coalition to Save Buzzards Bay, and it was about sewer ing an area. It was before we were all using the S word in Falmouth. And it was one of the very first things that was presented to us by this group that had gone through this in an area similar to Cape Cod in another state, was: please make sure your building codes are intact before you sewer so that no one uses the fact that you sewer ed to expand population and density.

And I just hope that we could please remember not to ever say, “Don’t worry, we sewer ed so we can certainly not worry about more people or more density.” That’s my one request.

Secondly, in my neighborhood, we have a covenants. The covenants used to say, “rental for six months or more”. We, two years ago had to change that. And I wonder if we could consider – I’m not proposing this. I’d like an answer of why we shouldn’t consider having this be one year rental. We changed to one year
because what we found was happening was somebody could rent a home, a unit, for six months but it was really a summer rental. And all they did was write the rental as a six month rental. People paid whatever fee it was going to be and they were basically there for those 12 weeks, in and out on the weekends. Very different change in the neighborhood if you’re living in a neighborhood that wasn’t meant for that or didn’t seem like that and suddenly your neighbors are coming and going like this.

So I wondered if one year, we had some kind of problem with it, why if we’re talking family members, we’re talking young people who need to come here to work, what could we possibly be hurting by saying at least a one year rental?

And my third thing is, I still go back to compliance. Currently we’re in a town where we have a whole bunch of moorings, and moorings are empty for years on end or people are even lending their moorings to other people. And that’s out in the open and, with a little inflatable and a four horse motor, you could go around and if you had a compliance person you
could find a lot of discrepancies in what the
boat says versus what the mooring says. And I
know we’re working on that and I appreciate that
they are, but I just want to say, if we can’t
monitor something that’s out in the open 24 hours
a day, how are we going to monitor this so that
it really is watched? And I think that’s an
issue to all neighbors.

So, thank you.

THE MODERATOR: Okay, Mr. Duffany. You
were on the original list.

MR. DUFFANY: Thank you, Mr. Moderator,
Michael Duffany, Precinct 6.

Question probably for Mr. Fox. I will
re-qualify my statements. As the immediate past
president of the Homebuilders and Remodelers
Association of Cape Cod, which is 300 business
members representing thousands of workers, our
issue, really, is workforce housing.

So, just to paint another picture of the
housing need, it doesn’t necessarily come with
that income level that you have with affordable,
but it’s a big need and I just think everybody
knows we need that in the service industry.
So, I would like to ask Mr. Fox on the Procedures, section (b) where it says that you’re going to go have a site plan review. I’m reading into it that we also have to go to the Zoning Board of Appeals, and I’m not saying that that’s a bad thing. I just want to make sure. I want to clarify that: what brings you to the Zoning Board of Appeals versus a by right through your board?

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: Yes, we do have a component of this bylaw that does include the ZBA, but that’s for a detached. If you have a building that’s separate or a garage that’s attached for your house, or a barn in the back yard, or some other structure that’s not part of your single family home, that would require a special permit from the Zoning Board of Appeals. We feel that those are all different and have to be handled differently.

we’re focusing on basically these can happen within the existing structure, with - and the no change to bedrooms, and you’re really just putting a second stove in the house. And the
building codes and the Board of Health
requirements are all still in place. All those
protections, we’re not touching ‘em.

THE MODERATOR: Okay, Mr. Netto, you
were on the original list.

MR. NETTO: Joe Netto, Precinct 9.

I would like to thank the Zoning
Administrator for clearing up some comments that
were told to us. I think all of us speak and
listen. Hopefully we’re – everything is
correct.

I very rarely speak on zoning, but this
one has me coming to the microphone because I see
two major flaws. And it’s very hard. Everyone
wants to make more housing in Falmouth and we
want young people to be here. But there’s only
so many square feet. Well, that’s a fact of
life. And I think that this bylaw change,
because we have an existing bylaw, greatly
increases the density.

Pat Kerfoot earlier gave us the
Comprehensive Plan and it spoke about guarding –
it talked about wastewater and guarding and
maintaining clean waters in our estuaries. Well,
as someone who just paid a sewer bill to hook up
to the Little Pond Sewer, I think that’s great
and I always spoke for the sewer.

But look at the map of the Town of
Falmouth. Look at what’s sewered and what
isn’t. Look at all the homes that are still on
the estuaries. We have an ongoing program,
thanks to Mr. Martinsen, DNR, of oyster
mitigation. It’s twofold. One, it’s cleaning up
and two, I get to eat ‘em. So it’s a win-win.

But to – we’re not denying people
housing here. We’re trying to be responsible.
We have an existing bylaw and people feel – and,
fine – that it needs to be tweaked. But what I
see here in front of me, section after section,
isn’t tweaking, it’s throwing it out.

I think government is a balance of
checks and balances. I like the system the
Planning Board proposes, and the Zoning Board of
Appeals makes sure that the people who are asking
for the permits are doing it correctly. I would
– and it’s tough to say it’s – that throwing this
out and not voting for it is not against housing.

Let’s listen to what was said. Let’s
put it back to the drawing board. You two folks get together and listen to what the Zoning Board of Appeals has to say.

I also would like to address one other point and Vicki Lowell spoke about it earlier. As is presented, we talked about the homeowner having by right. And that sounds great, because we’re all homeowners, I would presume, here. But what about the neighbors? I was an abused neighbor on a zoning issue and it was a long and lengthy process. And somewhat expensive. To get it resolved. But once in front of the Zoning Board, I got a favorable ruling. But that didn’t happen overnight.

Right now, the way the bylaw, Because it’s a special permit, I as an abutter would be notified –

THE MODERATOR: Mr. Netto, your four minutes has expired.

MR. NETTO: Okay, and by right – am I clear? Can I ask the Zoning Administrator if that’s correct?

THE MODERATOR: Ms. Budrow. Let’s do it through a mic, please, let’s do it through a
mic, please. So it’s on the record. Through the mic, come up – or bring her a mic, one or the other.

MR. NETTO: Can I have one more question?

THE MODERATOR: No, your four minutes is up.

MS. BUDROW: I would defer that to –

THE MODERATOR: You’re on the Rules Committee; that’s the rule.

[Laughter.]

MS. BUDROW: – to the Planning Board. Because they’re the ones who would email –

THE MODERATOR: That could be your answer.

MS. BUDROW: – or notify the abutters. I think – I believe it’s a week in advance.

THE MODERATOR: A week in advance.

MS. BUDROW: Brian can answer that. Sorry.

THE MODERATOR: MR. Curry.

MR. CURRY: The Planning Board mails a letter to all abutters, regular mail for all site plan reviews and design reviews they hold under
site plan review. And would under this article.

MR. NETTO: And that would be -

THE MODERATOR: Okay -

MR. NETTO: -- proposed on the one

that's in front of us, or the way it is now?

MR. CURRY: No -

THE MODERATOR: The way it is now.

MR. NETTO: That's - in the proposed

- can I answer his? And the proposed bylaw

change, Mr. Curry, would remove the protection of
the neighbors and the owner by right could just

do what he or she wanted, correct?

MR. CURRY: The special permit process,

that's a discretionary permit. Therefore the by

right in the house a site plan review.

MR. NETTO: And maybe someone will ask

my question about the second -

THE MODERATOR: Okay, I’ll put you back

to the bottom of the list.

Ms. Tobey. Ms. Tobey, you’re on the

original list. You’re all set. I am, too.

Mr. Leary. It’s been an hour and ten

minutes. We’re about ready to take a vote,

here. Mr. Leary, anything new?
MR. LEARY: Bob Leary, Planning Board.

Just an anecdotal piece to this. Speaking from personal experience, with my family. My brother, who is a self employed plumber was able to buy a home, and it was a single family home. My parents, who were retired and living on Social Security, were able to be put into an apartment that was safe and secure. They didn’t have to worry about being evicted. They didn’t have to worry about looking for senior housing in the town, and my sister lived downstairs with my brother, with my parents upstairs. She was able to save enough money so she could purchase her own house.

And I don’t know about anybody else here who has aging parents that they would like to keep around and not have to worry about them. I would recommend that you pass this.

Thank you.

THE MODERATOR: Okay the woman that was in the aisle way back at the beginning.

MS. MESSER: Thank you. Marysia Messer, Precinct 8. You all make me very nervous and, you know what they say when you’re
talking in front of people and you’re nervous,
but I won’t picture you in your underwear, I’ll
just stay nervous.

[Laughter.]

MS. MESSER: I sent out an email to
many of you, and just in the interests of being
very brief, I’ll just read parts of it for those
of you who didn’t receive it. My husband Tom
and I have lived and worked in Falmouth all our
lives. We’re teachers at Falmouth High School
and Mullen Hall. We’ve lived in Hatchville for
30 years and raised our two children, and now our
grandchild in the same house. Our roots are deep
and strong and we hope to be able to finish out
our lives on the property that has brought us so
much happiness.

Our daughter and son-in-law are now
living with us, and our grandchild. Our son-in-
law works at MBL and he does not make a
sufficient salary for them to find an apartment
that is affordable for them, or to buy a house.
They were living in an illegal apartment in Woods
Hole where there was one means of egress for
themselves and our baby grandchild.
Additionally, my mother is now in a nursing home where the cost of that is $16,000 a month. And that’s typical. If we could have found a place for her in our home – she’s wheelchair bound – we would have done that for her.

So, I’m asking you to please support this so that our children don’t leave the Cape and that we can keep our parents at home. Thank you.

[Applause.]


CHAIRMAN VOGEL: It’s not often that your constituents as a Town Meeting member reach out to you. This article, I received many emails. People approached me in the street and in the stores and asked me to vote in support of it for the reasons just stated: young families coming home to their parents and elderly parents moving in with their children.

So, based on what I’m hearing from the people who voted me in as a Town Meeting member, they’re very much in favor of this. Thank you.
THE MODERATOR: Okay, by a call of the chair, the question will come on the main motion as amended. The main motion as amended. This requires a two-thirds vote.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair is that the ayes have it by the two-thirds; I so declare. Is there a challenge to the chair?

Hearing none, the article passes as amended by two-thirds and we’ll stand in recess for 15 minutes.

[Applause.]

[Whereupon, a recess was held.]

THE MODERATOR: Okay, coming back on Article 10. Town Meeting Members please come forward so we can re-establish a quorum.

[Pause.]

THE MODERATOR: Okay, let’s reestablish a quorum. I don’t have tellers. I can’t do a
quorum without tellers.

[Pause.]

Town Meeting members please come forward, take your seats so we can reestablish a quorum. I’ve got one teller, I know. When we get the clickers, we won’t have to worry about that. They can just click when they walk in.

[Pause.]

THE MODERATOR: In the first division will be Mr. Netto, in the second division will be Ms. Cuny and temporarily in the third division will be Dr. Clark.

All those – oop, no, we’re all set. Dr. Schneider’s back.

All those Town Meeting members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division, Mr. Netto.

MR. NETTO: 40.

THE MODERATOR: 40.

In the third division, Dr. Schneider.

DR. SCHNEIDER: 55.
THE MODERATOR: 55.
In the second division, Ms. Cuny.

MS. CUNY: 81.

THE MODERATOR: 81.

By a counted vote of 176, we have a quorum and I call the Annual Town Meeting back into session.

The next article is Article 10. The Board of Selectmen for the main motion.

CHAIRMAN JONES: Mr. Chairman, I move Article 10 as recommended.

THE MODERATOR: Article 10 as recommended. This is to vote to affirm the action of the Board of Selectmen to place upon the ballot of the annual town election held May 16th, 2017 a question for action by the voters prohibiting the operation of all types of recreational marijuana establishments as authorized by the passage of Question 4 on the 2016 November biennial state ballot.

Mr. Duffany held this article.

MR. DUFFANY: Thank you, Todd Duffany, Precinct 9.

If we opt in, has there been any
discussion on how many licenses we can have with
this, or is there a cap?

THE MODERATOR: Ms. Moran.

MS. MORAN: Can you repeat the
question?

THE MODERATOR: If we were to opt into
this, is there a limit on the number of licenses
that could be issued? I think was – yeah.

MS. MORAN: Okay, so the proposed
article is to opt out of having recreational
establishments for sale in Falmouth. It’s only
as to recreational, number one. And it does not
affect the possession and use of marijuana by
persons 21 and older. I hope I answered your
question.

THE MODERATOR: I think the question
was if we were to opt in. Yeah, Mr. Duffy.

MR. DUFFY: The question four which
passed in November gives some degree of local
control. Basically your local authorities and
Town Meeting has three options with respect to
marijuana establishments. Not medical
marijuana, but the other kind.

One, this is what the – this is what the
Selectmen have chosen to put before the voters at
the May election, and they’re going to show you
the question tonight, and that is to prohibit
marijuana establishments in the town, just a
blanket prohibition.

The second option, which is not one they
have chosen, but it is available, it limits the
number of marijuana retailers to less than 20
percent of the package store licenses in the
town. I don’t know how many package store
licenses we have, but if we have ten, is two.

And the third option is to limit
marijuana retailers to less than the number of
medical marijuana establishments in the same
town. And we don’t know that number. So, does
that answer your question, what are the options?

So, the option that the Selectmen have
chosen to put before the voters in the November
election - not November, May - is the
prohibition.

I’d like to point out to you one of the
quirks of the Question 4: normally, when there’s
a bylaw, you, Town Meeting, pass it. This is
the only situation that I’m aware of where the
law requires the voters pass the bylaw.

THE MODERATOR: Okay, further
discussion on Article 10? Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.

I’m against this bylaw. I think a more rational and sensible approach is to take the second option. In fact, I would say liquor stores should be the two percent of establishment of the 20 percent of establishments that should be selling this stuff. Liquor stores are set up to deal with proper identification of people. They’re tightly licensed, and their licenses are very valuable so you know you’re going to get very good control over the sales through the liquor stores.

Liquor stores selling liquor also generate a whole lot of excise taxes for the town, as will marijuana. Now we’re going to hear about oh, but marijuana, it’s the evil weed, bla, bla, bla. Well, guess what, it’s out there anyway. And now it’s going to be out there throughout our town; people are going to be smoking it. They’ll just have to go to another
town to buy it.

I think this is not a wise approach. I would support the Selectmen’s if they chosen the second option; further refined to say that it should be liquor stores that sell it.

But I think we should vote against this and ask the Selectmen to come back with a better proposal for the voters.

THE MODERATOR: Okay, Chief Dunne, then Mr. Alliegro.

CHIEF DUNNE: Hey, Edward Dunne, police chief, Precinct 8.

I’ve been to more classes about marijuana since this thing got approved than probably my entire career. It is very confusing. But, just to give you an idea what the time line is. All the Selectmen are asking us to do is to take a breath. By opting out, we can always opt back in once the legislation and rules are in place. Right now there is nothing in place in the Commonwealth of Massachusetts.

Let me give you a quick time line. December 15, Question 2 takes effect; already happened. August 1st, 2017, the governor will
appoint a Cannabis Advisory Board; hasn’t been done yet. September 1st, 2017, the Treasurer will appoint a Cannabis Control Commission; hasn’t been done yet. March 15th, 2018, deadline for the Cannabis Control to adopt regulations.

So all the Selectmen are asking tonight, and I agree with them, is let’s just take a breath. Let’s put it on hold, see what happens, and then we can always opt in.

And then the question that I don’t think it was answered how many shops? It’s right in the law: limit Marijuana retailers to less than 20 percent of the number of liquor stores. I found the numbers. That would be ten pot shops. Yeah, ten pot shops.

So, let’s just take a break. We’re not saying we can’t have it. And you’re right, it is legal. Those of you that use it, fine, you have the right to use it. It passed. But it will change the flavor of Falmouth if you walk down Main Street and have these different shops everywhere. And you’ll also want to remember we are a tourist community.

There are other states that have not
passed this. Massachusetts and Maine. Yeah, others are looking at it but nobody’s saying they’re going to pass it. So, what if they don’t want to bring their family here because we’ve lined Main Street full of pot shops.

So, you know, I agree with the Selectmen, let’s vote, get it on the ballot. Yeah, it’s just getting it on the ballot. Let the citizens vote.

THE MODERATOR: Okay, Mr. Alliegro.

MR. ALLIEGRO: Mark Alliegro, Precinct 7.

I don’t like the argument that people can just go to the next town and buy it. First of all, I never did buy into the argument that something that, for multiple reasons we can discuss, is wrong, that we should do it for tax revenue or because they can go do it someplace else.

Mashpee, Sandwich, Bourne, all the surrounding towns, all the towns, all the towns on the Cape, Plymouth, they’re all going to have the option to opt out, as well. So we should not be the weak link in this chain and just say,
“Well, they can go to Plymouth and get it” and stagger down the streets of Falmouth.

So, I support this vote that the Selectmen are asking for and I would urge everybody to opt out of the pot business in Falmouth.

THE MODERATOR: Okay, Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, Precinct 2.

You know, we’ve just heard the presentation, and I don’t think there’s anyone in this room that really believes that marijuana is in the best interests of the Town of Falmouth. We just heard from our leading law enforcement officer who kind of outlined the ramifications of pushing through this.

I would hope we would vote this without any further discussion and hopefully somebody will get up and move the motion quickly.

THE MODERATOR: Okay, Mr. Crotty.

MR. CROTTY: Thank you, Mr. Moderator.

Walter Crotty, Precinct 3. I’m also on the Town Opioid Prevention Committee. And I’m appalled that we had the short-sightedness to even approve
this as a state. What with the drug problem
we’re having with our kids today, it’s just
sending the wrong message. And I agree with the
Chief and everyone else and the Selectmen to say,
“If nothing else, at least we’re sending the
message in town that we don’t think this
recreational marijuana is a good idea,” and it
will make it more difficult for young people who
are – who this is the gateway drug to harder
drugs, to go and get it. So I would be in favor
of this motion for a lot of reasons, and I think
it’s something we should agree on.

THE MODERATOR: Okay, any further
discussion? Ms. Alliegro?

MS. ALLIEGRO: To move the motion.

THE MODERATOR: Oh, move the question?

All right, we’ve got a – we’re ready.

All those in favor of the main motion,
which is to affirm the action of the Board of
Selectmen to place this question on the ballot,
all those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: The ayes have it by a majority.

Article 13. Article 13 is regulations Chapter 235, Section 8 of the Code of Falmouth dealing with the Conservation Commission. The recommendation of the Board of Selectmen is indefinite postponement. Do we have a main motion on the floor?

MR. HADDAD: Mr. Moderator, I’d like to move the article as printed.

THE MODERATOR: As printed. Article 13, main motion as printed. Mr. Haddad.

MR. HADDAD: Good evening. My name is David Haddad, Precinct 9.

Let me start by saying, in light of the fact that I gave tonight’s invocation, I have a confession to make. I really never gave much thought about the Conservation Commission’s regulations until December, when I read about the close to one million dollar judgment against the Town on the Smythe property. Would that outcome – would the outcome of that case have been any different if this article had already passed? Maybe, maybe not. But shouldn’t Town Meeting as
the Town’s legislative body, know the answer to
that question?

Now, I don’t have an axe to grind with
the Conservation Commission or its members. I’ve
never been before them nor do I have any property
subject to the wetlands regulations. In fact,
when I served on the Zoning Board of Appeals, I
always took the referrals and the recommendations
of the Conservation Commission very seriously.

Now back to the Smythe case. It has
been described as a regulatory taking of property
rights without due process and just compensation.
One might ask if the Town ever takes property or
property rights in any other circumstances. The
answer is: sure. In fact, one example is on the
Special Town Meeting warrant tomorrow night: the
acquisition of the Tony Andrew’s farm. What are
the similarities between the Smythe matter and
the farm? In both cases the goal is
preservation and protection of resources. But
what are the differences? With the farm, the
Town intends to purchase the property rights.
We’ll compensate the owners for the actual value.
We won’t be changing the laws to make the
property unbuildable. With the farm, the entire
process will come before the 245 members of Town
Meeting. And if borrowing is involved, it will
go before the 25,376 plus or minus registered
voters in the town.

With the Smythe case, property rights
were taken without any compensation whatsoever.
Also, three, four or five individuals who were
appointed, not even elected, made the decision.
Was that the intended result, or unintended? I
don’t know. We don’t know. As it never came
before Town Meeting. Shouldn’t we know the cost
of preservation and protection in all cases?

Don’t get me wrong, I’m all for
preservation and protection, but a million here
and a million there adds up very quickly. One
often hears about the taking of property rights
in the context of zoning cases, yet zoning laws
provide grandfathering protections when the laws
change. And despite those protections, we
require a two-thirds vote of this body to change
zoning bylaws. That’s simply what we’re asking
for in this article.

Now, one member of the Conservation
Commission is quick to say that Con Com has regulations, not bylaws. Whether we call them regulations, bylaws or sumo wrestling, they are rules or laws, just different names having the same impact on Town residents. No, I take that back. The Conservation Commission’s regulations are costing us one million dollars without any oversight.

Let me give you a specific local example on how absurd it is to make the distinction between bylaws and regulations. The zoning bylaws have provisions for setbacks from wetlands or resource areas. In fact, in one section of the bylaws it says that no lot boundary shall be located closer than a hundred feet from the edge of resource areas. Any change to that 100 foot buffer, either more or less, would require a two-thirds vote of Town Meeting. In contrast, the wetlands regulations also reference a hundred foot setback. Any changes, either more or less, the Conservation Commission does themselves. And if we ever thought about synchronizing those rules or laws, we would need a two-thirds vote of Town Meeting.
Is it just me or does it seem crazy to have two different procedures? After all, as stated by the chairman of the Planning Board in the Annual Town Report, one of the purposes of zoning bylaws is environmental protection. Right now, the Conservation Commission, five appointed individuals, two alternates, appointed not even elected, make up the legislative, executive and judicial branches of government, all wrapped up into one, and they enforce the regulations, too.

The Conservation Commission has said that we’ll be facing increasing hazards posed by coastal storm events and sea level rise. They say that the Commission, the Planning Board, the Board of Selectmen and the Zoning Board of Appeals will need to continue to collaborate to modify regulations in support of coastal resiliency. Yet it makes no sense to require all those boards to come before Town Meeting but not the Conservation Commission.

By the way, the Conservation Commission is the only one of these boards that has not posted any minutes of any hearing or meeting in
the past two calendar years to the Town’s website.

Finally, the Conservation Commission would have you believe that only scientists are smart enough to understand the wetlands regulations or protect the environment. Well, as I look around this auditorium I see a lot of scientists. Some of you might even want to make the wetlands regulations more stringent. Approval of this article will allow that, but with a transparent due process and community support.

And as for the rest of us non-scientists? I’m sure the Commission could make us smart right here at Town Meeting.

Of course, the alternative could be that we just do away with the local wetlands regulations and simply adopt the state wetlands regulations, but I think we as a concerned community, represented by this body, can and should tailor the protection and preservation of our town.

MR. FINNERAN: David has pretty much spoken for the both of us. As soon as this
became known, I spoke with him several times because he was on the ZBA; he has a familiarity with this.

But all we're asking is the same thing that just happened in Article 7, where we got together and we debated and it was either given the thumbs up or the thumbs down, and the Planning Board got the thumbs up. I don’t see why we shouldn’t do that and apply that same logic to this procedure.

And with that, we don’t have any slides, anything else, we just - you all have your opinions or questions you want to ask, and we just want to get right to it and not waste anyone’s time. Thanks.

THE MODERATOR: Okay, Ms. Schumacher.

We’ve got a lead presentation on the other side, and then I’ll add you to the list, Mr. Jones.

MS. SCHUMACHER: Good evening. My name is Mary Schumacher. I’m vice chair of the Conservation Commission and I live in Precinct 9.

The Commission is recommending that Town Meeting vote no on Article 13 for two main reasons. First, this body, Town Meeting,
adopted the Falmouth Wetlands bylaw, and under the bylaw Town Meeting gave the Conservation Commission the authority to adopt and to amend the Falmouth Wetland regulations. This is consistent with usual practice at all levels of Town government, including within the Town of Falmouth.

And second, we are concerned that some aspects of Article 13 introduce ambiguity and the prospect of unwanted consequences.

In this brief legislative history, the laws in green are laws passed by the state legislature, beginning with the Conservation Commission Act of 1957. This law established municipal Con Coms for the purpose of managing municipal conservation lands, one of the two main responsibilities with which the Falmouth Con Com is charged.

In 1972, following passage of the Clean Water Act the state legislature passed the Wetland Protection Act, which gives municipal Con Coms the additional authority to regulate wetland resources within their cities and towns.

At both the state and the local level,
the legislation calls for the relevant executive branch entity to promulgate regulations and to amend them as necessary from time to time. Specifically, the legislation confers this authority on the Department of Environmental Protection at the state level and on the Falmouth Conservation Commission at the local level.

In contrast to this history and practice, Article 13 would transfer the ultimate authority for adopting amendments to the wetland regulations from the Con Com to Town Meeting. The main rationale we’ve heard is that the Planning Board brings amendments to the zoning regulations to Town Meeting, so why shouldn’t Con Com do the same? But the two situations aren’t really comparable because the Town Meeting articles brought by the Planning Board involve changes to the zoning bylaw, not to Planning Board regulations. The Planning Board does have its own body of regulations separate from the zoning bylaw, and any changes to these Planning Board regulations do not come before Town Meeting for a vote.

Now, the citations you see in brackets
here and in the next couple slides are references
to the legal authorities for the listed
regulatory responsibilities of various Town
boards and departments and have been provided in
consultation with town counsel. These other
boards also develop and amend regulations that do
not come before Town Meeting for a vote. And
their authority to do so comes from either a
Massachusetts General Law or the Code of
Falmouth. Examples include the Board of Health,
the Zoning Board of Appeals, the Department of
Public Works and the Board of Selectmen.

Now, to give you a sense of what goes
into amending the wetland regulations, let’s look
at the process that was followed when the buffer
regulations were amended in 2007 and ‘8.

First, some explanation about buffers.
Under the Falmouth bylaw, a buffer is itself a
protected resource. It is a 100 foot area that
protects adjacent wetland resources from
activities on land. Buffers also protect
adjacent resources and structures from the
impacts of coastal storms.

The term “no touch zone” refers to the
portion of a buffer that is closest to the
resource. An undisturbed naturally vegetated no
touch zone represents the area that is presumed
to provide at least minimally acceptable
protection to the adjacent resource. There are
two main rules that apply in the no touch zone.
If the no touch zone is already disturbed,
redevelopment is allowed, but may not extend the
built environment any closer to the protected
resource than what is already there. And if the
no touch zone is intact, leave it that way.

The buffer regulations were revised in
2007 and '8 to improve their clarity and their
consistency with other portions of the
regulations. That is, to make them more user
friendly.

Specifically, the no touch zones had
been established in the regulations in 1998, but
the language for the required mitigation was
ambiguous and users of the regulations were
confused. The main user groups are the members
of Con Com; applicants' representatives,
including engineers, lawyers and wetlands
specialists; and other stakeholders, such as
property owners, developers, landscapers and realtors. In drafting the revisions, the Con Com took several things into account: public testimony, mainly from our regular users over the course of eight public hearings; the commissioners own practical experience based on observing the status and effectiveness of buffers over the course of roughly 100 site visits per year; a review of the scientific literature to incorporate current understanding of what makes for an effective buffer, and a review of the wetland regulations in other coastal towns.

Finally, after a process that spanned seven months, the changes were reviewed by Town Counsel and were formally adopted by the Con Com in early 2008.

A final point to stress about our amendments is that we change our regulations only rarely, using the process outlined in the current subsection A of the Falmouth Wetlands bylaw. And we do so for one of three reasons: to make the regulations clearer to everyone who uses them; to ensure that all sections and provisions are consistent with one another; or to incorporate
new scientific or engineering information.

Here, a recent example is the incorporation of the latest FEMA Flood Zone maps into the Con Com regulations. This was done on behalf of the Town to fulfill a requirement of the National Flood Insurance Program in a timely way so that owners of affected properties would be eligible for flood insurance.

Finally, a brief word about just two of the concerns we have with Article 13 as currently written. First, the new subsection A would require Con Com to hold a public hearing on any proposed amendment and Town Meeting to vote. But it leaves it unclear whether Con Com would have the authority to make a recommendation or even comment on the merits of the proposed changes. We believe it would be a mistake for Town Meeting to approve or disapprove a proposed amendment without taking the Con Com’s recommendations into account. At the very least, this would open the door to inconsistencies across the full body of regulations.

And second, new subsection A would require a two-thirds vote of Town Meeting to
amend the regulations, but only after any article for that purpose is properly submitted and a public hearing held by the Con Com. What does any article for that purpose mean? Does it mean that any petitioner with ten signatures can submit a proposed amendment? If so, this could result in amendments that are designed to accommodate the singular, private projects, whose consequences may run contrary to the conservation interests of the Town as a whole. Con com’s process under current subsection A provides protection against such an outcome.

Thank you.

THE MODERATOR: Mr. Jones.

CHAIRMAN JONES: Mr. Moderator, I’ve asked Town Counsel to give us a little bit of information and background on the regulations and bylaws concerning this issue.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Thank you Folks. Frank Duffy, Town Counsel.

When this petitioner’s article was submitted the Town Manager and the Board of Selectmen asked me to review it and they asked me
to prepare a memorandum to them in which I raised some concerns or questions or issues about the amendment.

They then after reviewing it asked me to put it in slide form so I could share it with you. It’s only seven pages long and I raise them quickly. Mary Schumacher and her remarks raised a couple of these issues.

I’m just raising these issues to let you know that they’re out there. I’m not here to answer them. That’s basically your job to do.

Article 13 is a petitioner’s article that asks you to delete - the article first deletes the present subsection A in its entirety. Subsection A presently reads as follows:

After public notice and public hearing, the Commission shall promulgate rules and regulations to effect the purposes of this chapter. Notice shall be given at least one week prior to the public hearing by publication in the newspaper. And then there’s more procedural things. And I’ll come back to that in a minute.

The article then proposes - oh, this is next.
Yeah. Thank you.

The article then proposes to add a new subsection A which reads as follows:

No amendments to this chapter or to any rules or regulations used to effectuate the purposes of this chapter shall be made except by a two-thirds vote of Town Meeting and only after any - I apologize for this typo - article for that purpose is properly submitted and a public hearing is held by the Conservation Commission. Notice of such hearing shall be given at least two weeks prior to the public hearing by publication in a newspaper in general circulation, and so forth.

The first comment that I have is that the Article - the present subsection A authorizes the Conservation Commission to promulgate rules and regulations to effectuate the purposes of this chapter. By deleting the present subsection A, the authority to promulgate rules and regulations is not clear, and it may actually have been deleted and stricken from the bylaw. It is not clear whether any regulation or amendment to existing regulations is therefore
promulgated by the Commission or by Town Meeting.

The present subsection C, which remains unchanged, makes additional references to promulgation of regulations but it lacks the clarity of the deleted section A.

Second comment. Article 13 begins with the words “No amendment to this chapter...shall be made except by a two-thirds vote of Town Meeting...”. The reference to this chapter is to chapter 235 of the Code of Falmouth which is the Falmouth Wetlands bylaw. The wetlands bylaw is a general bylaw and currently may be amended by a majority vote of Town Meeting. Article 13 would increase the quantum of vote necessary to amend the wetlands bylaw to a two-thirds majority.

My third comment is Article 13 makes further reference to “any rule or regulation used to effectuate the purposes this chapter” and provides that they may also require a two-thirds vote of Town Meeting. Currently, amendments to the Falmouth Wetlands rules and regulations require a vote of the Conservation Commission. And, as Mary Schumacher pointed out, this has been the practice since the regulations were
initially promulgated in 1989. It is common practice at the Federal, state and municipal level that regulations be promulgated by a body with specific knowledge and experience in the subject matter.

Fourth comment. The new subsection A proposed by Article 13 leaves open the possibility that amendments to the Wetlands Regulations can be submitted by any person. Note the language “only after any article for that purpose has been properly submitted”. I asked the question, “What does this mean?” It’s suggested any person can submit an article to amend the regulations, including a person who seeks to amend the regulations to accommodate a specific project.

Continuing with number five. The new subsection A requires the Conservation Commission to hold a public hearing. This in my view is a simplistic procedure. Does the Conservation Commission have the authority to comment upon or recommend any particular action? Now we’re aware that in the Community Preservation world, for example, with respect to Community
Preservation Committee funding articles Town Meeting may act only upon a Community Preservation Committee recommendation. May Town Meeting act contrary to a Conservation Commission recommendation? In the rule making process, that’s not clear.

Six, if there’s an article before Town Meeting to approve amendments to the wetlands regulations, may any Town Meeting member propose a further amendment on Town Meeting floor that materially affects the proposed purpose and intent of the originally proposed article? This again is not clear. I think this is something that should be addressed.

And finally, I just want to point out that the power to approve amendments to regulations includes the power to repeal regulations. Any article could appear on a Town Meeting warrant to repeal a regulation or the entire body of Falmouth wetland regulations, for that matter. And in this particular situation, the quantum of vote becomes very important. A two-thirds vote to repeal is very difficult to achieve, while a majority vote is easier to
achieve. And I put that comment in there because the Selectmen had heard during their initial observations and discussion of this, that there might be an amendment to change the quantum vote. It hasn’t happened, it may not, and I’m suggesting it does.

I didn’t answer your questions, but I am just sharing with you the issues that I raised with respect to this amendment with the Selectmen, that they wanted you to hear.

Thank you.

THE MODERATOR: Okay. Mr. Putnam.

MR. PUTNAM: Good evening, ladies and gentlemen. Brent Putnam, Precinct 9. I was actually a member of the Conservation Commission between 2004 and 2007. Initially as an alternate member and then as a full voting member for three years.

There are some bugs I would suggest in this particular article, but I think it is worthy of consideration if not some polishing to bring it back and bring us something that can be passed without the ambiguities that have been mentioned.

I would suggest and I ask you all to
turn to the Citizen’s Checklist, because I think here there are some very interesting questions that would help us decide whether this is a worthy article or not. Is it necessary? Well I think so. More government oversight is always a good thing. How many of us wish there was a little bit more oversight or some more checks and balances in Washington, D.C. right now?

Can we afford it? The question is can we not. We have to pay a million dollars if we lose the appeal. And if we lose that appeal there are potentially more appeals. How many millions of dollars are we going to have to pay out as a Town because of regulatory takings?

What will it cost ultimately? Again it’s a question of what would it cost if we don’t do anything. We need to take a very good, hard look at the unintended consequences of regulations that take property without proper compensation or that do not allow a homeowner some way of using their property in exchange for something else.

When I was on the Commission we often allowed compensating factors. We could allow
for plantings in order to allow for a dock, or shellfish mitigation.

Is it in the balanced interest – the best balanced interest of – oh, excuse me, how will it affect basic liberties? Well, it could be more freedom for all of us. Right? Less regulation? Not necessarily a bad thing.

Is it in the balanced best interest of all? Well, that’s what this body is for, is it not? We come, as mentioned earlier, we discuss an article like number seven, we come to an agreement.

Is it a foot in the door proposition? I don’t think so. It is an opportunity, again, for us to put some oversight on a committee that doesn’t have a lot of it right now.

Does it place too much power in the hands of one individual or group? No, actually it removes some power from one group by putting more oversight on it.

Does it recognize the importance of the individual and the minority? Yes.

Is it based on emotional propaganda or facts? Now, that we could debate either way.
There are some ambiguities in this particular article. But there’s nothing ambiguous about the fact that we have a one million dollar settlement that we have to pay out. There’s nothing ambiguous about the fact that there are a lot of properties in Falmouth that border wetlands that are affected by the wetlands regulations, and it would not hurt us to take a closer look at how those regulations affect those properties and the unintended consequences of over regulation.

There’s a point where the benefit becomes so expensive that we don’t have that benefit anymore. And when we’re talking about having to pay a million dollars every time somebody loses the use of their property, we have to start asking ourselves about the cost-benefit ratio.

And does it square with your moral convictions? Well, that’s for you to decide.

But I think there are good reasons to consider this article, even if not in its present format, and if it does fail tonight I hope the petitioners will work with Town Counsel and even reach out to the Conservation Commission and try to come up with something that would allow the
Commission to come to us and make their presentation. Because, one thing worth nothing, folks, that example from the Commission about buffers, that’s the first public – and I understand the Commission holds public hearings, but that is the first very public lesson, if you will, about wetlands regulations that I’ve seen as long as I’ve been involved in Town government, which is obviously well over a decade, 15 years now, I think.

The Commission needs to be more transparent. And having them come to us – that’s not a bad thing.

THE MODERATOR: Mr. Dick.

MR. DICK: Good evening, Town Meeting. Henry Dick, Precinct 8. Back for a brief spell. I normally teach in China when Town Meeting is on, so I had to resign. But I came tonight to speak about this article.

The Conservation Commission is made up of very dedicated people. It doesn’t take you two seconds to figure out that they care passionately about the environment. But it also – there’s a great deal more to what goes on at
the Conservation Commission than one’s intense feelings about the environment. And I want to give an example about process tonight and about why the Town needs to exhibit oversight. Because when people are passionate, they will not always consider other factors that are important; maybe equally involved.

I have been a longstanding advocate of farming in this community. I have a small Christmas tree farm out in Hatchville. And I support farming in the community. But we have lost farm land at a precipitous rate. Now, the only really longstanding farmland that stands a chance of resisting organization in this town is cranberry farming. Cranberries are a natural plant that live in this area. They’re a native plant. They are a nitrogen sink. Contrary to what people have been told, they actually remove nitrate from the system very effectively.

Now, obviously I care and I have a different opinion than some of the members of the Conservation Commission, but we had a long debate about cranberries and conservation on the bog. It went on for a couple years. And to resolve
that debate a Commission was formed chaired by Virginia Valiela, and they spent, together with opponents and proponents of farming, thousands of hours, going through in great detail how we should handle the bogs. And then finally they issued a report in 2005 which Town Meeting approved. Which is advisory to the Selectmen. And then subsequently an organic cranberry farmer appeared out of the woodwork who said he’d farm them organically. Well, that would make everybody happy and so Town Meeting voted some money and voted to give him a ten year lease without any cost if he could make this work.

He couldn’t make it work. When I discussed with him why, well, the price of cranberries had gone down drastically. But the other thing was that the Conservation Commission wouldn’t let him flood. And when you can’t flood, you can’t kill fire worm and you get no berries. And so, after a while, he quit.

And I went out to the bogs that fall to see what was there. And there were no cranberries.

All right. At that point, the
Selectmen asked the Conservation Commission to terminate his lease and to put out an RFP for regular cranberry growing.

Now, in 2014, the Conservation Commission and proponents of river restoration and habitat improvement – and I certainly don’t oppose that, because it’s not incompatible with growing cranberries. Not at all. Contrary to what some people might say.

In 2014, they came forward and said we will apply for a permit for a large sum of money, in excess of a million dollars for restoration of the Coonamessett River in lower bog. I attended that meeting and I was assured by those there that no, this would not interfere with farming the middle and upper bogs. And as a result of that meeting, the Conservation Commission was instructed to lease the bogs – upper bogs, upper and middle bog –

THE MODERATOR: Okay, Mr. Dick, your four minutes has expired.

MR. DICK: Oh, I didn’t realize that, okay. The point is, they didn’t do it. Instead, two years later they came back, and
said, “Oh, time’s up. We’re going to make them all conservation.”

THE MODERATOR: Okay. Ms. Siegel.

Ms. --

MR. DICK: So I have a question.

THE MODERATOR: No, you’re all — you had four minutes. I’ll put you back on the list if you want to —

MR. DICK: But I have a question for the Conservation —

THE MODERATOR: You had four minutes to ask the question, Mr. Dick. I’ll put you back on the list, if you like. We have a new rule; I have to enforce it equally.

Ms. Siegel.

I’ll put you back on the list and you get two minutes the second time.

Ms. Siegel.

You all have four minutes the first time; two minutes the second time. So use your time wisely.

MS. SIEGEL: Fellow Town Meeting members. I would like to present a scenario that any of us might find ourselves in. We all
know about the lack of volunteers for Town boards and Committees, and perhaps you as a responsible citizen apply to be a Conservation Commissioner and you’re appointed. First you spend a lot of time learning the state and local regulations. These are not pulled out of a hat, but are based on coastal science and the understanding of the impact of different engineering practices on the wetlands.

You learn about how everyone is held to the same standard to meet the regulations. You go on site visits, you review plans. And you discuss mitigations for I think I heard over 100 projects a year. This also takes a great deal of your volunteer time. You sit through extensive public hearings which sometimes involve lengthy discussions with applicants.

If we pass this article, will we have the benefit of the information presented at those hearings? Will we understand the regulations and the processes?

I’m somewhat disappointed in Mr. Haddad’s attempt to divide us into smarty-pants scientists and others. I am not a scientist and
I do not want to sit here in Town Meeting and try to understand the regulations and the proposals that the Conservation Commissioners spend months and years working on and discussing and trying to understand.

This article would allow amendments to be made to regulations on Town Meeting floor, as we’ve heard. Without each and every Town Meeting member having heard the discussions held in public hearings convened by the Con Com to develop the regulation initially, can we understand the ramifications of the amendments? I don’t think so.

Regulations are not the same as bylaws. And we should all be wary of anyone trying to convince us that they are. By treating them as such, we risk unintended consequences that cannot be foreseen.

Many projects before the Conservation Commission are in the buffer zone. Wetlands are a significant and unique resource. Protecting the buffer zones from storm impacts also protects our houses, the land these houses are built upon, and the roads that we all use.
The Conservation Commission’s job is to develop regulations that will protect our resources and carry out the state regulations. They have the experience and the knowledge to do this; we do not. Requiring Town Meeting to approve every amendment puts us in a position that we are not qualified for.

I ask you to vote no on this article.

Thank you.

THE MODERATOR: Mr. Patterson.

MR. PATTERSON: When I first read this article, I thought it was reasonable. After consulting with our Town Counsel and thinking about the consequences, I changed my mind. For the reasons that Attorney Duffy has enumerated, but also in recognition of the fact that this could undo the coastal resiliency efforts that we’ve actually already started to take.

Falmouth’s coastlines, many fresh water ponds, river valleys and wetlands make this a special place to live. We are a tourism destination for others because of our natural resources, our historical buildings and our recreational and cultural resources. While we
often take them for granted, many people are
jealous of those of us that are fortunate enough
to live here. We willingly shoulder higher
homeowner insurance premiums and higher storm
damage deductibles so that we can live in a
coastal area.

Our wetland regulations are essential to
maintaining resiliency against the impacts of
coastal storms. Experience has shown that
naturally vegetated coastal banks are more likely
to buffer and survive the impacts of elevated
wave action and wind driven tidal currents caused
by hurricanes and by nor’easters.

Wetland regulations help protect the
investments we have made in our private property
and in our town infrastructure. Our town is in
the process of qualifying to participate in the
FEMA coastal rating system, which will qualify
flood insurance policyholders for discounts on
their premiums. The purposes of the coast
resource system - coastal rating system, excuse
me, is to reduce the level of claims paid out by
U.S. taxpayers by reducing the level of storm
damage through resiliency measures. Our wetland
regulations are a requirement for participating in the coastal rating system program. Minimum qualifications include: generating and adopting a hazard mitigation plan, a step that Selectmen have just completed and are in the process of actually submitting it to FEMA for approval.

It also requires taking mitigation steps. We actually have quite a few of them that we’ve already taken which will further our qualifications. And we have to have the appropriate wetland regulations to enforce those kinds of resiliency measures.

Hundreds of thousands of dollars in property owner premiums will be saved if we qualify for this program even at a minimal level, and as we continue to raise the resiliency level, we actually will qualify for more deductions for homeowners that are required to have flood insurance program.

I’ve been the liaison to the Conservation Commission for the Board of Selectmen for the last three years. I have attended 90 percent of all their meetings. The Conservation Department staff and commissioners
are a dedicated, competent and knowledgeable group of citizens. They administer and enforce our wetland regulations. They advise and coach applicants on what is acceptable under the regulations and they determine what must be done to mitigate the impact of allowed changes these applicants want to make to the structures on their property.

They also work to maintain a sustainable environment for wildlife, as well as humans.

Please vote no on Article 13.

Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct one. Many of you may know me as having been long-serving on the Planning Board, but I did six years on the Con Com before that. My former law partner, the late Marcel Kiston [sp?], I think was one of the earliest members of the Falmouth Con Com. So I go a long ways back with that. I can attest to the real work that the Con Com members do. Much more than Planning Board members do, I mean.

[Laughter.]
MR. LATIMER: I never had to put on a pair of waders to go out to a site visit on the Planning Board, but that’s what these people do. They go out there in the poison ivy and the bull briars and expose themselves to the ticks and the mosquitos.

It’s hard work and they’re dedicated people. And they know what they’re doing. What they’re doing is they’re protecting our precious wetlands resources against the degradation of development. That’s all they did in this case, by adapting regulations that were consistent with the state law.

And if we want to abandon that practice, then God help us because it’s going to open up the floodgates to the ruination of this town. And that’s just what this is aimed to do.

Now, I’ve got to say about this regulatory taking stuff: a million dollars, that’s based upon what the value of the land is now. So, if we’re going to have to pay these people – hopefully we won’t. Hopefully this is going to be turned over on appeal. We should be looking at an actual taking, eminent domain. If
we’re going to have to pay them the fair value of
the property, well, it’s our right to take the
property.

So, okay, so, it cost us a million
dollars; now we’ve got a nice park right in that
little private neighborhood where we can give
people access to it, so it’d be worth it.

I think that’s the alternative we should
be looking at.

These people probably bought that lot 20
or 30 years ago for 15, 20 thousand dollars.
And maybe they’ve been paying more taxes on it
than they should. So if there was some damage
that they had, maybe the Town should pay them, oh
$100,000. If there is some damage there. But,
a million dollars, that’s insane, and I would
hope the Appeals Court finds in that respect.

But nonetheless, we should not be just
caving into this because of scare-mongering by
people who basically don’t like regulation to
begin with and they’re just looking at this as
just another excuse to detract from the ability
of we as a town to control what goes on in our
town.
Thank you.

THE MODERATOR: Okay, Mr. Dick, Mr. Dick. You’ve got two minutes this time.

MR. DICK: Thank you, Mr. Moderator.

I would like to come back to my question to the Conservation Chairman. Balance is all-important. Respecting compromise in the Town is important. So I’m asking Betsy Gladfelter why she did not follow the instructions of the Selectmen or the Town Manager to lease the bogs – put out an R.F.P. for the bogs.

THE MODERATOR: Mr. Dick, that’s beyond the scope of this article.

MR. DICK: Excuse me?

THE MODERATOR: That’s beyond the scope of this article.

MR. DICK: No, it isn’t.

THE MODERATOR: It is.

MR. DICK: No, it isn’t. It’s very fundamental. If the Conservation –

THE MODERATOR: The question will come on the main motion of Article 13. All those in favor of Article 13, signify by saying aye.

[Aye.]
THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the nos have it by a majority and we’re in recess until seven o’clock tomorrow.

[10:55 p.m., whereupon Town Meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night One of the Falmouth Annual Town Meeting, taken by me on Monday, April 3, 2017. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 13th Day of May, 2017.

_____________________________
Carol P. Tinkham, Notary Public

My Commission Expires:

April 5, 2024

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.