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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.

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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.

1 THE MODERATOR: 40.

2 In the third division, Dr. Schneider?

3 DR. SCHNEIDER: 64.

4 THE MODERATOR: 64.

5 [Pause.]

6 THE MODERATOR: In the second division, Ms.

7 Cuny?

8 MS. CUNY: 85.

9 THE MODERATOR: 85? 85.

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

13 This evening, all rise for the presentation
14 of the colors by Falmouth's new coed Venture Crew
15 37 of the Waquoit Congregational Church, followed
16 also by the Brian Baru Pipe Band, and to be led
17 by our Town Crier, John DeMello.

18 [Pause.]

19 THE MODERATOR: John DeMello, our Town
20 Crier.

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

24 [Laughter.]

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

6 Thanks, John.

7 [Laughter and applause.]

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

10 [Pause.]

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

13 [Pledge of Allegiance taken.]

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

17 [National Anthem played.]

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

20 MR. HADDAD: Heavenly Father, may our
21 meeting this evening not only be an exercise of
22 care and concern for our community and its
23 residents, but also an example on how a community
24 can agree and disagree and still be a community.

1 We ask you to watch over and protect our
2 families, our community, our nation and our
3 world. May your gift of peace become a reality
4 for all. Amen.

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

9 [Moment of Silence taken.]

10 THE MODERATOR: Colors post.

11 MR. DEMELLO: Hear ye, hear ye --

12 [Applause.]

13 THE MODERATOR: Brian Baru Pipe Band,
14 Venture Crew 37 of Waquoit, and Town Crier John
15 DeMello, Falmouth Town Band Brass Choir.

16 [Applause continuing.]

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

20 MS. LICHTENSTEIN: It's spring, Folks, and
21 fortunately there's a whole mess of unmentionable
22 stuff all along the roads. Mostly they're nips.
23 I don't know where all these nips are coming
24 from.

1 But, April 22nd through the 30th, starting on
2 Earth Day, we're going to have Falmouth's Clean
3 Up Week. There will be something in the paper.
4 Please, get your neighbors, get your kids, get
5 your significant others - oh, just grab somebody
6 and get 'em to walk with you.

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

10 Thanks.

11 [Applause.]

12 THE MODERATOR: Thank you.

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

15 Mr. Chairman for the motion.

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

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

23 [Aye.]

24 THE MODERATOR: All those opposed, No.

1 [None opposed.]

2 THE MODERATOR: The Ayes have it
3 unanimous.

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

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

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

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

20 So moved.

21 All those in favor, signify by saying
22 Aye.

23 [Aye.]

24 THE MODERATOR: All those opposed, No.

1 [None opposed.]

2 THE MODERATOR: The Ayes have it
3 unanimous.

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

8 So moved.

9 All those in favor, signify by saying
10 Aye.

11 [Aye.]

12 THE MODERATOR: All those opposed, No.

13 [None opposed.]

14 THE MODERATOR: The Ayes have it
15 unanimous.

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

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

21 In accordance with Chapter 40B - 40A,
22 sorry, Section 5 of the Massachusetts General
23 Law, Article 43 of the Falmouth Zoning Bylaw, a
24 public hearing was held on February 7th, on

1 Article 7 for this 2017 Spring Annual Meeting and
2 all who wished to speak were heard.

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

7 Thank you.

8 THE MODERATOR: Thank you, Mr. Clerk.

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

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

22 Dylan, congratulations and welcome to
23 Falmouth Town Meeting.

24 [Applause.]

1 THE MODERATOR: I think Dillon was a little
2 surprised when I sent him an email: "By the way,
3 you're now a Town Meeting member." [Laughs.]

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

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

15 Only Town Meeting members may vote.

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

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

24 Speakers may only speak twice on any

1 motion. Speakers shall be limited to 4 minutes
2 on their initial presentation and 2 minutes on
3 their second speech. Limits on speaking shall
4 not apply to the answering of fact-based
5 questions directed to the speaker through the
6 moderator.

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

10 Two amendments will be accepted on any
11 article.

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

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

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

24 The Moderator shall determine if the

1 motion to reconsider is in order. Motions for
2 reconsideration must be based on substantially
3 new information not available to the Meeting at
4 the time of the original debate. The motion to
5 reconsider is not debatable.

6 Our hours of operation: for the first
7 night, start at 7:00 p.m.; subsequent nights at
8 7:00 p.m.; and we will close at 11:00 p.m. unless
9 a motion to continue is made and approved by a
10 two-thirds vote.

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

20 After I go through a brief description
21 of all of the articles in the warrant, I'll run
22 through a second time just giving the number of
23 the article. And then I'll entertain a motion
24 from the Finance Committee to accept all of the

1 articles that were not held as recommended as the
2 official action of this Town Meeting, and then
3 we'll have notice of reconsideration and we'll
4 start back with Article 1.

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

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

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

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

14 MR. SHEARER: Hold.

15 THE MODERATOR: Hold.

16 MR. SHEARER: No, I'm sorry -

17 THE MODERATOR: No? Okay, anyone on
18 Article 4?

19 Article 5, to fix the salaries of
20 elected officials.

21 MR. SHEARER: Hold.

22 THE MODERATOR: Hold.

23 Article 6, to authorize the continued
24 use of the following revolving accounts: the

1 Emerald House, the Recreation Department, the
2 Historical Commission, Shellfish - and two
3 shellfish propagation accounts.

4 Article 7, single residence districts of
5 the zoning bylaws.

6 FROM THE FLOOR: Hold.

7 THE MODERATOR: Hold.

8 Article 8, to amend Article 240-69 by
9 amending the section for the district maximum
10 percent of lot coverage: Business Redevelopment
11 20 percent; structures, paving, parking 60
12 percent.

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

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

23 Article 11, to vote to amend the Code of
24 Falmouth Chapter 156 for synthetic marijuana.

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

4 Article 13 --

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: Hold.

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

10 Article 15 -

11 FROM THE FLOOR: Hold.

12 THE MODERATOR: Hold.

13 Article 16 --

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

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

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

21 Article 18 is the omnibus budget.

22 That'll be a hold.

23 Article 19, to raise and appropriate
24 \$440,000 to transfer into the General

1 Stabilization Fund. I'm sorry, it should say
2 Capital Stabilization Fund.

3 [Pause.]

4 THE MODERATOR: So, number 19 is
5 General Stabilization Fund. To transfer - to
6 raise and appropriate \$440,000.

7 Article 20, to raise and appropriate
8 \$1,032,079 to transfer into the Capital
9 Improvement Stabilization Fund.

10 Article 21, to raise and appropriate
11 \$100,000 and transfer into Other Post Employment
12 Benefits Trust Fund.

13 Article 22, to vote to raise and
14 appropriate \$100,000 and transfer into the
15 Worker's Compensation Trust Fund.

16 Article 23, to raise and appropriate
17 \$450,000 for the purpose of the article for the
18 cost of living adjustments.

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

22 Article 25, to vote to supplement each
23 prior vote of the town that authorizes the
24 borrowing of money to pay costs of capital

1 projects, premiums received by the Town upon the
2 sale of bonds or notes, unless any premium
3 applied to the payment of the cost or issuance of
4 such bonds or notes may be applied to pay project
5 costs in the amount authorized to be borrowed for
6 each such project shall be reduced by the amount
7 of any such premium so applied.

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

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

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

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

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Is that a hold? Yeah.

21 Article 29, this is a hold. They're
22 going to change some language in the
23 recommendation.

24 Article 30, vote to transfer the amount

1 of \$50,000 from Certified Free Cash for the
2 maintenance of the Shining Sea Bikeway and other
3 Town bike/pedestrian accommodations.

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

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

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

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

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

20 FROM THE FLOOR: Hold.

21 THE MODERATOR: Hold.

22 Article 35 -

23 FROM THE FLOOR: Hold

24 THE MODERATOR: Hold.

1 Article 36, to appropriate the sum of
2 \$137,164 from the Community Preservation budgeted
3 reserve to develop a conceptual plan for the
4 Coonamessett Greenway Gateway Park.

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: Hold.

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

13 Article 38 -

14 FROM THE FLOOR: That'll be a hold.

15 THE MODERATOR: Is a hold.

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

22 Article 40, to vote to appropriate the
23 sum of \$264,850 from the Historic Preservation
24 Reserve to Friends of Nobska Light, Inc., to fund

1 the preservation of the lighthouse at Nobska
2 Light Station.

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

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

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

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

22 Article 45, to vote to transfer the
23 amount of \$367,043 from Fiscal 2018 Community
24 Preservation estimated revenues to the Community

1 Housing Reserve.

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

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

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

14 Article 49, to vote to appropriate or
15 transfer the sum of \$575,000 from the
16 Undesignated Fund Balance to the Open Space
17 Reserve to fund conservation and land acquisition
18 debt service payment obligations beyond Fiscal
19 2020.

20 Okay, we'll run through them one more
21 time by number.

22 Article 1 is a hold. Article 2 is a
23 hold.

24 Article 3. Article 4.

1 Article 5 is a hold.
2 Article 6.
3 Article 7 is a hold.
4 Article 8. Article 9. Article 10 -
5 FROM THE FLOOR: Hold.
6 THE MODERATOR: Article 10 is a hold.
7 Article 11. Article 12.
8 Article 13 is a hold. Article 14 is a
9 hold. Article 15 is a hold. Article 16 is a
10 hold. Article 17 is a hold. Article 18 is a
11 hold.
12 Article 19. Article 20. Article 21.
13 Article 22. Article 23.
14 FROM THE FLOOR: Hold.
15 THE MODERATOR: 23? 23 is a hold.
16 THE MODERATOR: Article 24. Article
17 25.
18 FROM THE FLOOR: Hold.
19 THE MODERATOR: 25 is a hold.
20 Article 26 is a hold. Article 27 is a hold.
21 Article 28 is a hold. Article 29 is a hold.
22 Article 30. Article 31. Article 32.
23 Article 33 is a hold. Article 34 is a
24 hold. Article 35 is a hold. Article 36 is a

1 hold.

2 Article 37.

3 Article 38 is a hold.

4 Article 39. Article 40. Article 41.

5 Article 42. Article 43. Article 44. Article

6 45. Article 46. Article 47. Article 48.

7 Article 49.

8 Madame Chairman for the main motion on
9 the blanket.

10 MR. Noonan: [No mic: inaudible.]

11 THE MODERATOR: Oh, hold on, yeah.

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

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

16 Madame Chairman for the main motion.

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

23 THE MODERATOR: Okay, you've all heard
24 the main motion to approve the blanket. All

1 those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed, no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous.

7 Madame Chairman for notification.

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

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

13 Article 1, Madame Chairman.

14 CHAIRMAN VOGEL: I move Article 1 as
15 recommended.

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

24 Are there any further nominations for

1 Finance Committee?

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

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

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it
10 unanimous.

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [None opposed.]

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

19 At this time, I'd like to thank our
20 current Selectman, former Finance Committee
21 member Megan English Braga for her term, and Mr.
22 Peter Giacommozi for his term on our Finance
23 Committee. Thank you both for your time on the
24 Finance Committee. And welcome to our two new

1 members Kathleen Barrio and James Marnell.

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

9 [Applause.]

10 THE MODERATOR: Article 2.

11 Article 2, Madame Chairman.

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

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

20 We're going to begin with a report from the
21 Disability Commission. The Disability Commission
22 is going to report on their work, but also give
23 us a report on the Big Fix project coming up in
24 Falmouth. And since they're doing both, they're
25 asking for an additional three minutes. So

1 we'll take that vote right at the beginning.

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

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

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

12 MS. HAYNES: Hi, as you can see, I'm
13 short. And one of the things that we are doing
14 as a Commission is that we're trying to raise
15 awareness about disabilities in Falmouth. And
16 did you know that there are buildings in Falmouth
17 that I will never be able to go into? There's a
18 store that's almost brand new that sells cupcakes
19 - which shall remain nameless - that I don't
20 need; but I can't go in and look. Because it's
21 inaccessible. And it's not their fault. It's
22 the fault that that building is too old to have
23 as grand - it's grandfathered in. It doesn't fit
24 under the guidelines to become accessible.

1 [A Town Meeting member comes over to help with the
2 microphone.]

3 FROM THE FLOOR: Got it?

4 MS. HAYNES: Yes.

5 FROM THE FLOOR: There you go.

6 MS. HAYNES: So, given that - no, my
7 height has not risen.

8 Another thing I'd like to bring to you
9 guys' consideration is: your name signs. Do
10 you know your signs are back too far and you
11 can't see them from down here? Push them
12 forward so I know who I'm talking to - about.
13 Okay.

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

23 But, Dunkin' Donuts, that's another
24 story. There's no reason why Dunkin' Donuts is

1 inaccessible. That's a chain. But I can't go
2 into any Dunkin' Donuts in Falmouth alone. If
3 somebody opens the doors for me, I can go in.
4 But I can't. And these are some of the things
5 that the Commission on Disabilities is looking
6 at.

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

19 These are things that we're trying to
20 make aware, and that's what the Commission has
21 been doing. We've rebuilt this year. We were
22 almost non-existent last year. We rebuilt. We
23 have new members. We are on a roll. We're
24 trying to get a survey done. It's going to take

1 a lot of work. It's going to take a lot of
2 legal wrangling, you name it. Because it will
3 involve HIPAA laws. But we want to know who's
4 disabled in Falmouth. How is rescue squads in a
5 litigation circumstance know where there's a
6 disabled person?

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

15 Does anybody know where there's disabled
16 in Falmouth who need help? This is what sort of
17 the survey is about: trying to get people to know
18 the disabled, who they are, what their needs are,
19 what the needs they have and what they're looking
20 for in life. It takes a lot of money. I'll
21 probably be coming before you to sees if I can
22 get funds to have a consultant do a survey.
23 That's in the future, but that's what the
24 Commission is looking at.

1 The Commission is looking at innumerable
2 possibilities for the disabled. We just donated
3 a large amount of money to the Challenger Club.
4 It handles every disability, every group. They
5 run soccer programs, they run baseball programs.
6 It's incredible what some of these organizations
7 are doing, but they also need funds. Which we
8 have limited funds available, if you know of
9 organizations that are looking to do things.

10 This year we have I think \$1500 more
11 that is until July 1st, or June 31st. Or is it the
12 30th? So, next year, if that \$1500 doesn't go,
13 we have \$2700 to work with next year. If you
14 know of an organization that helps the disabled,
15 not just one or two people but a large section of
16 the disabled with accessibility issues.

17 There's also a municipal disability
18 grant. I didn't bring all the information. I
19 didn't have time. But its statewide through the
20 Mass. Office on Disabilities. Municipalities
21 who wish to undergo projects that aid the
22 disabled with accessibility and the like can
23 apply for this up to \$250,000. That's something
24 that DPW could look at for curb cuts. And, you

1 know, thanks to the DPW all over Falmouth you're
2 going to be seeing curb cuts, sidewalk repairs.
3 We've worked with them on all these things and
4 this is what we're about. And why I'm here is to
5 raise your - your level of knowledge on what is
6 out there for the disabled and what isn't. And
7 the what isn't is the really important part.

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

16 [Applause.]

17 MS. RECKFORD: Thank you. Thank you,
18 Kathleen. Good evening, Mr. Moderator, Madame
19 Chairman, members of Town Meeting, I'm Laura
20 Reckford, Director of Community Relations at
21 Housing Assistance Corporation and a Falmouth
22 resident in Precinct 2. Some of you may know me
23 from my years sitting in the back of the room
24 taking notes and it's great to see so many

1 familiar faces here tonight.

2 My presentation will be brief.

3 Slide one, please. Excellent.

4 Housing Assistance Corporation is
5 bringing our Big Fix event to Falmouth on
6 Saturday September 16th. The Big Fix is a one day
7 community service event where we at HAC organize
8 about 250 volunteers to make small home repairs
9 and landscape improvements at the homes of income
10 eligible senior citizens - that's age 60 plus,
11 believe it or not - veterans and disabled people.
12 And the vision of this event is to enhance the
13 comfort, safety and quality of life for our
14 neighbors who may be unable to do these necessary
15 repairs.

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

21 Outcomes. The outcomes are truly
22 heartwarming. It is amazing how small gestures
23 like cleaning up someone's yard can make such a
24 big difference in someone's life.

1 We choose ten to fifteen recipients.
2 We visit anyone who signs up and fills out an
3 application and then we see whether their needs
4 match the needs of the event. It is a four to
5 five hour event so we are unable to do big things
6 like repair an entire roof, but we are able to do
7 smaller things like re-shingling, for example,
8 building handicap ramps, fixing doors and steps,
9 and of course yard work.

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

22 Our sponsors are the wonderful Heros in
23 Transition, the local nonprofit out of Mashpee,
24 who have stepped up to help with the cost of

1 repair and cleanup of all the selected veterans'
2 homes. Another sponsor is everyone's favorite,
3 the 99 Restaurant, which supplies a free lunch
4 for all the volunteers. We're still looking
5 for a sponsor to provide a light breakfast.

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

13 That's it and thank you for listening.

14 [Applause.]

15 THE MODERATOR: Thank you.

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

19 MS. GLADFELTER: Good evening. My
20 name's Betsy Gladfelter. I live in Precinct 6
21 and I'm representing the Falmouth Conservation
22 Commission.

23 [Pause.]

24 MS. GLADFELTER: This doesn't seem to

1 be working. Pardon me? Oh.

2 [Pause.]

3 MS. GLADFELTER: Are we all set?

4 Okay, can I start my time again?

5 THE MODERATOR: Yeah, I'm going to re-
6 start your time, yeah.

7 MS. GLADFELTER: Good evening again.
8 My name is still Betsy Gladfelter. I still live
9 in Precinct 6. And I'm still representing the
10 Falmouth Conservation Commission.

11 Tonight we want to explain to you some
12 of the responsibilities of Con Com and some of
13 our goals and activities to achieve them.

14 We all like our natural environments in
15 town because we enjoy the outdoors, and because
16 they're vital to our Town's economy. As a
17 community, we're also concerned with coastal
18 resiliency and recognize our first line of
19 defense in face of coastal hazards is a strong
20 network of healthy coastal and wetland
21 ecosystems. The Conservation Commission has the
22 responsibility to manage Town conservation lands
23 and to regulate activities in its jurisdiction,
24 to conserve these resources for the public good.

1 Now, and in the future.

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

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

22 The Coonamessett River Restoration
23 Project was supported through greater than \$1.5
24 million in federal and state grants awarded to

1 the Town, plus in-kind services from a number of
2 federal, state and local partners. The Town
3 works closely with the Massachusetts Division of
4 Ecological Restoration and Inter-Fluve, a river
5 restoration firm. Both have partnered on dozens
6 of wetland restorations and dam removals
7 throughout the Cape and the state. The goals
8 are a more resilient natural system that will
9 increase wildlife, help absorb nitrogen and
10 increase educational, recreational and research
11 opportunities.

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

16 It is Concom's goals to increase
17 awareness of the importance of stewardship of its
18 natural system through increasing public access
19 and education for residents and visitors of all
20 ages and all abilities. This includes grammar
21 and high school programs with field trips and
22 classroom activities, opportunities for the Boy
23 Scouts to assist in trail creation and outreach
24 events with neighborhood associations,

1 stakeholders such as realtor and adult education
2 programs.

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

15 A number of groups in town have been
16 active in discussions in the development of these
17 panels, which is in its early stages, and we
18 welcome additional ideas. We have additional
19 partners for other conservation restoration and
20 public access efforts. With Mass. Audubon, the
21 reintroduction of the spade foot toad. With The
22 300 Committee and Americorps, restoring kestrel
23 and Wood Duck populations.

24 An Americorp volunteer is creating a

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

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

15 Thank you.

16 [Applause.]

17 THE MODERATOR: Okay, Conservation
18 Commission.

19 Next we'll have a project update on the
20 Lawrence School Window Project by Nick Lowell.

21 If you guys want to queue up if there's
22 anything for the CPC. I'm going to put them up
23 next.

24 MR. LOWELL: Hi, my name's Nick Lowell,

1 Precinct 5. I'm on the Lawrence School Building
2 Committee.

3 I just wanted to briefly first point out
4 that I hope all of you admired the windows on
5 your way in. If you didn't, admire them on your
6 way in tomorrow or take a look at 'em at the
7 break from the interior, because the project has
8 come out really well. Last November, I told you
9 the project was substantially complete, which was
10 99 percent. At this point it's very, very, very
11 substantially complete. There's one item left on
12 the punch list, which is some minor window
13 glazing on the octagonal windows.

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

21 Thank you.

22 [Applause.]

23 THE MODERATOR: Thank you.

24 Community Preservation Committee. Ms.

1 Carmichael.

2 MS. CARMICHAEL: This is Virginia
3 Carmichael.

4 I can do it myself?

5 Virginia Carmichael from the Community
6 Preservation Committee.

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

17 The Community Preservation Fund when it
18 was formed in 2005 took over \$30 million worth of
19 Land Bank debt, which is structured to go through
20 2035. On the right hand side of the pie chart
21 you can see a pretty even distribution among the
22 four funding areas of Community Housing, Historic
23 Preservation, Open Space -- we continue to fund
24 open space projects in addition to the Land Bank

1 debt - Recreation and Administration.

2 I'll show you now a photograph of each
3 of the projects for which we are recommending
4 funding tonight. Nobska Lighthouse Tower
5 Restoration.

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

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

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

17 Wood Hole Public Library stone pointing,
18 repair and pointing.

19 A housing production plan. Many of you
20 probably realize that if we have a housing
21 production plan and are meeting our yearly goals,
22 we have much stronger negotiating position in
23 regard to 40Bs and especially hostile 40Bs. And
24 we let our housing reduction plan lapse in 2014.

1 You're supposed to keep it going and have it
2 certified by the Department of Housing and
3 Community Development.

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

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

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

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

22 Another example of historic resources
23 for which Community Preservation Fund was used:
24 the village fence restoration.

1 And this is what Betsy just spoke to you
2 about: The Heritage Trail. And the Community
3 Preservation Committee is recommending funding
4 for phase one of the construction of that trail
5 and the park and the entrance to the park.

6 Thank you.

7 [Applause.]

8 THE MODERATOR: Thank you.

9 Next I have the Planning Board. Ms.
10 Kerfoot.

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

16 [Applause and cheers.]

17 MS. KERFOOT: It's been a long and
18 thoughtful process. My notes go back to 2009.
19 It was not just the Local Comprehensive Plan
20 Subcommittee creating the long range plan, but
21 also all of you, your comments, and the many,
22 many interested residents who gave voice to their
23 visions for the next 50 to 100 years of
24 Falmouth's future.

1 Town Meeting's responsibility was to
2 comment and vote on the goals and policies that
3 will guide governmental decision for each of the
4 plans eight elements. This is a considerably
5 smaller amount of elements than the plans that
6 have preceded it; much easier to use, we believe.
7 And only has in it that which government can do.

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

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

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

24 The Land Use element is the first. We

1 thought it deserved that eminent place because so
2 much depends upon how we use our land. You voted
3 it at the November, 2014 Town Meeting. The goal
4 is: Falmouth shall use land appropriately to
5 create places to live, work and play by
6 encouraging sustainable and balanced growth.
7 There are policies that follow this. And these
8 are the guidelines that we hope that the Town
9 will use.

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

19 Coastal Resiliency element. This one
20 was a brand new one. We had to create it out of
21 whole cloth. We voted it at November 2014 Town
22 Meeting. Falmouth shall retain it's cultural
23 identity by balancing use, access and enjoyment
24 of coastal resources in response to weather

1 related impacts and sea level rise. I don't even
2 want to argue what's causing it. The sea level
3 is rising. Our storms are becoming stronger,
4 more dire in consequence, and we have to make our
5 decisions based upon that knowledge.

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

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

24 Economic Sustainability element.

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

6 The Energy element. Voted at April
7 2013 Town Meeting. Falmouth's Town government
8 and residents will use the best available cost
9 effective technologies to minimize dependence on
10 carbon-based fuels. And we've got a nice
11 photovoltaic field now.

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

21 THE MODERATOR: Okay, Ms. Kerfoot,
22 we've hit the five. Do you -

23 MS. KERFOOT: That's - I'm on the last
24 slide. I'm saying if you can write fast enough,

1 you can get the link down. If you can't, you go
2 to the Planning Board's site.

3 THE MODERATOR: Thank you.

4 [Applause.]

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

8 Yeah. I knew there was another email I
9 didn't add to this list. Falmouth Bikeways
10 Committee.

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

15 Falmouth has earned the certification as
16 a Bicycle Friendly Community.

17 [Applause.]

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

21 FROM THE FLOOR: Microphone.

22 MR. LINDELL: Sorry. A lot of
23 citizens here put time and effort into building a
24 bike plan that the Board of Selectmen approved

1 last year, or earlier this - yeah, last year.
2 And now we are one - this is real bragging
3 rights, because we are only one of ten
4 municipalities state-wide that have this, have
5 earned this: Cambridge, Nantucket being some
6 others. And we're the only one on Cape Cod of
7 the 15 towns. So, that's a really great feather
8 in our cap.

9 I just want to make - I know people can
10 only remember three things at once, so I'm going
11 to just tell you three things, three challenges
12 that we have, besides the many good things that
13 we have happening around town.

14 Active town transportation, like biking
15 and walking are really happening because DPW is
16 actively engaged in making bicycle transportation
17 improvements in town. We'll see some new bike
18 parking around town, the lit crosswalk across
19 Locust Street on our bike path has really
20 improved the safety there. And the Bikeways
21 Committee is really productively engaged with the
22 Police Department, our Mass. Department of
23 Transportation coordinators and the Falmouth Bike
24 Club to educate motorists and cyclists about how

1 to share the road together.

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

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

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

23 MR. LINDELL: We're ready to help.

24 I also want to point out that the newer

1 seven mile path extension of the Bike Path from
2 downtown to the north has really suffered some
3 serious deterioration in the pavement in just the
4 five years it's been around. And it's in serious
5 need of repair. And this is a case where a
6 stitch in time saves nine and it may spare some
7 possible injuries, too.

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

18 And the next point I want to make is
19 that, besides bicyclists and pedestrians who
20 really enjoy the bike path, some of the greatest
21 beneficiaries of the Shining Sea Bikeway are the
22 Town's businesses and institutions who can
23 attract customers and employees and tourists to
24 this town by the virtue of the great public

1 bicycling opportunities we have.

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

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

1 the best and highest use for the greatest public
2 good.

3 So that would conclude and thank you for
4 your time.

5 [Applause.]

6 THE MODERATOR: Thanks, Scott.

7 Any further committee reports?

8 MR. FINNERAN: Solid Waste.

9 THE MODERATOR: Solid Waste Advisory
10 Committee.

11 MR. FINNERAN: Mark Finneran, from
12 Solid Waste. I actually don't know what's up
13 there. Linda just called me. She's home with a
14 fever.

15 She said that you had a slide, some
16 slides?

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

19 MR. FINNERAN: Oh, all right.

20 We got new hours at the dump. Because
21 the guys used to go to the bank on their own
22 time. So they're closing it at 3:00, now. So
23 everybody keep that in mind because if you show
24 up at five past, they're not going to let you in.

1 And that same applies to the compost site.

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

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

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

22 And again, please don't dump all over
23 our town. Thank you.

24 [Applause.]

1 THE MODERATOR: Thank you.

2 Any further committee reports?

3 Hearing none, the question will come on
4 the main motion to accept the reports that you
5 already heard. All in favor, say aye.

6 [Aye.]

7 THE MODERATOR: All opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it
10 unanimous.

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

14 CHAIRMAN VOGEL: Mr. Moderator, I move
15 Article 3 as recommended.

16 THE MODERATOR: As recommended.

17 Who wanted to speak on this one? Yes,
18 Mr. Noonan.

19 MR. NOONAN: Mr. Moderator, John
20 Noonan, precinct 6. My question is is there any
21 money attached to this article?

22 THE MODERATOR: This particular
23 article, no. This is an authorization for them
24 to settle claims and suits.

1 MR. NOONAN: Just to clarify. So, if
2 this article passes, there's no money attached to
3 it ever?

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

10 MR. NOONAN: Thank you.

11 THE MODERATOR: Okay.

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

15 All those in favor, signify by saying
16 Aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Article 5, Madame Chairman for the main
23 motion.

24 CHAIRMAN VOGEL: Mr. Moderator, I move

1 Article 5 as recommended.

2 THE MODERATOR: As recommended. This
3 is to fix the salaries of elected officials.
4 Mr. Shearer.

5 MR. SHEARER: Dan Shearer, Precinct 6.
6 Mr. Moderator, I would like to table this article
7 until after Article 16, where we are hiring a
8 person that's going to take a lot of the
9 responsibility away from our Selectmen and
10 administrative officers, and I think we should
11 look at that first before we decide any salaries
12 for the gentlemen.

13 Thank you very much.

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

18 All those in favor of tabling Article
19 5, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It the opinion of the
24 Chair that the nos have it, there is not a two-

1 thirds majority.

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

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

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

23 Thank you very much.

24 THE MODERATOR: Okay, further

1 discussion - this is - yes, the amendment is to
2 change the Selectmen 4 line item to \$3,000 and
3 the chairman of the Selectmen line item to
4 \$3,500.

5 Mr. Jones.

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

19 If we have your support, we'll be
20 thrilled. If we don't have your support on that
21 plan, we'll come back with try to move forward
22 with it.

23 THE MODERATOR: Okay, Mr. Dufresne.

24 MR. DUFRESNE: Adriene Dufresne,

1 Precinct 2.

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

17 THE MODERATOR: Okay, further
18 discussion on the amendment.

19 Hearing none, the question will come on
20 the amendment. This is to reduce the
21 Selectmen's salary to \$3,000 and the Chairman of
22 the Selectmen to \$3,500.

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

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

7 Any further discussion on Article 5?

8 Mr. Donahue.

9 MR. DONAHUE: Bob Donahue, Precinct 3.

10 I would like to amend line 2, Town
11 Clerk. From \$88,991, I would like to add
12 \$11,009.00 to that. The reason I'm asking for
13 this - and I've asked for this for this position
14 before, and thank God you guys went along with me
15 - is because we are possibly going to authorize a
16 position that starts off at \$80,000 and goes up
17 to \$100,000. I think a man who's been here over
18 15 years, who is a department head of a very,
19 very important department, not a trivial
20 department, a very important department, should
21 be paid, recognized through a salary, at least
22 equal with other department heads or chiefs, or
23 what other title you want to give the person
24 who's in charge of that area.

1 Thank you, Mr. Chairman.

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

5 Ms. Williams.

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

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

14 THE MODERATOR: Mr. Palmer.

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

24 I do appreciate your consideration, Mr.

1 Donahue, but -

2 [Laughter.]

3 CLERK PALMER: - in all honesty, I

4 couldn't - I could not do that.

5 [Applause and cheers.]

6 THE MODERATOR: Well, we've already had

7 two amendments so I can't get a raise.

8 [Laughter.]

9 THE MODERATOR: Mr. Dufresne. [Laughs.]

10 Mr. Dufresne, yeah.

11 Okay, any further discussion on the

12 amendment? Hearing none, the question will come

13 on the amendment to the Town Clerk's line item.

14 All those in favor of the amendment,

15 signify by saying Aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: It is the opinion of

20 the Chair is that the no's have it and we're back

21 on the main motion as recommended.

22 Any further discussion on the main

23 motion as recommended?

24 All those in favor, signify by saying

1 Aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous.

7 Article 7. This is the accessory
8 bylaw.

9 MR. NOONAN: Mr. Moderator.

10 THE MODERATOR: Yes. Mr. Noonan.

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

16 THE MODERATOR: Thank you.

17 [Applause.]

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

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

22 THE MODERATOR: As recommended. So
23 this is what is printed in your article and then
24 there's one change there which deletes, "or

1 accessory structure attached thereto in line item
2 (5) (a)".

3 Okay, Mr. Fox.

4 CHAIRMAN FOX: Okay?

5 THE MODERATOR: Yes.

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

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

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

24 The other number that was really pretty

1 shocking is that we aged quiet a bit. Our
2 average age went from in the 40's to the late
3 50's. So we've had some pretty substantial
4 demographic changes to our town. And it's time
5 to start thinking about how we can do things
6 about it. And that's what got us goign on
7 making some of the recommendations here.

8 And this report, it was real specific
9 that we needed to make some of the changes to
10 current zoning that added small residential units
11 needed to attract younger workers. Because
12 that's what you don't have: there are no real
13 apartmetns in our town. You ahve to have a
14 single family home and the young person doesn't
15 have the money to buy it, put it down, and that's
16 what we're - we're trying to solve.

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

24 For other things in the pipeline that

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

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

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

24 And policy three, that we will provide -

1 - that Falmouth will accept the responsibility
2 for providing houses for everyone in our town at
3 all stages of their life. And part of this bylaw
4 was - that we put forward -- will allow people to
5 stay in their homes. And for a considerable
6 amount of time. And we figured that that's real
7 important. So the same accessory unit that will
8 may have, you know, young people living in it the
9 first ten years, the homeowner will be living in
10 it in the last ten years of his life. So it's
11 dual purpose. And these goals were approved in
12 the April Town Meeting of 2015.

13 The Local Comprehensive Plan set out
14 action items to be referred. And what an action
15 item is, it basically turns into a warrant
16 article. So the accessory apartment bylaw is an
17 action item coming forward from our Local
18 Comprehensive Plan where we're going to explore
19 innovative zoning tools that will increase
20 housing choices, including a by right accessory
21 apartment. There have to be new districts to
22 allow for multifamily housing and cottage courts
23 and other types of housing, and the revision of
24 the conversion bylaw.

1 We have a bylaw in town that you can
2 convert a large structure, and up to four units.
3 It's been on the books for a long time. That
4 has a date of 1984 or something on it, and it
5 really hasn't been used very often.

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

14 So, coming forward, here it is, Article
15 7. It's something that we've been working on for
16 a long time. It has some restrictions on it.
17 The accessory apartment will have no more than
18 two bedrooms. It's going to be small in nature.
19 Only 800 square feet, or 40 percent of the
20 structure that it's going into. So, by
21 definition - I know we've read a lot of articles
22 with people saying we're putting duplexes in
23 19,000 homes around town. These have to be
24 accessory; they'll be 40 percent of structure.

1 And we have design standards that were put
2 through that it has to have an architectural
3 effect that it looks like a single family
4 residence and it has to be compatible with the
5 neighborhood. So, a little addition on the back
6 of the house will not turn it into a duplex.

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

15 And then, we also have pretty extensive
16 enforcement and monitoring. These have to be
17 owner occupied. Okay, either - one of the units,
18 either the smaller one or the larger one, has to
19 be owner occupied. So that we're not - people
20 aren't going to be building apartments for rental
21 units except it's in their own home. And the
22 enforcement's going to stay in place. It's going
23 to be by the building commissioner.

24 We have a clause in here that every

1 owner of the place has to submit an affidavit
2 every year proving that they live in the house.
3 And that has to be filed with the Town with the
4 Building Commissioner and it'll be on file for
5 every one of these approved apartments.

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

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

1 And it fits really nicely on a 9,000 square foot
2 lot.

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

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

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

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

22 THE MODERATOR: I think so, because
23 what's going to happen --

24 CHAIRMAN FOX: I'm all set.

1 THE MODERATOR: - is when I tell
2 people to just ask questions, they're going to go
3 on and on; not just ask questions.

4 CHAIRMAN FOX: All right, fine.

5 THE MODERATOR: So.

6 [Laughter.]

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

11 Do we have folks from the Zoning Board?

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

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

22 The Zoning Board of Appeals appreciates
23 the Planning Board's efforts regarding affordable
24 housing in Falmouth. And the Zoning Board is

1 also cognizant of the needs of housing in the
2 town. However, the Board of Appeals recommends
3 that Town Meeting not approve this article.

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

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

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

20 Site plan review does not allow for an
21 application, either. The proposed bylaw has no
22 requirements to insure affordability, and will
23 not add any units onto the subsidized housing
24 inventory.

1 Here we have a GIS photo of Maravista
2 and the Heights, and a few pictures - that's
3 Montauk on the left. And, as proposed, there's
4 no minimum lot size requirements. And we're all
5 familiar with the density in the Maravista
6 Heights and the Woods Hole areas. Maravista
7 alone, Chestnut Street has an average of 7,923
8 square feet for lots. On nearby Montauk, it's
9 5,599. And on Maple, the average is 4,799
10 square feet.

11 On Hawthorne in the Heights, the average
12 is 6,250. On Pennsylvania Court, the average is
13 7,599. And on Massachusetts Ave., the average is
14 3,820.

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

20 This proposed bylaw I feel and the board
21 feels is against the purpose of the Falmouth
22 bylaws which is located in Section 204-1. And
23 the purpose of the bylaws is to lessen
24 congestion, conserve health, secure safety,

1 prevent overloading of the land, avoid undue
2 concentration of the population, prevention of
3 blight, and to encourage most appropriate use of
4 land, including consideration of the Master Plan
5 and the Town's Comprehensive Plan.

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

11 And the Planning Board has stated that
12 the proposed bylaw takes advantage of the sewered
13 areas in town. In the Maravista area, there's no
14 sewerage of sites north of Nickerson Street and
15 east of Maravista Ave. And in the Heights
16 there's no sewerage west of Worcester Court and
17 north of Grand Ave., until you get to the condos
18 up by McDougall's. And in Woods Hole, only a
19 small area of the properties around MBL and Water
20 Streets are sewered.

21 Since 1989, 824 units of affordable
22 housing have been built, which represent almost
23 3.9 percent of the housing stock in the town. In
24 2016 alone, 154 rental units have been proposed,

1 and all of those units count toward the
2 affordable housing inventory. Under the existing
3 bylaws, 189 accessory apartments have been
4 proposed.

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

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

22 There's also no commercial
23 accommodations and the unit is monitored to
24 ensure affordability or rented to a family

1 member.

2 The Zoning Board of Appeals respectfully
3 suggests coming back to Town Meeting to either
4 delete or modify the existing bylaws. The
5 existing bylaws requires and accessory apartment
6 to be monitored in order to ensure affordability.
7 And in doing so, this would return control of the
8 accessory apartment to the owner of the residence
9 itself.

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

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

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

22 [Applause.]

23 THE MODERATOR: Okay, now we're going
24 to open it up. Mr. Latimer.

1 I'm sorry. Oh, oh, you're still
2 presenting? Okay.

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

5 Go ahead.

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

10 I'm actually the Building Commissioner
11 for the Town of Dartmouth and so I deal with
12 zoning enforcement every day, and I deal with how
13 to resolve those issues. And this bylaw as
14 written is impossible to enforce because it
15 requires an affidavit from a property owner,
16 which is nothing more than good will. And this
17 bylaw will be abused because of where we - you
18 know, because of where we live and the strong
19 demand for short term rentals. And when a
20 complaint comes in, there are no tools in the
21 toolbox for the Building Inspector, the Building
22 Commissioner or the Zoning Enforcement Officer to
23 get to the bottom of what's taking place. You
24 make a phone call, people don't call you back.

1 You make a site visit, no one answers the door.
2 You know, it can turn into an uncontrollable
3 situation and it's - it's a bad bylaw and I would
4 urge the Town Meeting members to vote against it.
5 And that's all I've got to say tonight.

6 Thank you.

7 THE MODERATOR: Okay, Mr. Latimer.

8 CHAIRMAN FOX: [No mic:] I'd like to
9 comment.

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

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

22 We have had the bylaw in place, set up
23 this way, for years. I think we've had 16 of
24 them maybe come up in the last five or six years.

1 The current bylaw requires to have someone to
2 monitor who you rent your place to. You cannot
3 rent it to just anybody. It's got to be -
4 they've got to be income qualified, and you have
5 to go through a third party agency. And they
6 tell you who you can rent from. This bylaw's
7 been in place for years and it's not working.

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

20 The lot coverage ratio already on small
21 lots requires setbacks. This bylaw does not
22 change any setbacks. It does not change any
23 Board of Health requirements. All those
24 protections we have in our zoning and the Board

1 of Health are still in place and we're not
2 touching it.

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

15 I think to fit these on a small lot, by
16 the nature of their size, that they're only up to
17 800 square feet, that they will be affordable
18 within reason, but not restricted.

19 The whole other process about this is to
20 be able to age in place right now. So I have a
21 lot of people right now that have a four bed - a
22 great big four bedroom home. This bylaw would
23 enable if you're on - even if you were on a small
24 lot, would enable without making any changes to

1 the outside, divide your house up and make two of
2 the rooms: one a kitchen, one a bedroom, and you
3 could live there - you could rent that out for
4 the next five years and then, when you get older,
5 you could actually move into it and rent out the
6 main house.

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

21 On all those small units right now the
22 bylaw says if you can meet the setbacks, you can
23 put four bedrooms in anyone of those little
24 houses. But you can't. Because there's a 25

1 foot setback in the front, and ten foot setbacks
2 on the side. They just don't fit. We don't need
3 lots of restrictions; we need some more housing.

4 [Applause.]

5 THE MODERATOR: Okay, folks.

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

8 Mr. Latimer.

9 MR. LATIMER: Thank you, Mr. Moderator.
10 I'm Richard Latimer, from Precinct 1. I was a
11 long-time member of the Falmouth Planning Board,
12 but I don't really have any axe to grind here
13 from that perspective.

14 I did want to make a comment, though.
15 On how great this is. This is how our system
16 works, now. And it's good, because we have one
17 board who is answerable only to the people, and
18 they're coming up with a plan. We have another
19 board that is answerable also only to the people.
20 There's nobody supervising them or regulating
21 them. And they have a difference of opinion and
22 they're bringing that to us. So that we get to
23 decide what that difference of opinion is.

24 I'm not going to tell you how to vote on

1 this. I'm not going to suggest that one side is
2 better than the other. But I hope everybody
3 here appreciates that how this system is working
4 and how we do not need to have some kind of Super
5 Director of Development who is going to regulate
6 I- regulate and supervise these other boards. I
7 think we need these independent boards.

8 Thank you.

9 [Applause.]

10 THE MODERATOR: Okay, Ms. Putnam.

11 All roads lead to Article 16, huh?

12 [Laughter.]

13 THE MODERATOR: Ms. Putnam.

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

16 I have a couple of issues with this
17 actual article. I do commend the Planning Board
18 on trying to find a way to create affordable
19 housing. This week alone I've had 25 people
20 call me, looking for affordable year round
21 rentals, and I've got zero. It is extremely
22 hard to find people affordable housing in this
23 town and I don't think people appreciate that
24 because they don't receive these phone calls from

1 young family members - families, and, you know,
2 they have two year olds, three year olds, and
3 they can't find housing.

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

14 THE MODERATOR: Do you have them in
15 writing?

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

19 [Pause.]

20 MS. PUTNAM: The one before that.

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

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

1 the warrant booklet.

2 MS. PUTNAM: Okay.

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

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

9 THE MODERATOR: So, in (4)(a),
10 paragraph (4)(a), we strike the end of the
11 sentence "compatible with the surrounding
12 neighborhood".

13 MS. PUTNAM: Correct.

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

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

20 THE MODERATOR: "The unit is monitored
21 for affordability".

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

24 THE MODERATOR: It's going to be

1 “(3)(g) Unit is monitored for afford ability” -
2 let’s have the rest of the language, “monitored
3 for affordability” and -

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

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

8 MS. PUTNAM: That language.

9 THE MODERATOR: Okay.

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

14 [Pause.]

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

17 [Pause.]

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

22 FROM THE FLOOR: [Inaudible.]

23 THE MODERATOR: Anybody knows a high
24 school student that would like to be our second

1 microphone carrier tomorrow night, have them come
2 on down at seven o'clock.

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

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

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

20 Now, there's also another - I mean, I
21 may be wrong, but I don't think I am. If you
22 have a subsidized housing inventory unit that's
23 deed restricted as affordable, you have to
24 conduct an affirmative marketing campaign and you

1 have to have - you may not rent that
2 preferentially to a family member. You have to
3 do a fair, affirmative marketing plan. Our
4 current bylaw contradicts the state's statute on
5 that.

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

12 Thank you.

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

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

23 We just want housing for everybody as
24 fast as we can get it. And we think that the

1 smaller units will be affordable. We'll rent
2 them to our kids. We may be living in them
3 ourselves and renting the house to our kids later
4 on. But we need to just need to start building
5 them.

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

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

19 THE MODERATOR: Okay, Ms. Lowell.
20 I've got you on the list.

21 MS. LOWELL: Vicki Lowell, Precinct
22 one. I have a question for Mr. Fox.

23 You want to open it up more, but you've
24 really opened it up a lot by making it as a right

1 with only a site plan or and design review. Why
2 are you - why do you think it's too burdensome to
3 get a special permit so abutters will get
4 notified and people in the neighborhood would
5 know what's happening?

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

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

24 THE MODERATOR: Okay, we're on the

1 amendment, here. Ms. Lichtenstein. On the
2 amendment.

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

5 I had a call from a neighbor, an elderly
6 neighbor, who wondered about this and I wonder
7 about your amendment, that put in afford ability
8 or family member.

9 THE MODERATOR: Or a family member.

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

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

1 bylaw you could.

2 THE MODERATOR: And, in respect to the
3 amendment, Ms. Putnam?

4 MS. PUTNAM: I don't think people
5 really realize what affordable is. So, you could
6 go to housing and you can get a one bedroom
7 apartment for a maximum of \$1,000 a month. Two
8 bedroom I think is up to \$1300 a month. How
9 many people here know somebody who can only
10 afford \$1300 a month and can't afford the 14 and
11 1500 dollars a month it costs? That a lot of
12 these private homeowners want to charge because
13 it's going to cost them to put the addition on.

14 If the point is to add housing for
15 people who need the housing, what is the problem
16 with putting on the books what is already on the
17 accessory apartment bylaw? Remember, we all
18 voted in to allow these people with illegal
19 apartments to come in for amnesty. I don't
20 think asking that somebody has to rent a place
21 for not more than a two bedroom, \$1300 a month is
22 a lot to ask of us to help people in our town,
23 our neighbors. And I think that we all forget
24 what the money costs really are. And we really

1 don't think about what is it our neighbors or the
2 people that are working as CNAs.

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

12 I'm not against the article, I'm just
13 against the two items - well, adding the one item
14 and removing the other item. But I think that
15 that will help us and help our neighbors.

16 THE MODERATOR: Okay, Ms. Wilson. On
17 the amendment.

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

24 When you go to the state, there's - it's

1 a very complicated process. Ann Connolly
2 referred to it. It's a very complicated
3 process. There's wait lists. And the
4 affordability guidelines are quite low. We are
5 lacking housing for people who are in a middle
6 income place right now. My children cannot move
7 here and work here and afford to live here. I
8 would like them to be able to do that, and quite
9 possibly a way to do it would be to be able to
10 make an apartment in my home. I don't want them
11 living in my home as if they're still my
12 children, you know?

13 [Laughter.]

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

16 The other thing is, if you think about
17 the houses in Falmouth, three, four bedroom
18 houses, these are houses that did house families
19 with three, four, five, six children in the
20 '50's, '60's and '70's. What's the difference?
21 They're not going to add bedrooms to these
22 houses. They're going to take probably a four
23 bedroom house and take two of those bedrooms,
24 make a kitchen/living room out of one of them,

1 and a bedroom out of the other one. You're
2 going to add, you know, two or three people, so
3 then you have maybe a widow who's in the main
4 part of the house or decides to be in the little
5 apartment. Or you have a small family move in
6 or a couple or a single person move in. You're
7 not going beyond what was actually housed in that
8 house when it was built.

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

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

21 Okay, so, I don't understand people's
22 arguments. I really don't.

23 The Planning Board worked on this for
24 years. They put it out there to the public to

1 come and work with them. They put it out to all
2 the committees to come and work with them. All
3 of the questions or ideas that people have right
4 now should have been worked out over those two or
5 three years when they worked very, very hard. It
6 was on their agendas every month, every meeting,
7 for years.

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

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

13 MR. COOK: I support this amendment.
14 One of the things I've been thinking about, it
15 affects thinking about our society that we've
16 become a society where we send off our children
17 to far-flung locations around the country; they
18 move away and we've moved away from the nuclear
19 family, the keeping everybody in the same
20 neighborhood. But I've noticed, you know, from
21 people who've lived here all their whole lives
22 that their kids want to come back, but they don't
23 have a place to go.

24 For me, personally, this article and

1 this amendment is very important. My wife and
2 I, we fit that demographic that was mentioned.
3 We're in our late 50's. We're in the greying
4 area of this town. This town is becoming a very
5 old, grey town. Sorry. My hair's greying on the
6 sides. We're not attracting the young people
7 and by voting against anything in this amendment
8 or article is sending a big, huge negative
9 message to young people, saying, "Sorry, try
10 moving somewhere else. Move off Cape." And
11 before you know it you have a population that's
12 all seniors.

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

23 So, for me, this has personal reasons.
24 So I'm in favor of this.

1 THE MODERATOR: Okay, Mr. Netto. Mr.
2 Netto. On the amendment?

3 MR. NETTO: [No mic: inaudible.]

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

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

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

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

14 FROM THE FLOOR: I was unclear on the
15 last speaker. I don't believe he was speaking -

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

20 I am asking for folks who want to speak
21 on Ms. Putnam's amendment. So don't put your
22 hand in the air unless you want to speak on the
23 amendment so we can dispense with the amendment
24 and go back to the main motion.

1 We are on the amendment; Ms. Williams
2 has the floor.

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

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

13 I don't - I guess that's my question:
14 who would be doing the monitoring?

15 THE MODERATOR: Ms. Putnam. It's your
16 amendment; who's monitoring this?

17 MS. PUTNAM: If you'd like, I'll
18 monitor it.

19 [Laughter.]

20 MS. PUTNAM: I used the language that's
21 already out there. I was trying to make it very
22 simple in using what we already have on the books
23 and adding it to this. All I want to do is make
24 sure that people who are doing this are giving

1 the folks who need a house who can't afford 1600
2 a month, because that's what happens when you add
3 a big structure or add any extra structure to a
4 house, because there is immense costs nowadays -

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

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

12 THE MODERATOR: Okay. Mr. Murphy.

13 MR. MURPHY: Mr. Murphy, Precinct 5.

14 I was on the Board of Selectmen when
15 this original bylaw passed and I spoke against it
16 because of one particular situation. It was the
17 affordability aspect. I've always been an
18 advocate for affordable housing, but the
19 affordability aspect of an accessory apartment
20 makes it a non-starter for many people. To make
21 that unit affordable, you have to put a deed
22 restriction on your house, and that is in
23 perpetuity. So what you've just done is
24 encumbered your estate. You've encumbered your

1 family's estate. If your kids go to inherit
2 your house, they're always going to have an
3 affordable apartment in that house. You can't
4 take it away.

5 So, I ask you - that's the reason people
6 didn't build under the old affordable - under the
7 old bylaw.

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

15 No one can buy it and say, "Well, I'm
16 going to convert it back to a four bedroom
17 house." So I'd ask you, for the success of
18 accessory apartments in this particular
19 situation, there are abundant locations in this
20 town for affordable housing. This is an
21 additional tool to be able to get folks to be
22 able to have the access to smaller housing,
23 accessory housing.

24 Thank you.

1 [Applause.]

2 THE MODERATOR: Mr. Brown. Mr. Brown.

3 MR. BROWN: Douglas Brown.

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

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

16 THE MODERATOR: Mr. Clark.

17 MR. CLARK: Peter Clark, Precinct one.

18 Mr. Murphy said most of what I wanted to
19 say, and I won't repeat it. But I think that the
20 existence of additional housing without
21 affordable restrictions may well help the
22 availability of affordable housing without having
23 all of the restrictions. So those people who
24 want affordability may get it by allowing this to

1 happen but without all those regulations.

2 THE MODERATOR: Mr. Finneran.

3 MR. FINNERAN: Mark Finneran, Precinct

4 6.

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

14 THE MODERATOR: Okay. The far right.

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

18 The whole point of this article, here,
19 is to make housing easier here in Falmouth. I
20 think the amendment will make it more difficult.
21 The amendment comes from a great place. It's
22 looking to help affordable housing. This
23 article here is designed from a different
24 perspective. It's designed from the perspective

1 of the owner, not of the tenant.

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

4 THE MODERATOR: Okay, Ms. Budrow.

5 Mr. Herbst, you're on the list.

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

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

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

19 Monitoring right now. Monitoring under
20 242 16J that the Planning Board put in in 2010
21 requires Housing - [laughs] I forget the name of
22 it -- Annie Connolly, Falmouth Housing Trust, her
23 company or organization, used to monitor. HAC in
24 Hyannis used to - or do monitor. CHAPA is a

1 monitoring. So it is an organization that is
2 required to do that.

3 When the Zoning Board of Appeals
4 approves an accessory apartment, the bylaw
5 requires a deed restriction. The Zoning Board
6 of Appeals feels that you can take the existing
7 bylaw, remove the affordability because it is
8 burdensome. Remove the monitoring under 242
9 16J. Reduce the size of the lot and you'll have
10 protection through - excuse me - through zoning
11 because the Zoning Board of Appeals does have
12 teeth; if there's a violation or anything, it can
13 go back to the Zoning Board of Appeals and have
14 those privileges removed through the Building
15 Commissioner.

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

24 Thank you.

1 THE MODERATOR: Okay, Mr. Latimer, on
2 the amendment. I've got a couple more on the
3 amendment, then I think we're going to take a
4 vote on the amendment.

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

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

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

19 As far as the restriction on
20 neighborhood compatibility, that's kind of a de
21 minimus restriction. Most people aren't going
22 to change the way their house looks, anyway.
23 They're not going to totally remodel the outside
24 of the house just to put an accessory apartment

1 in. So that's probably not a very significant
2 part of the bylaw.

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

12 Thank you.

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

15 MR. HERBST: Hello. Thank you.

16 Ralph Herbst, Precinct 8. I'm against
17 this amendment.

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

23 First of all, on the first portion of
24 the amendment, to remove the reference to

1 compatible with the surrounding neighborhood.
2 It's important to know that the Planning Board is
3 now the Design Review Committee in town, and they
4 look at all aspects of zoning and building that
5 comes before them and apply Design Review
6 criteria. So they're totally capable of making
7 sure that anything - any accessory apartment that
8 would be developed would be - would not be
9 offensive to the neighborhood.

10 As far as the affordability aspect, I
11 believe Mr. Murphy hit it right on the nose.
12 This bylaw is designed to accommodate the
13 homeowner or the person applying for the permit,
14 not the person who's - may dwell in that area.
15 The availability - the affordability aspect of it
16 has to go and it is not, as Mr. Murphy's uncle
17 said, it's not in perpetuity. It can be removed.
18 And so, and a family member, that's neither here
19 nor there. It's extremely important that the
20 affordability aspect be removed and that it be by
21 right, so that we can increase the amount of
22 housing for people and, as Mr. Fox indicated, if
23 a person owns a home and then they want to move
24 into the accessory apartment themselves and rent

1 the portion of the home where they were
2 previously living, they may not be able to - they
3 may not be qualified to move into the accessory
4 apartment because they make too much money after
5 they retired.

6 So you just defeated the whole thing.

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

10 [Laughter.]

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

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It is the opinion of

1 the Chair is that the nos have it by a majority
2 and the article is not amended.

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

5 MR. HERBST: Thank you. Mr.
6 Moderator, I'd like to propose an amendment to
7 this bylaw. If everybody would turn to page
8 four -

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

11 MR. HERBST: Really. Okay.

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

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

16 THE MODERATOR: Okay.

17 MR. HERBST: Okay. And I believe I
18 gave you a copy that you could read to the
19 audience -

20 THE MODERATOR: Oh, that's what that
21 is.

22 MR. HERBST: - after I mention it.

23 But under Monitoring (a), my amendment
24 is to help the Building Commissioner with

1 enforcement, and it's been brought up here
2 already tonight. And to make it much easier for
3 the Building Inspector to allow a - and a person
4 to live less than seven months in the home, and
5 it lists some reasons there such - and it's in
6 the last line, it says, "Such as military
7 assignment, academic sabbatical or similar
8 circumstances." I'm asking this amendment to
9 include just two more exceptions, so that the
10 Building Commissioner will have a more complete
11 bylaw to make his decisions and it won't be up in
12 the air as to whether or not they qualify.

13 So, after the word "academic
14 sabbatical", I'm asking the -

15 THE MODERATOR: What you gave us in
16 writing is after "military assignment".

17 MR. HERBST: I'm sorry, after "military
18 assignment", excuse me. After the military
19 assignment, I'm asking you to - the Town Meeting
20 to include in this amendment "working-related
21 issues, health issues", those two to be added to
22 the exceptions. So that, when it says at the
23 end of the sentence, "or similar circumstances",
24 those two will be eliminated as similar and they

1 will be very specific and allow the Building
2 Commissioner to apply those as exceptions.

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

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

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

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.
2 [No.]

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

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

8 Dr. Schneider.

9 DR. SCHNEIDER: Barbara Schneider,
10 Precinct 4.

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

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

20 [Laughter.]

21 DR. SCHNEIDER: Anyway, um - and my
22 husband won't say yes.

23 I do want to say one thing to Jim. I
24 really appreciate the work everybody's put into

1 this on the Planning Board and on the Zoning
2 Board. I do want to say that 15 years ago I
3 attended - I was the only one from Falmouth to
4 attend a presentation put on by the Coalition to
5 Save Buzzards Bay, and it was about sewerage in an
6 area. It was before we were all using the S
7 word in Falmouth. And it was one of the very
8 first things that was presented to us by this
9 group that had gone through this in an area
10 similar to Cape Cod in another state, was: please
11 make sure your building codes are intact before
12 you sewer so that no one uses the fact that you
13 sewerage to expand population and density.

14 And I just hope that we could please
15 remember not to ever say, "Don't worry, we
16 sewerage so we can certainly not worry about more
17 people or more density." That's my one request.

18 Secondly, in my neighborhood, we have a
19 covenants. The covenants used to say, "rental
20 for six months or more". We, two years ago had
21 to change that. And I wonder if we could
22 consider - I'm not proposing this. I'd like an
23 answer of why we shouldn't consider having this
24 be one year rental. We changed to one year

1 because what we found was happening was somebody
2 could rent a home, a unit, for six months but it
3 was really a summer rental. And all they did
4 was write the rental as a six month rental.
5 People paid whatever fee it was going to be and
6 they were basically there for those 12 weeks, in
7 and out on the weekends. Very different change
8 in the neighborhood if you're living in a
9 neighborhood that wasn't meant for that or didn't
10 seem like that and suddenly your neighbors are
11 coming and going like this.

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

17 And my third thing is, I still go back
18 to compliance. Currently we're in a town where
19 we have a whole bunch of moorings, and moorings
20 are empty for years on end or people are even
21 lending their moorings to other people. And
22 that's out in the open and, with a little
23 inflatable and a four horse motor, you could go
24 around and if you had a compliance person you

1 could find a lot of discrepancies in what the
2 boat says versus what the mooring says. And I
3 know we're working on that and I appreciate that
4 they are, but I just want to say, if we can't
5 monitor something that's out in the open 24 hours
6 a day, how are we going to monitor this so that
7 it really is watched? And I think that's an
8 issue to all neighbors.

9 So, thank you.

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

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

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

20 So, just to paint another picture of the
21 housing need, it doesn't necessarily come with
22 that income level that you have with affordable,
23 but it's a big need and I just think everybody
24 knows we need that in the service industry.

1 So, I would like to ask Mr. Fox on the
2 Procedures, section (b) where it says that you're
3 going to go have a site plan review. I'm
4 reading into it that we also have to go to the
5 Zoning Board of Appeals, and I'm not saying that
6 that's a bad thing. I just want to make sure. I
7 want to clarify that: what brings you to the
8 Zoning Board of Appeals versus a by right through
9 your board?

10 THE MODERATOR: Mr. Fox.

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

21 we're focusing on basically these can
22 happen within the existing structure, with - and
23 the no change to bedrooms, and you're really just
24 putting a second stove in the house. And the

1 building codes and the Board of Health
2 requirements are all still in place. All those
3 protections, we're not touching 'em.

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

6 MR. NETTO: Joe Netto, Precinct 9.

7 I would like to thank the Zoning
8 Administrator for clearing up some comments that
9 were told to us. I think all of us speak and
10 listen. Hopefully we're - everything is
11 correct.

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

21 Pat Kerfoot earlier gave us the
22 Comprehensive Plan and it spoke about guarding -
23 it talked about wastewater and guarding and
24 maintaining clean waters in our estuaries. Well,

1 as someone who just paid a sewer bill to hook up
2 to the Little Pond Sewer, I think that's great
3 and I always spoke for the sewer.

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

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

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

24 Let's listen to what was said. Let's

1 put it back to the drawing board. You two folks
2 get together and listen to what the Zoning Board
3 of Appeals has to say.

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

15 Right now, the way the bylaw, Because
16 it's a special permit, I as an abutter would be
17 notified -

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

20 MR. NETTO: Okay, and by right - am I
21 clear? Can I ask the Zoning Administrator if
22 that's correct?

23 THE MODERATOR: Ms. Budrow. Let's do
24 it through a mic, please, let's do it through a

1 mic, please. So it's on the record. Through
2 the mic, come up - or bring her a mic, one or the
3 other.

4 MR. NETTO: Can I have one more
5 question?

6 THE MODERATOR: No, your four minutes
7 is up.

8 MS. BUDROW: I would defer that to -

9 THE MODERATOR: You're on the Rules
10 Committee; that's the rule.

11 [Laughter.]

12 MS. BUDROW: - to the Planning Board.
13 Because they're the ones who would email -

14 THE MODERATOR: That could be your
15 answer.

16 MS. BUDROW: - or notify the abutters.
17 I think - I believe it's a week in advance.

18 THE MODERATOR: A week in advance.

19 MS. BUDROW: Brian can answer that.

20 Sorry.

21 THE MODERATOR: MR. Curry.

22 MR. CURRY: The Planning Board mails a
23 letter to all abutters, regular mail for all site
24 plan reviews and design reviews they hold under

1 site plan review. And would under this article.

2 MR. NETTO: And that would be -

3 THE MODERATOR: Okay -

4 MR. NETTO: -- proposed on the one
5 that's in front of us, or the way it is now?

6 MR. CURRY: No -

7 THE MODERATOR: The way it is now.

8 MR. NETTO: That's - in the proposed
9 - can I answer his? And the proposed bylaw
10 change, Mr. Curry, would remove the protection of
11 the neighbors and the owner by right could just
12 do what he or she wanted, correct?

13 MR. CURRY: The special permit process,
14 that's a discretionary permit. Therefore the by
15 right in the house a site plan review.

16 MR. NETTO: And maybe someone will ask
17 my question about the second -

18 THE MODERATOR: Okay, I'll put you back
19 to the bottom of the list.

20 Ms. Tobey. Ms. Tobey, you're on the
21 original list. You're all set. I am, too.

22 Mr. Leary. It's been an hour and ten
23 minutes. We're about ready to take a vote,
24 here. Mr. Leary, anything new?

1 MR. LEARY: Bob Leary, Planning Board.
2 Just an anecdotal piece to this. Speaking from
3 personal experience, with my family. My
4 brother, who is a self employed plumber was able
5 to buy a home, and it was a single family home.
6 My parents, who were retired and living on Social
7 Security, were able to be put into an apartment
8 that was safe and secure. They didn't have to
9 worry about being evicted. They didn't have to
10 worry about looking for senior housing in the
11 town, and my sister lived downstairs with my
12 brother, with my parents upstairs. She was able
13 to save enough money so she could purchase her
14 own house.

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

19 Thank you.

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

22 MS. MESSER: Thank you. Marysia
23 Messer, Precinct 8. You all make me very
24 nervous and, you know what they say when you're

1 talking in front of people and you're nervous,
2 but I won't picture you in your underwear, I'll
3 just stay nervous.

4 [Laughter.]

5 MS. MESSER: I sent out an email to
6 many of you, and just in the interests of being
7 very brief, I'll just read parts of it for those
8 of you who didn't receive it. My husband Tom
9 and I have lived and worked in Falmouth all our
10 lives. We're teachers at Falmouth High School
11 and Mullen Hall. We've lived in Hatchville for
12 30 years and raised our two children, and now our
13 grandchild in the same house. Our roots are deep
14 and strong and we hope to be able to finish out
15 our lives on the property that has brought us so
16 much happiness.

17 Our daughter and son-in-law are now
18 living with us, and our grandchild. Our son-in-
19 law works at MBL and he does not make a
20 sufficient salary for them to find an apartment
21 that is affordable for them, or to buy a house.
22 They were living in an illegal apartment in Woods
23 Hole where there was one means of egress for
24 themselves and our baby grandchild.

1 Additionally, my mother is now in a
2 nursing home where the cost of that is \$16,000 a
3 month. And that's typical. If we could have
4 found a place for her in our home - she's
5 wheelchair bound - we would have done that for
6 her.

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

11 [Applause.]

12 THE MODERATOR: Ms. Vogel. Let's go,
13 folks. Ms. Vogel.

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

22 So, based on what I'm hearing from the
23 people who voted me in as a Town Meeting member,
24 they're very much in favor of this. Thank you.

1 THE MODERATOR: Okay, by a call of the
2 chair, the question will come on the main motion
3 as amended. The main motion as amended. This
4 requires a two-thirds vote.

5 All those in favor, signify by saying
6 aye.

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [No.]

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

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

17 [Applause.]

18 [Whereupon, a recess was held.]

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

22 [Pause.]

23 THE MODERATOR: Okay, let's reestablish
24 a quorum. I don't have tellers. I can't do a

1 quorum without tellers.

2 [Pause.]

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

8 [Pause.]

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

13 All those - oop, no, we're all set. Dr.
14 Schneider's back.

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

18 [Pause.]

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

21 MR. NETTO: 40.

22 THE MODERATOR: 40.

23 In the third division, Dr. Schneider.

24 DR. SCHNEIDER: 55.

1 THE MODERATOR: 55.

2 In the second division, Ms. Cuny.

3 MS. CUNY: 81.

4 THE MODERATOR: 81.

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

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

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

12 THE MODERATOR: Article 10 as
13 recommended. This is to vote to affirm the
14 action of the Board of Selectmen to place upon
15 the ballot of the annual town election held May
16 16th, 2017 a question for action by the voters
17 prohibiting the operation of all types of
18 recreational marijuana establishments as
19 authorized by the passage of Question 4 on the
20 2016 November biennial state ballot.

21 Mr. Duffany held this article.

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

24 If we opt in, has there been any

1 discussion on how many licenses we can have with
2 this, or is there a cap?

3 THE MODERATOR: Ms. Moran.

4 MS. MORAN: Can you repeat the
5 question?

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

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

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

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

24 One, this is what the - this is what the

1 Selectmen have chosen to put before the voters at
2 the May election, and they're going to show you
3 the question tonight, and that is to prohibit
4 marijuana establishments in the town, just a
5 blanket prohibition.

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

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

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

21 I'd like to point out to you one of the
22 quirks of the Question 4: normally, when there's
23 a bylaw, you, Town Meeting, pass it. This is
24 the only situation that I'm aware of where the

1 law requires the voters pass the bylaw.

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

4 MR. LATIMER: Richard Latimer, Precinct
5 1.

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

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

1 town to buy it.

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

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

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

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

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

22 Let me give you a quick time line.
23 December 15, Question 2 takes effect; already
24 happened. August 1st, 2017, the governor will

1 appoint a Cannabis Advisory Board; hasn't been
2 done yet. September 1st, 2017, the Treasurer
3 will appoint a Cannabis Control Commission;
4 hasn't been done yet. March 15th, 2018, deadline
5 for the Cannabis Control to adopt regulations.

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

10 And then the question that I don't think
11 it was answered how many shops? It's right in
12 the law: limit Marijuana retailers to less than
13 20 percent of the number of liquor stores. I
14 found the numbers. That would be ten pot shops.
15 Yeah, ten pot shops.

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

24 There are other states that have not

1 passed this. Massachusetts and Maine. Yeah,
2 others are looking at it but nobody's saying
3 they're going to pass it. So, what if they
4 don't want to bring their family here because
5 we've lined Main Street full of pot shops.

6 So, you know, I agree with the
7 Selectmen, let's vote, get it on the ballot.
8 Yeah, it's just getting it on the ballot. Let
9 the citizens vote.

10 THE MODERATOR: Okay, Mr. Alliegro.

11 MR. ALLIEGRO: Mark Alliegro, Precinct
12 7.

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

20 Mashpee, Sandwich, Bourne, all the
21 surrounding towns, all the towns, all the towns
22 on the Cape, Plymouth, they're all going to have
23 the option to opt out, as well. So we should
24 not be the weak link in this chain and just say,

1 "Well, they can go to Plymouth and get it" and
2 stagger down the streets of Falmouth.

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

7 THE MODERATOR: Okay, Mr. Dufresne.

8 MR. DUFRESNE: Adriene Dufresne,
9 Precinct 2.

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

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

20 THE MODERATOR: Okay, Mr. Crotty.

21 MR. CROTTY: Thank you, Mr. Moderator.
22 Walter Crotty, Precinct 3. I'm also on the Town
23 Opioid Prevention Committee. And I'm appalled
24 that we had the short-sightedness to even approve

1 this as a state. What with the drug problem
2 we're having with our kids today, it's just
3 sending the wrong message. And I agree with the
4 Chief and everyone else and the Selectmen to say,
5 "If nothing else, at least we're sending the
6 message in town that we don't think this
7 recreational marijuana is a good idea," and it
8 will make it more difficult for young people who
9 are - who this is the gateway drug to harder
10 drugs, to go and get it. So I would be in favor
11 of this motion for a lot of reasons, and I think
12 it's something we should agree on.

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

15 MS. ALLIEGRO: To move the motion.

16 THE MODERATOR: Oh, move the question?
17 All right, we've got a - we're ready.

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: The ayes have it by a
2 majority.

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

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

11 THE MODERATOR: As printed. Article
12 13, main motion as printed. Mr. Haddad.

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

15 Let me start by saying, in light of the
16 fact that I gave tonight's invocation, I have a
17 confession to make. I really never gave much
18 thought about the Conservation Commission's
19 regulations until December, when I read about the
20 close to one million dollar judgment against the
21 Town on the Smythe property. Would that outcome
22 - would the outcome of that case have been any
23 different if this article had already passed?
24 Maybe, maybe not. But shouldn't Town Meeting as

1 the Town's legislative body, know the answer to
2 that question?

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

10 Now back to the Smythe case. It has
11 been described as a regulatory taking of property
12 rights without due process and just compensation.
13 One might ask if the Town ever takes property or
14 property rights in any other circumstances. The
15 answer is: sure. In fact, one example is on the
16 Special Town Meeting warrant tomorrow night: the
17 acquisition of the Tony Andrew's farm. What are
18 the similarities between the Smythe matter and
19 the farm? In both cases the goal is
20 preservation and protection of resources. But
21 what are the differences? With the farm, the
22 Town intends to purchase the property rights.
23 We'll compensate the owners for the actual value.
24 We won't be changing the laws to make the

1 property unbuildable. With the farm, the entire
2 process will come before the 245 members of Town
3 Meeting. And if borrowing is involved, it will
4 go before the 25,376 plus or minus registered
5 voters in the town.

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

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

24 Now, one member of the Conservation

1 Commission is quick to say that Con Com has
2 regulations, not bylaws. Whether we call them
3 regulations, bylaws or sumo wrestling, they are
4 rules or laws, just different names having the
5 same impact on Town residents. No, I take that
6 back. The Conservation Commission's regulations
7 are costing us one million dollars without any
8 oversight.

9 Let me give you a specific local example
10 on how absurd it is to make the distinction
11 between bylaws and regulations. The zoning
12 bylaws have provisions for setbacks from wetlands
13 or resource areas. In fact, in one section of
14 the bylaws it says that no lot boundary shall be
15 located closer than a hundred feet from the edge
16 of resource areas. Any change to that 100 foot
17 buffer, either more or less, would require a two-
18 thirds vote of Town Meeting. In contrast, the
19 wetlands regulations also reference a hundred
20 foot setback. Any changes, either more or less,
21 the Conservation Commission does themselves.
22 And if we ever thought about synchronizing those
23 rules or laws, we would need a two-thirds vote of
24 Town Meeting.

1 Is it just me or does it seem crazy to
2 have two different procedures? After all, as
3 stated by the chairman of the Planning Board in
4 the Annual Town Report, one of the purposes of
5 zoning bylaws is environmental protection.
6 Right now, the Conservation Commission, five
7 appointed individuals, two alternates, appointed
8 not even elected, make up the legislative,
9 executive and judicial branches of government,
10 all wrapped up into one, and they enforce the
11 regulations, too.

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

22 By the way, the Conservation Commission
23 is the only one of these boards that has not
24 posted any minutes of any hearing or meeting in

1 the past two calendar years to the Town's
2 website.

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

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

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

23 MR. FINNERAN: David has pretty much
24 spoken for the both of us. As soon as this

1 became known, I spoke with him several times
2 because he was on the ZBA; he has a familiarity
3 with this.

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

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

16 THE MODERATOR: Okay, Ms. Schumacher.
17 We've got a lead presentation on the other side,
18 and then I'll add you to the list, Mr. Jones.

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

22 The Commission is recommending that Town
23 Meeting vote no on Article 13 for two main
24 reasons. First, this body, Town Meeting,

1 adopted the Falmouth Wetlands bylaw, and under
2 the bylaw Town Meeting gave the Conservation
3 Commission the authority to adopt and to amend
4 the Falmouth Wetland regulations. This is
5 consistent with usual practice at all levels of
6 Town government, including within the Town of
7 Falmouth.

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

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

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

24 At both the state and the local level,

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

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

24 Now, the citations you see in brackets

1 here and in the next couple slides are references
2 to the legal authorities for the listed
3 regulatory responsibilities of various Town
4 boards and departments and have been provided in
5 consultation with town counsel. These other
6 boards also develop and amend regulations that do
7 not come before Town Meeting for a vote. And
8 their authority to do so comes from either a
9 Massachusetts General Law or the Code of
10 Falmouth. Examples include the Board of Health,
11 the Zoning Board of Appeals, the Department of
12 Public Works and the Board of Selectmen.

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

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

24 The term "no touch zone" refers to the

1 portion of a buffer that is closest to the
2 resource. An undisturbed naturally vegetated no
3 touch zone represents the area that is presumed
4 to provide at least minimally acceptable
5 protection to the adjacent resource. There are
6 two main rules that apply in the no touch zone.
7 If the no touch zone is already disturbed,
8 redevelopment is allowed, but may not extend the
9 built environment any closer to the protected
10 resource than what is already there. And if the
11 no touch zone is intact, leave it that way.

12 The buffer regulations were revised in
13 2007 and '8 to improve their clarity and their
14 consistency with other portions of the
15 regulations. That is, to make them more user
16 friendly.

17 Specifically, the no touch zones had
18 been established in the regulations in 1998, but
19 the language for the required mitigation was
20 ambiguous and users of the regulations were
21 confused. The main user groups are the members
22 of Con Com; applicants' representatives,
23 including engineers, lawyers and wetlands
24 specialists; and other stakeholders, such as

1 property owners, developers, landscapers and
2 realtors. In drafting the revisions, the Con Com
3 took several things into account: public
4 testimony, mainly from our regular users over the
5 course of eight public hearings; the
6 commissioners own practical experience based on
7 observing the status and effectiveness of buffers
8 over the course of roughly 100 site visits per
9 year; a review of the scientific literature to
10 incorporate current understanding of what makes
11 for an effective buffer, and a review of the
12 wetland regulations in other coastal towns.

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

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

1 new scientific or engineering information.

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

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

23 And second, new subsection A would
24 require a two-thirds vote of Town Meeting to

1 amend the regulations, but only after any article
2 for that purpose is properly submitted and a
3 public hearing held by the Con Com. What does
4 any article for that purpose mean? Does it mean
5 that any petitioner with ten signatures can
6 submit a proposed amendment? If so, this could
7 result in amendments that are designed to
8 accommodate the singular, private projects, whose
9 consequences may run contrary to the conservation
10 interests of the Town as a whole. Con com's
11 process under current subsection A provides
12 protection against such an outcome.

13 Thank you.

14 THE MODERATOR: Mr. Jones.

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

19 THE MODERATOR: Mr. Duffy.

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

22 When this petitioner's article was
23 submitted the Town Manager and the Board of
24 Selectmen asked me to review it and they asked me

1 to prepare a memorandum to them in which I raised
2 some concerns or questions or issues about the
3 amendment.

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

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

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

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

23 The article then proposes - oh, this is
24 next.

1 Yeah. Thank you.

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

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

15 The first comment that I have is that
16 the Article - the present subsection A authorizes
17 the Conservation Commission to promulgate rules
18 and regulations to effectuate the purposes of
19 this chapter. By deleting the present
20 subsection A, the authority to promulgate rules
21 and regulations is not clear, and it may actually
22 have been deleted and stricken from the bylaw.
23 It is not clear whether any regulation or
24 amendment to existing regulations is therefore

1 promulgated by the Commission or by Town Meeting.

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

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

16 My third comment is Article 13 makes
17 further reference to "any rule or regulation used
18 to effectuate the purposes this chapter" and
19 provides that they may also require a two-thirds
20 vote of Town Meeting. Currently, amendments to
21 the Falmouth Wetlands rules and regulations
22 require a vote of the Conservation Commission.
23 And, as Mary Schumacher pointed out, this has
24 been the practice since the regulations were

1 initially promulgated in 1989. It is common
2 practice at the Federal, state and municipal
3 level that regulations be promulgated by a body
4 with specific knowledge and experience in the
5 subject matter.

6 Fourth comment. The new subsection A
7 proposed by Article 13 leaves open the
8 possibility that amendments to the Wetlands
9 Regulations can be submitted by any person. Note
10 the language "only after any article for that
11 purpose has been properly submitted". I asked
12 the question, "What does this mean?" It's
13 suggested any person can submit an article to
14 amend the regulations, including a person who
15 seeks to amend the regulations to accommodate a
16 specific project.

17 Continuing with number five. The new
18 subsection A requires the Conservation Commission
19 to hold a public hearing. This in my view is a
20 simplistic procedure. Does the Conservation
21 Commission have the authority to comment upon or
22 recommend any particular action? Now we're
23 aware that in the Community Preservation world,
24 for example, with respect to Community

1 Preservation Committee funding articles Town
2 Meeting may act only upon a Community
3 Preservation Committee recommendation. May Town
4 Meeting act contrary to a Conservation Commission
5 recommendation? In the rule making process
6 that's not clear.

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

15 And finally, I just want to point out
16 that the power to approve amendments to
17 regulations includes the power to repeal
18 regulations. Any article could appear on a Town
19 Meeting warrant to repeal a regulation or the
20 entire body of Falmouth wetland regulations, for
21 that matter. And in this particular situation
22 the quantum of vote becomes very important. A
23 two-thirds votes to repeal is very difficult to
24 achieve, while a majority vote is easier to

1 achieve. And I put that comment in there
2 because the Selectmen had heard during their
3 initial observations and discussion of this, that
4 there might be an amendment to change the quantum
5 vote. It hasn't happened, it may not, and I'm
6 suggesting it does.

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

11 Thank you.

12 THE MODERATOR: Okay. Mr. Putnam.

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

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

24 I would suggest and I ask you all to

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

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

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

23 When I was on the Commission we often
24 allowed compensating factors. We could allow

1 for plantings in order to allow for a dock, or
2 shellfish mitigation.

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

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

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

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

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

23 Is it based on emotional propaganda or
24 facts? Now, that we could debate either way.

1 There are some ambiguities in this particular
2 article. But there's nothing ambiguous about the
3 fact that we have a one million dollar settlement
4 that we have to pay out. There's nothing
5 ambiguous about the fact that there are a lot of
6 properties in Falmouth that border wetlands that
7 are affected by the wetlands regulations, and it
8 would not hurt us to take a closer look at how
9 those regulations affect those properties and the
10 unintended consequences of over regulation.
11 There's a point where the benefit becomes so
12 expensive that we don't have that benefit
13 anymore. And when we're talking about having to
14 pay a million dollars every time somebody loses
15 the use of their property, we have to start
16 asking ourselves about the cost-benefit ratio.

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

19 But I think there are good reasons to
20 consider this article, even if not in its present
21 format, and if it does fail tonight I hope the
22 petitioners will work with Town Counsel and even
23 reach out to the Conservation Commission and try
24 to come up with something that would allow the

1 Commission to come to us and make their
2 presentation. Because, one thing worth nothing,
3 folks, that example from the Commission about
4 buffers, that's the first public - and I
5 understand the Commission holds public hearings,
6 but that is the first very public lesson, if you
7 will, about wetlands regulations that I've seen
8 as long as I've been involved in Town government,
9 which is obviously well over a decade, 15 years
10 now, I think.

11 The Commission needs to be more
12 transparent. And having them come to us -
13 that's not a bad thing.

14 THE MODERATOR: Mr. Dick.

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

20 The Conservation Commission is made up
21 of very dedicated people. It doesn't take you
22 two seconds to figure out that they care
23 passionately about the environment. But it also
24 - there's a great deal more to what goes on at

1 the Conservation Commission than one's intense
2 feelings about the environment. And I want to
3 give an example about process tonight and about
4 why the Town needs to exhibit oversight. Because
5 when people are passionate, they will not always
6 consider other factors that are important; maybe
7 equally involved.

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

20 Now, obviously I care and I have a
21 different opinion than some of the members of the
22 Conservation Commission, but we had a long debate
23 about cranberries and conservation on the bog.
24 It went on for a couple years. And to resolve

1 that debate a Commission was formed chaired by
2 Virginia Valiela, and they spent, together with
3 opponents and proponents of farming, thousands of
4 hours, going through in great detail how we
5 should handle the bogs. And then finally they
6 issued a report in 2005 which Town Meeting
7 approved. Which is advisory to the Selectmen.
8 And then subsequently an organic cranberry farmer
9 appeared out of the woodwork who said he'd farm
10 them organically. Well, that would make
11 everybody happy and so Town Meeting voted some
12 money and voted to give him a ten year lease
13 without any cost if he could make this work.

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

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

24 All right. At that point, the

1 Selectmen asked the Conservation Commission to
2 terminate his lease and to put out an RFP for
3 regular cranberry growing.

4 Now, in 2014, the Conservation
5 Commission and proponents of river restoration
6 and habitat improvement - and I certainly don't
7 oppose that, because it's not incompatible with
8 growing cranberries. Not at all. Contrary to
9 what some people might say.

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

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

22 MR. DICK: Oh, I didn't realize that,
23 okay. The point is, they didn't do it.
24 Instead, two years later they came back, and

1 said, "Oh, time's up. We're going to make them
2 all conservation."

3 THE MODERATOR: Okay. Ms. Siegel.

4 Ms. --

5 MR. DICK: So I have a question.

6 THE MODERATOR: No, you're all - you
7 had four minutes. I'll put you back on the list
8 if you want to -

9 MR. DICK: But I have a question for
10 the Conservation -

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

15 Ms. Siegel.

16 I'll put you back on the list and you
17 get two minutes the second time.

18 Ms. Siegel.

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

22 MS. SIEGEL: Fellow Town Meeting
23 members. I would like to present a scenario
24 that any of us might find ourselves in. We all

1 know about the lack of volunteers for Town boards
2 and Committees, and perhaps you as a responsible
3 citizen apply to be a Conservation Commissioner
4 and you're appointed. First you spend a lot of
5 time learning the state and local regulations.
6 These are not pulled out of a hat, but are based
7 on coastal science and the understanding of the
8 impact of different engineering practices on the
9 wetlands.

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

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

22 I'm somewhat disappointed in Mr.
23 Haddad's attempt to divide us into smarty-pants
24 scientists and others. I am not a scientist and

1 I do not want to sit here in Town Meeting and try
2 to understand the regulations and the proposals
3 that the Conservation Commissioners spend months
4 and years working on and discussing and trying to
5 understand.

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

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

19 Many projects before the Conservation
20 Commission are in the buffer zone. Wetlands are
21 a significant and unique resource. Protecting
22 the buffer zones from storm impacts also protects
23 our houses, the land these houses are built upon,
24 and the roads that we all use.

1 The Conservation Commission's job is to
2 develop regulations that will protect our
3 resources and carry out the state regulations.
4 They have the experience and the knowledge to do
5 this; we do not. Requiring Town Meeting to
6 approve every amendment puts us in a position
7 that we are not qualified for.

8 I ask you to vote no on this article.
9 Thank you.

10 THE MODERATOR: Mr. Patterson.

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

19 Falmouth's coastlines, many fresh water
20 ponds, river valleys and wetlands make this a
21 special place to live. We are a tourism
22 destination for others because of our natural
23 resources, our historical buildings and our
24 recreational and cultural resources. While we

1 often take them for granted, many people are
2 jealous of those of us that are fortunate enough
3 to live here. We willingly shoulder higher
4 homeowner insurance premiums and higher storm
5 damage deductibles so that we can live in a
6 coastal area.

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

14 Wetland regulations help protect the
15 investments we have made in our private property
16 and in our town infrastructure. Our town is in
17 the process of qualifying to participate in the
18 FEMA coastal rating system, which will qualify
19 flood insurance policyholders for discounts on
20 their premiums. The purposes of the coast
21 resource system - coastal rating system, excuse
22 me, is to reduce the level of claims paid out by
23 U.S. taxpayers by reducing the level of storm
24 damage through resiliency measures. Our wetland

1 regulations are a requirement for participating
2 in the coastal rating system program. Minimum
3 qualifications include: generating and adopting a
4 hazard mitigation plan, a step that Selectmen
5 have just completed and are in the process of
6 actually submitting it to FEMA for approval.

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

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

20 I've been the liaison to the
21 Conservation Commission for the Board of
22 Selectmen for the last three years. I have
23 attended 90 percent of all their meetings. The
24 Conservation Department staff and commissioners

1 are a dedicated, competent and knowledgeable
2 group of citizens. They administer and enforce
3 our wetland regulations. They advise and coach
4 applicants on what is acceptable under the
5 regulations and they determine what must be done
6 to mitigate the impact of allowed changes these
7 applicants want to make to the structures on
8 their property.

9 They also work to maintain a sustainable
10 environment for wildlife, as well as humans.
11 Please vote no on Article 13.

12 Thank you.

13 THE MODERATOR: Mr. Latimer.

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

24 [Laughter.]

1 MR. LATIMER: I never had to put on a
2 pair of waders to go out to a site visit on the
3 Planning Board, but that's what these people do.
4 They go out there in the poison ivy and the bull
5 briars and expose themselves to the ticks and the
6 mosquitos.

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

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

18 Now, I've got to say about this
19 regulatory taking stuff: a million dollars,
20 that's based upon what the value of the land is
21 now. So, if we're going to have to pay these
22 people - hopefully we won't. Hopefully this is
23 going to be turned over on appeal. We should be
24 looking at an actual taking, eminent domain. If

1 we're going to have to pay them the fair value of
2 the property, well, it's our right to take the
3 property.

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

8 I think that's the alternative we should
9 be looking at.

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

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

1 Thank you.

2 THE MODERATOR: Okay, Mr. Dick, Mr.
3 Dick. You've got two minutes this time.

4 MR. DICK: Thank you, Mr. Moderator.

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

12 THE MODERATOR: Mr. Dick, that's beyond
13 the scope of this article.

14 MR. DICK: Excuse me?

15 THE MODERATOR: That's beyond the scope
16 of this article.

17 MR. DICK: No, it isn't.

18 THE MODERATOR: It is.

19 MR. DICK: No, it isn't. It's very
20 fundamental. If the Conservation -

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.
2 [No.]

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

6 [10:55 p.m., whereupon Town Meeting adjourned.]

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C E R T I F I C A T E

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

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