

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium  
Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Tuesday, November 13, 2018

7:00 p.m.

---

Tinkham Reporting Service  
Buzzards Bay, MA 02532  
[caroltinkham@gmail.com](mailto:caroltinkham@gmail.com)

A N N U A L T O W N M E E T I N G  
I N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1 -	Reports from Committees and Town Officers ...	1-23
2 -	Appropriate Funds for Unpaid Bills .....	1-21
3 -	Fund Design and Construction of Water Mains .	1-58
4 -	Fund Capital Improvements .....	1-62
5 -	Fund Non-Capital Improvements .....	1-99
6 -	Amend Zoning Art. XXI - Coastal Pond Overlay.	1-103
7 -	Amend Zoning Art. XXXIX - Site Plan Review ..	1-109
8 -	Amend Zoning Art. XLIII - Large Scale Ground Mounted Solar Overlay District .....	1-139
9 -	Pet: Amend Code of Falmouth, Ch. 240 Zoning Ground Mounted Solar Photovoltaic Array ....	1-172
10 -	Pet: Amend Zoning Arts. Chapter 240 .....	1-22
11 -	Amend Zoning Sec. 240- Add Moratorium on Solar Energy System .....	2-7
12 -	Petition: Amend Net Metering Program .....	2-28
13 -	Amend Zoning Art. XIV Shed Dimensional Regs	1-22
14 -	Amend Zoning Art. V - Accessory Apartments.	2-42
15 -	Pet: Amend Art. VI - General Residence Districts - Accessory Apartments .....	2-98
16 -	Amend Town's Seasonal Position Class. Plan.	1-22
17 -	Amend Town's I.T. Classification Plan .....	1-22

---

**I N D E X**


---

<b>ARTICLE</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
18 -	Accept Provs Ch. 32 Surviving Spouse Benefit	1-22
19 -	Accept Road Takings: Winthrop Dr., Captain Davis Lane .....	2-104
20 -	Accept MGL Ch. 143 Part-Time Inspector .....	1-22
21 -	Amend Town Code Ch. 107 - Demolition .....	1-22
22 -	Pet: Amend Town Meeting Rules - Electronic Voting .....	2-106
23 -	Petition: Phase Out Polystyrene, Styrofoam .	2-143
24 -	Petition: Establish Ranked-Choice Voting ...	2-165
25 -	Petition: Amend Zoning Map Business 3 .....	2-166
26 -	Pet: Create Solid Waste Division in D.P.W. ...	3-45
27 -	Petition: Additional Water Meter .....	3-60
28 -	Petition: Fund ALICE Training .....	3-86
29 -	Petition: Create Three New Police Officers .	3-93
30 -	C.P.C. - Pedestrian Bridge, Coonamessett ...	3-101
31 -	C.P.C. - Transfer to Falmouth Affordable Housing Fund .....	1-22
32 -	C.P.C. - Transfer to Open Space Reserve Fund	1-22

P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

[7:00 p.m.:]

THE MODERATOR: Okay, all Town Meeting members, please make sure that you have checked in, you've picked up your electronic voting device, and you're seated in the front half of the auditorium.

[Pause.]

THE MODERATOR: Town Meeting members present, please come forward, take your seats. Don't forget to get your electronic voting devices.

[Pause.]

THE MODERATOR: Okay, all Town Meeting members present please step forward and have your - oh, yeah. We're being asked if we can make the names bigger, but this is - this is what the template is, so.

Are we ready to activate a quorum call? Yeah, okay. So, all Town Meeting members present please press one for the establishment of a quorum.

Okay, press one if you're present. And you can press two if you're not here.

1 [Laughter.]

2 [Pause while electronic vote scrolling.]

3 THE MODERATOR: Okay, twenty seconds  
4 left. Yeah? Let's wait until this is done.

5 MS. SIEGEL: We can't see, it's out of  
6 focus.

7 THE MODERATOR: Okay. Is it out of  
8 focus? Because I can see it fine.

9 Okay, we have 184 Town Meeting members;  
10 we have a quorum and we'll be now in session.

11 There was some question about the focus. I  
12 see it fine, so I don't know. Raise your hand  
13 if you believe that the slide is out of focus.  
14 Is this consistent? So a third of you think  
15 it's out of focus, a third don't, okay.

16 FROM THE FLOOR: That one.

17 THE MODERATOR: Okay, so only one of  
18 em's out of focus.

19 FROM THE FLOOR: Turn down the lights  
20 a little bit, it'll be clearer.

21 FROM THE FLOOR: Yes.

22 FROM THE FLOOR: Can we go slower, as  
23 well, please?

24 THE MODERATOR: Turn down the lights.

1 FROM THE FLOOR: Yeah, turn down the  
2 lights, there's a glare.

3 THE MODERATOR: I have no idea who  
4 controls the lights. If there's anybody  
5 listening to this microphone and you control the  
6 lights, could you turn them down a little bit  
7 that are focused on the PowerPoint screen.

8 Is that a little better?

9 FROM THE FLOOR: [Inaudible.]

10 THE MODERATOR: A little bit better.

11 Okay, we have 184 Town Meeting members  
12 present and I call the meeting to order.

13 Please rise for the presentation of the  
14 colors by the Falmouth Scout leaders, Skipper  
15 Ship 40 Bill Arufa [sp?], Committee Chair Troop  
16 38 Mike Morris, Assistant Scout Master Troop 42  
17 Steve Brodette, Cub Scout Master Pack 39 Tom  
18 Swift, Den Leader Pack 41 Jud Goldstone, and Unit  
19 Commissioner for Scout Units Alan Beale. They'll  
20 be followed by the Brian Baru Pipe Band.

21 Let's have the Town Crier before the  
22 Pipe Band.

23 [Ringing of bells.]

24 TOWN CRIER: Hear ye, hear ye! All

1 Town Meeting members be prepared to vote. Hear  
2 ye, hear ye, hear ye!

3 [Laughter.]

4 TOWN CRIER: Good evening to you all.

5 [Applause.]

6 [Brian Baru Pipe Band plays.]

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

9 [Pledge of Allegiance taken.]

10 THE MODERATOR: Tonight, rather than  
11 the Town Band Brass Choir doing the National  
12 Anthem, I had the opportunity to celebrate the  
13 Cape Verdean Festival Day at our Cape Verdean  
14 Club on Sandwich Road, and a young woman who's a  
15 member of that club sang the national anthem.  
16 And I said, "What are you doing on November 13<sup>th</sup>  
17 at seven o'clock?" And she said, "Why?" And  
18 so she graciously accepted our invitation to sing  
19 with us tonight our national anthem.

20 From the Cape Verdean Club of Falmouth,  
21 Elea [sp?] Dutra.

22 [National Anthem sung by Ms. Dutra.]

23 [Applause.]

24 THE MODERATOR: At this time I'll have

1 an invocation by Brenda Swain.

2 MS. SWAIN: Heavenly Father, may our  
3 meeting this evening be not only an exercise of  
4 care and concern for our community and its  
5 residents, but also an example of how a community  
6 can agree and disagree and still be a community.

7 We ask you to watch over and protect our  
8 families, our community, our nation, our world  
9 and our planet. May your gift of peace become a  
10 reality for all. Amen.

11 THE MODERATOR: At this time, the Brian  
12 Baru Pipe Band will play Amazing Grace, in lieu  
13 of our moment of silence, and may we take special  
14 note of two members that we've lost since our  
15 last meeting: Scoba Rhodes, Walter Crotty, and a  
16 long-time observer and assistant to Town Meeting,  
17 Doris Bousquet.

18 [Amazing Grace played.]

19 THE MODERATOR: Colors post.

20 [Pause.]

21 THE MODERATOR: Ladies and Gentlemen,  
22 the Falmouth Scout Leaders and Sea Scout Leaders,  
23 Town Crier John DeMello, the Brian Baru Pipe  
24 Band, and Elea Dutra, the Cape Verdean Club of



1 Falmouth.

2 [Applause.]

3 THE MODERATOR: Okay. We've had a  
4 town election since our last Town Meeting. At  
5 this time I'll recognize the Town Clerk for the  
6 swearing in of our new Town Meeting members.

7 Mr. Clerk.

8 CLERK PALMER: Would the following  
9 people please stand: Peter Clark, Catherine  
10 Bumpus, Weatherly Barnard Dorris, Annie Dean,  
11 Judy Fenwick, Douglas Jones, Victoria Lowell,  
12 Eric Turkington, Ronald Zweig.

13 Karen Bissonnette, Sandra Cuny, Adrian  
14 Dufresne, Alice Dufresne, Sandra Faiman-Silva,  
15 Barbara Kanellopoulos, Judith Magnani, Gerald  
16 Potamis, Judith Rebello, Susan Smith.

17 Donna Lee Hurst, Nathaniel Estes, Rose  
18 Mas, David McDonald, Patricia Ann Morano, Laura  
19 Peterson, Esther Price, Catherine Ravens, Jeffrey  
20 Thomas, Cheryl Williams.

21 Mary Ellen Alwardt, Helen Kennedy, Brian  
22 Keefe, Melissa Keefe, Tim Kowalski, Helen Martin,  
23 Michael Martin, Linda Tobey, Kelly Taranto.

24 James Callahan, Rosemary Carey, William

1 Dynan, Mary Harris, Charlotte Harris, Nicholas  
2 Hanney, Leonard Johnson, Aileen Kirwin, Charles  
3 McCaffrey.

4 Robert Antonucci, Marsha Asendorf,  
5 Michael Duffany, Charles Eastman, Mary Pat Flynn,  
6 Paul Sellers, Douglas Shearer, Dan Shearer,  
7 Brenda Swain.

8 Thomas Bushy, Patricia Calkins-Martin,  
9 Linda Collins, John Collins, Carter Hunt, Sarah  
10 Long, Daniel Malgeri, Sara Patel, Matthew  
11 Patrick, Barry Panish, Brendan Smith, Mary Swain,  
12 Jacques Tompkins, Tara Valley, Donald Weymouth.

13 Scott Bennett, Joanna Bennett, Fay Cali,  
14 James Cummings, Jamie Donahue, Ronald Dyer, Mark  
15 Mancini, Karen Schwalbe, Ronald Smolowitz, Jay  
16 Zavala.

17 Philip Afonso, Susan Augusta, Phyllis  
18 Day, Hervey Lemay, Joseph Martinho, Joseph Netto,  
19 Misty Neimeyer, William Peck and Gina Webber.  
20 And Peter Nielsen.

21 Please all stand and repeat after me: I  
22 -- state your name - do solemnly swear and affirm  
23 that I will faithfully perform the duties of a  
24 Town Meeting member according to the best of my

1 ability and agreeable to the Constitution and  
2 laws of the Commonwealth of Massachusetts and the  
3 bylaws of the Town of Falmouth. So help me God.

4 Congratulations.

5 [Applause.]

6 THE MODERATOR: At this time, I'd start  
7 with the dispensing of the reading of the  
8 warrant. Madame Chairman of the Board of  
9 Selectmen for the main motion.

10 CHAIRMAN MORAN: I move to dispense  
11 with the reading of the warrant except for the  
12 officer's return.

13 THE MODERATOR: You've all heard the  
14 main motion to dispense with the reading of the  
15 warrant. 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 Mr. Clerk, I ask that the warrant become  
23 an official part of the record for the meeting.

24 At this time, I'll read the Officer's

1 Return of the Warrant.

2 By virtue of this warrant, I have this  
3 day notified and summoned the inhabitants of the  
4 Town of Falmouth qualified to vote on Town  
5 affairs, as said warrant directs, by posting an  
6 attested copy thereof in Town Hall and in every  
7 precinct in the Town. Signed by Constable Kevin  
8 Casey, and Mr. Casey will be our constable for  
9 this Town Meeting, as well.

10 A couple of announcements. The Service  
11 Center, Falmouth Service Center will be doing  
12 their annual turkey drop-off up at the Service  
13 Center on Sunday, November 18<sup>th</sup> from noon to 4:00.  
14 And any other items that they might need, you  
15 could go to the Falmouth Service Center website  
16 and bring those along, but they're looking for  
17 that fresh turkey drop off on November 18<sup>th</sup>, noon  
18 to four o'clock.

19 Tonight, we have a Town Meeting member  
20 who is watching on television, unable to be here  
21 with us tonight. It is her birthday. And it's  
22 also probably the last Town Meeting that she will  
23 - sorry. The last Town Meeting that she'll see.  
24 She wanted to be here tonight, she couldn't, but

1 she said she was going to tune in. And we'd  
2 just like to say to Kathleen Murray: thank you  
3 for your contributions to the Town over the last  
4 35 years.

5 She used to sit in the back, way back  
6 when I came to my first Town Meeting, and checked  
7 folks in on the clipboard. And just like I sat  
8 in the back, she said, "Some day I want to be a  
9 Town Meeting member, and I think I'm going to do  
10 it." And she did, she became a Town Meeting  
11 member from Precinct 1 and now from Precinct 2.

12 Many of you know her from the library  
13 board of trustees. She served as an elected  
14 trustee for 15 years. And she was an active  
15 member of the league of board of Spohr Gardens,  
16 St. Barnabas Church, the Falmouth Public Library,  
17 just to name a few. Kathleen once said, "You  
18 don't have to get involved in the town to  
19 appreciate what it has to offer, but the more you  
20 get involved, the more you love Falmouth."

21 Well, Kathleen, thank you. Falmouth  
22 loves you, too. Enjoy your last Town Meeting.

23 [Applause.]

24 THE MODERATOR: At this time, the

1 Chair would entertain a motion for non-Town  
2 Meeting Members to sit up front with their  
3 respective boards and committees.

4 FROM THE FLOOR: Moved.

5 THE MODERATOR: So moved.

6 All those in favor, signify by saying  
7 Aye.

8 [Aye.]

9 THE MODERATOR: All those opposed, No.

10 [None opposed.]

11 THE MODERATOR: The Ayes have it  
12 unanimous.

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

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

18 The Town of Falmouth amendments to the  
19 zoning bylaw notice: In accordance with Chapter  
20 40A, Section 5, Massachusetts General Law and  
21 Article 43 of the Falmouth Zoning Bylaw, public  
22 hearings were held on September 25<sup>th</sup>, 2018, on  
23 Articles 6, 7, 8, 9, 10, 11, 13, 14, 15 and 25  
24 for the November, 2018 Fall Annual Town Meeting

1 and all those who wished to speak were heard.

2 As required, a report is hereby  
3 submitted with the Planning Board's final  
4 language and recommendations.

5 Thank you.

6 THE MODERATOR: Thank you.

7 At this time, the chair would entertain  
8 a motion to allow non-Town Meeting members who  
9 are town employees to speak on any article before  
10 the meeting.

11 FROM THE FLOOR: Moved.

12 THE MODERATOR: So moved. All those  
13 in favor signify by saying aye.

14 [Aye.]

15 THE MODERATOR: All those opposed, no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it  
18 unanimous.

19 Okay, at this time I'm going to start  
20 with a blanket vote, this evening. On the  
21 blanket vote, we'll go through each article.  
22 I'll read off the article number and a brief  
23 description. I'll call your attention to the  
24 recommendation. If you want to take action

1 other than the recommendation or we need to take  
2 action other than the recommendation, stand up,  
3 and yell "hold" on the article.

4 After I go through all of the articles  
5 with a brief description, I'll return and run  
6 through just by number, and then I will get a  
7 motion from the Finance Committee to pass all  
8 articles that were not held as recommended as the  
9 official action of this Town Meeting.

10 Article 1, to hear reports of  
11 committees, it's a hold.

12 Article 2, transfer the sum of \$2,080.28  
13 from Certified Free Cash to pay unpaid bills.

14 Article 3.

15 FROM THE FLOOR: Hold.

16 THE MODERATOR: Hold.

17 Article 4, this is going to be a hold;  
18 this is the Capital Budget. We'll have a  
19 presentation on that.

20 Article 5 will be a hold. It's a non-  
21 Capital Budget.

22 When we get to those in the course of  
23 the meeting, we'll go through them section by  
24 section.



1 Article 6.

2 FROM THE FLOOR: Hold.

3 THE MODERATOR: Hold.

4 Article 7.

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: It's a hold.

7 Article 8. Article 8 --

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Hold.

10 Article 9.

11 FROM THE FLOOR: Hold.

12 THE MODERATOR: Article 10, the  
13 recommendation is indefinite postponement. This  
14 is a Falmouth Zoning Bylaw petition article for  
15 ground mounted solar.

16 Article 11.

17 FROM THE FLOOR: Hold.

18 THE MODERATOR: It's a hold.

19 Article 12.

20 FROM THE FLOOR: Hold.

21 THE MODERATOR: Hold.

22 Article 13, this is to amend the Zoning  
23 Bylaw, dimensional regulations for minimum  
24 setback requirements for sheds 100 square feet or

1 less.

2 Article 14.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 15.

6 FROM THE FLOOR: Hold.

7 THE MODERATOR: Article 16, to amend  
8 the Town's Classification Plan for the purposes  
9 of adjusting the seasonal compensation schedule.

10 Article 17, to amend the Town's  
11 Classification Plan to delete the network  
12 computer technician and add the IT Support  
13 Specialist.

14 Article 18, to approve the vote of the  
15 Falmouth Contributory Retirement Board to accept  
16 the provisions of Massachusetts General Law  
17 Chapter 32, Section 101, third paragraph, to  
18 increase from \$6000 to \$12,000 the annual benefit  
19 payment to surviving spouses of disabled public  
20 employees.

21 Article 19.

22 FROM THE FLOOR: Hold.

23 THE MODERATOR: Hold.

24 Article 20, to vote to accept the provisions

1 of Massachusetts General Law Chapter 143, section  
2 allowing any - the allowance of part-time  
3 building inspectors.

4 Article 21, to amend the Code of  
5 Falmouth Section 107, Demolition.

6 Article 22.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: It's a hold.

9 Article 23.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Hold.

12 Article 24.

13 FROM THE FLOOR: Hold.

14 THE MODERATOR: Hold.

15 Article 25, to amend the official zoning  
16 map of the Town so as to extend Business 3  
17 District by rezoning from Residential B to  
18 Business 3 that portion of land at 289 Old Main  
19 Road shown on the map.

20 FROM THE FLOOR: Hold.

21 THE MODERATOR: Hold.

22 Article 26, ask the Town to create a  
23 solid waste division within the Department of  
24 Public Works. The recommendation is indefinite

1 postponement.

2 FROM THE FLOOR: Hold.

3 THE MODERATOR: Article 27, to  
4 authorize the use of a second water meter on  
5 properties in the sewer service areas for  
6 irrigation and other outside uses. The  
7 recommendation is indefinite postponement.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Hold.

10 Article 28, to transfer the sum of  
11 \$11,900 from Free Cash for ALICE training. The  
12 recommendation of the Finance Committee is  
13 indefinite postponement.

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

16 Article 29, the hiring of three police  
17 officers within the Falmouth Police Department.  
18 The recommendation is indefinite postponement.

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

21 Article 30, to vote to appropriate the  
22 sum of \$260,270 from Fiscal 2009 Community  
23 Preservation revenues to construct a pedestrian  
24 bridge and wetland walkway at Swifts Crossing

1 Coonamessett Greenway Heritage Trail and Gateway  
2 Park.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 31, vote to appropriate or  
6 transfer the sum of \$770,000, of which \$480,000  
7 is from the Community Housing Reserve and  
8 \$290,000 is from the Community Preservation  
9 Undesignated Fund Balance to the Falmouth  
10 Affordable Housing Fund.

11 Article 32, to vote to appropriate or  
12 transfer the sum of \$400,000, of which \$140,000  
13 is from Fiscal '19 Community Preservation  
14 revenues and \$260,000 is from the Community  
15 Preservation Undesignated Fund Balance to the  
16 Land Bank Debt Reserve Account to fund  
17 conservation land acquisition debt service  
18 payment obligations beyond Fiscal Year 2020.

19 Okay, Article 1 is a hold.

20 Article 2.

21 Article 3 is a hold. Article 4 is a  
22 hold. Article 5 is a hold. Article 6 is a  
23 hold. Article 7 is a hold. Article 8 is a  
24 hold. Article 9 is a hold.

1 Article 10.

2 Article 11 is a hold, Article 12 is a  
3 hold.

4 Article 13.

5 Article 14 is a hold. Article 15 is a  
6 hold.

7 Article 16. Article 17. Article 18.

8 Article 19 is a hold.

9 Article 20. Article 21.

10 Article 22 is a hold. Article 23 is a  
11 hold. Article 24 is a hold. Article 25 is a

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

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

14 hold. Article 30 is a hold.

15 Article 31. Article 32.

16 Sometimes the blanket vote makes Town  
17 Meeting go quicker. Sometimes it doesn't.

18 Mr. Chairman for the main motion.

19 CHAIRMAN SCHWEGEL: That the Town vote  
20 Article one as printed?

21 THE MODERATOR: No, no.

22 [Confers off the record.]

23 CHAIRMAN SCHWEGEL: To vote all the articles  
24 not held as recommended.

1 THE MODERATOR: Okay, you've all heard  
2 the main motion to accept the blanket.

3 All those in favor, signify by saying  
4 aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it  
9 unanimous.

10 Mr. Chairman for notification.

11 [Confer off the record.]

12 CHAIRMAN SCHWEGEL: Notice of  
13 reconsideration for all articles held on the  
14 blanket.

15 THE MODERATOR: Okay, notice has been  
16 served on the blanket vote. So, articles that  
17 deal with money have to have notice served within  
18 30 minutes of the time of the vote. So, if we  
19 needed to go back to one of those appropriation  
20 articles, notice needs to be served prior to the  
21 ability to get them after 30 minutes.

22 Okay, **Article 1**. This is to hear  
23 reports from committees. Mr. Chairman.

24 CHAIRMAN SCHWEGEL: That the Town vote

1 Article 1 as printed.

2 THE MODERATOR: As printed. This is  
3 to hear reports of committees. I have a series  
4 of committees, here. I want to start with Board  
5 of Selectmen.

6 Committee reports are five minutes  
7 unless a specific additional amount of time is  
8 requested and voted on by two-thirds of Town  
9 Meeting members.

10 CHAIRMAN MORAN: Mr. Moderator,  
11 there's a request for ten minutes.

12 THE MODERATOR: Okay, the Board of  
13 Selectmen for their presentation requests ten  
14 minutes. All those in favor, signify by saying  
15 aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: It is the opinion of  
20 the chair that the ayes have it by the two-thirds  
21 and you have ten minutes for the presentation.

22 CHAIRMAN MORAN: Thank you very much.

23 Welcome, everybody. I wanted to do another  
24 State of the Town address this year because it



1 was so well received last year.

2 Vice Chair Megan English-Braga is  
3 designated for that report, but I wanted to just  
4 give a quick introduction. I carefully prepared  
5 it, I wrote it down and I promptly forgot it at  
6 my last appointment. So I'm just going to make  
7 a couple of points.

8 Mainly that, going forward, the Board of  
9 Selectmen is going to need a lot of help, and  
10 we're starting tonight with all of the study that  
11 you've made of the issues, your careful  
12 preparation, your listening to your constituents,  
13 and it's going to need to carry forward,  
14 especially through April and over the next  
15 several years.

16 The Town is entering a point in time  
17 that I like to think of as the same point when  
18 your appliances in your home all go at once: your  
19 refrigerator goes, your washer, your dryer. You  
20 have to start really thinking ahead in terms of  
21 priorities and working together, doing things  
22 once, coordinating, try to do as much as you can  
23 as economically as possible and at the right  
24 time.

1                   When you think about just a few of the  
2 things going forward. We've got another sewer  
3 project coming. We're going to be looking at  
4 our Fire Department and the needs that they may  
5 have. Also other public safety. Police.  
6 We're going to be looking at all of our  
7 recreational fields. We're going to be looking  
8 at the Bike Path. We're looking at our  
9 municipal buildings. We're still trying to  
10 figure out the best way to resolve the debt from  
11 the turbines. We're going to be looking at  
12 things big and things small, going forward.

13                   Historic Districts. There's a sensible  
14 plan to expand in some respects so that entire  
15 buildings are included, whereas some properties  
16 may only be partially in.

17                   We're going to be doing a lot of  
18 outreach on a lot of subjects, all of which are  
19 going to have domino effects on what does -- you  
20 know, what other kinds of maintenance are  
21 required.

22                   When we vote an initiative, looking  
23 ahead to see what kind of plan should we put in  
24 place so that the initiative is well taken care

1 of. So that, you know, if it's a vehicle, if  
2 it's some sort of capital project, what does it  
3 need going forward? How can we consolidate -  
4 how can departments look and work together and  
5 communicate the best they can to the Board of  
6 Selectmen and the staff. Town -- Municipal  
7 employees work very hard on trying to do things  
8 the best way that they can.

9 One of the ways that we do that, and I  
10 think you'll see a presentation with respect to  
11 the Senior Center - we depend tremendously on  
12 volunteer efforts. I want to look ahead, work  
13 with the School system in terms of paying forward  
14 the expertise we have in this town.

15 So I just wanted to leave you to listen  
16 to Vice Chair Megan English Braga with that prism  
17 going forward.

18 Thank you very much.

19 SELECTWOMAN BRAGA: Thank you.

20 I just want to apologize in advance.  
21 It's so nice and the lighting is beautiful down  
22 here. It's really awful up there; so if it  
23 looks like we're squinting and making insulting  
24 faces, some might be, but I'm not. It's just

1 because it's so bright. So, I don't know if we  
2 can figure out a way to turn the lights down  
3 later, but.

4 As Sue mentioned, we meet every year and  
5 we look at our five year strategic plan and we  
6 really, you know, we put a lot of time and effort  
7 into thinking about how we look at the window of  
8 the next five years and, you know, look at the  
9 challenges that are coming before us, and some of  
10 the opportunities. And so, for those who  
11 haven't had an opportunity to take a look at our  
12 report, I want to share that with you tonight.

13 In it's five year strategic plan for FY 2019  
14 to FY 2023, the Board of Selectmen adopted six  
15 strategic priority areas. First is enhanced  
16 community engagement. Second, balanced  
17 financial and economic stability with community  
18 development. Third, maintain coastal resources,  
19 infrastructure and beaches. Four, conserve and  
20 manage resources. Five, manage water and  
21 wastewater. And six, promote health and public  
22 safety.

23 The Board has spent much of the last year  
24 conducting community outreach initiatives such as

1 listening sessions, along with promoting policies  
2 and problem solving in each of the six areas.  
3 The Board is well aware of the value, both in  
4 terms of economic development and aesthetics, of  
5 the finite resources we enjoy here in Falmouth.  
6 The need to manage resources with an eye towards  
7 conservation and innovation is a value shared by  
8 all members of this Board. Development that is  
9 fiscally responsible can also be environmentally  
10 sound and growth must be environmentally  
11 sustainable if it is to succeed in the long term.

12 This Board is looking for ways to  
13 promote smart growth that offers opportunities  
14 for an increase in affordable housing, job  
15 creation and services for residents, while  
16 limiting the impact to the historic nature of our  
17 community, the environment, and of course the  
18 budget.

19 Responding to the impact of climate  
20 change in a town with nearly 100 miles of  
21 vulnerable coastline is of paramount importance,  
22 and the Board continues to work towards both  
23 short and long term responses to sea level rise,  
24 increasingly severe weather events, and the

1 erosion associated with natural coastal  
2 processes. The Board has drawn from a deep well  
3 of expertise in the Falmouth science community,  
4 as well as institutional memory of those  
5 individuals who have long focused on the changing  
6 coastline in order to gather information and  
7 ultimately make recommendations regarding  
8 securing infrastructure, safeguarding private  
9 property, and maintaining our beaches and other  
10 natural spaces for the enjoyment of the next  
11 generation of residents and visitors.

12 In addressing water of a different type,  
13 the Board has received ongoing and timely  
14 assessments pertaining to the current and future  
15 capacity of our wastewater treatment systems.  
16 This year, the Board set guidelines for  
17 consideration of waivers or variances related to  
18 the flow neutral bylaw in order to streamline the  
19 process and offer a degree of consistency and  
20 predictability for applicants.

21 The Board will continue to work with  
22 relevant staff and departments to plan for future  
23 investments in the Town's wastewater  
24 infrastructure.

1                   Despite the critical importance of each  
2                   one of the priorities set at the strategic  
3                   planning, one in particular is critical in order  
4                   for the remaining five to be successful. It's  
5                   no coincidence that the first priority set in the  
6                   five year strategic plan is to enhance community  
7                   engagement. This year, the Board of Selectmen  
8                   further advanced its promotion of community  
9                   discussion and collaboration - and collaborative  
10                  problem-solving with a commitment to inclusion  
11                  and cooperation. The Board has facilitated a  
12                  number of meetings with boards, committees and  
13                  the public. The Board recognizes that  
14                  maximizing the opportunities available to the  
15                  Town and minimizing the challenges faced by same,  
16                  must be a community-wide effort and will require  
17                  a multi-faceted approach.

18                  To this end, the Board, and its  
19                  individual members, has spent the last year  
20                  developing relationships with the talented and  
21                  dedicated Town staff, as well as with residents.  
22                  The Board hosted a community social in the spring  
23                  to show appreciation for the tireless work of the  
24                  men and women who volunteer their time and talent

1 on the many Town committees.

2 The Board's effort at furthering the  
3 sharing of ideas were not limited to just boards  
4 and committees. In 2018, the Board hosted the  
5 live survey at Falmouth high school in February,  
6 the first of its kind in Falmouth. The purpose  
7 of the survey was for residents to speak on a  
8 number of topics of concern and to express both  
9 their satisfaction and appreciation for town life  
10 that they cherish and to outline their areas of  
11 concern or frustration. The Board, with the  
12 assistance of staff and volunteers from the  
13 League of Women Voters, memorialized the public  
14 comments. And we've already utilized those  
15 public comments in order to set priorities for  
16 our agendas.

17 One common sentiment voiced at the live  
18 survey was a feeling that there should be greater  
19 efforts made by elected representatives,  
20 including Town Meeting members, as well as Town  
21 staff, to communicate with residents. This  
22 request was honored by the Board in a second  
23 listening session, held in August. The Town  
24 Meeting members were invited and many of you



1 attended, so thank you. Many of you attended  
2 the listening session, along with a number of  
3 staff, including the Town Manager, Assistant Town  
4 Manager, the entire Board of Selectmen, a number  
5 of Department heads, and certainly many Committee  
6 members.

7 The listening session was well-attended  
8 by the public, and there was a candid, solution-  
9 oriented dialogue that yielded many important  
10 topics that the Board will undoubtedly focus on  
11 in the coming months.

12 A third community event is planned in  
13 the near future as this Board values the exchange  
14 of ideas and opinions.

15 In order to further support its treasure  
16 trove of volunteers, in 2019 the Board of  
17 Selectmen will lead a comprehensive review and  
18 publication of committee mission statements and  
19 committee handbooks to coincide with its Charter  
20 Review initiative.

21 It's often said that despite its growth  
22 over the years, Falmouth has preserved much of  
23 its small town character that so many of us  
24 cherish. The hallmark of a small town isn't

1 necessarily dependent upon population or size,  
2 but rather on the degree to which each resident  
3 feels he or she matters to the greater community.  
4 This Board believes such events as the live  
5 survey, the listening session and our committee  
6 meetings and other public forums foster that  
7 recognition, and the importance that each  
8 individual plays in the prosperity and the future  
9 of Falmouth is what keeps this small town feeling  
10 alive and well.

11 Thank you.

12 [Applause.]

13 THE MODERATOR: Thank you to the Board  
14 of Selectmen.

15 Senior Center Building Committee.

16 CHAIRMAN VIEIRA: Good evening. I'm  
17 Jim Vieira, reporting on behalf of the Senior  
18 Center Building Committee.

19 We've had quite a year since being  
20 appointed on October 30<sup>th</sup>, 2017. We started by  
21 reviewing applicants for our Owner's Project  
22 Manager. We recommended P3, Project Planning  
23 Professionals. Dan Pallotta is the company  
24 principal. Dan jumped right in and recommended

1 an aggressive schedule and exhibited a can-do  
2 attitude right from the start.

3 The second order of business was to  
4 select an architect. In this case, we  
5 recommended bh+a. This firm should be familiar  
6 to many of you, as they performed our earlier  
7 feasibility study and participated in some of the  
8 early public forums. Bh+a has been diligent and  
9 professional in getting us the plans and  
10 documents we need for our goal of a fall start -  
11 this fall.

12 There have been many other contributions  
13 of time and expertise made by individuals, firms,  
14 and departments. Too many to list tonight, but  
15 know that we had the cooperation and assistance  
16 of the Town Manager's Office, D.P.W., Police,  
17 Recreation, Planning, Finance and others. Jill  
18 Irving Bishop, our Senior Center Director, and  
19 Peter Johnson-Staub, Assistant Town Manager, have  
20 been involved every step of the way.

21 By April, we had preliminary plans  
22 completed and a draft budget. The plans were  
23 presented at two public forums on April 24<sup>th</sup>.  
24 Everyone who attended had an opportunity to

1 comment. The Committee considered each and  
2 every comment and made changes as appropriate.  
3 We visited with the Board of Selectmen in May,  
4 with a newly-revised design and up to date cost  
5 estimates. The Board enthusiastically embraced  
6 the proposed plans.

7 Some discussion developed over the  
8 design of the connector to the Recreation  
9 Building. With a little more work, that issue  
10 was resolved on June 4<sup>th</sup>. The connection between  
11 the buildings takes the form of covered walkways.  
12 Bh+a had provided us with several alternatives  
13 for the connector to consider. Ultimately, cost  
14 and practicality drove the decision. We thank  
15 the Board of Selectmen for their support and  
16 confidence in approving our recommendations.

17 These slides don't show very well, but  
18 we have them on boards out in the lobby and  
19 you're welcome to take a look at them at the  
20 break. And this particular slide is the layout  
21 for the first floor.

22 As most of you are aware, construction  
23 costs have continued to escalate. During the  
24 final phase of design, the Committee worked

1 through several alternatives in order to decrease  
2 costs. This was a process that played out in a  
3 logical and systematic way.

4 There was participation from the entire  
5 extended team. When we felt we had a complete  
6 package that met the mission of the Council on  
7 Aging, would serve our community well into the  
8 future, and well within the budget, we opened the  
9 bidding process.

10 One is never sure how a bidding exercise  
11 will play out. In this case, we were pleased to  
12 find eight firms submitting bids. Even more  
13 pleased that most were within our cost  
14 projections. We are in the fortunate and  
15 enviable position of being able to fund  
16 construction, furnishings, technology and  
17 incidentals within the appropriations approved by  
18 you and the taxpayers.

19 The contract award for a general  
20 contractor is imminent. Construction is  
21 starting this fall and in fact we'll probably see  
22 progress within the next few weeks. We expect  
23 completion within a 12 month period.

24 Let me see if I can get back, here.

1 Planning is ongoing with the Police and  
2 Recreation Department to ensure that those  
3 operations will continue throughout construction.  
4 Will the site be congested? Of course. The  
5 second entrance, this entrance, is already  
6 complete and the planned exit to Dillingham  
7 Avenue will be started shortly. This will help  
8 enormously.

9 The goal since last October has been to  
10 complete the site work and exterior construction  
11 before the start of the Commodore season and the  
12 Recreation Department's summer programs. That  
13 hasn't changed.

14 It's taken a while to get here, but when  
15 completed, I'm sure you will feel, as I do, that  
16 it has been worth the wait.

17 I thank you once again for your  
18 continued patience and support.

19 [Applause.]

20 THE MODERATOR: Thank you.

21 Next up: Falmouth High School Field  
22 Committee.

23 MS. MEDEIROS: Before the presentation  
24 starts, I just wanted to say I'm Terri Medeiros,

1 I'm Chairman of the School Committee, and the  
2 School Committee is here tonight because we're  
3 pleased to introduce to you our new  
4 superintendent, Dr. Lori Duerr.

5 Some of you may have met her because  
6 she's been doing some listen and learn tours with  
7 various stakeholders in the town. If you have  
8 or haven't met her, there's another opportunity  
9 tomorrow night before Town Meeting at six  
10 o'clock. There'll be a coffee where you can  
11 speak with her in Room 106.

12 Okay, without further ado, I'm really  
13 happy to introduce Dr. Lori Duerr.

14 [Applause.]

15 THE MODERATOR: Welcome, Dr. Duerr.

16 DR. DUERR: I'd like to thank everyone  
17 for the very warm welcome I've received here in  
18 Falmouth. Your kindness and generation is just  
19 very much appreciated, thank you.

20 I've come before you tonight to update  
21 you on the Town Multi-Sport Field Project.

22 In September, we went out to bid.  
23 However, the bid process revealed needed changes.  
24 In order to be compliant with state regulations,

1 we needed to adjust the Request for Proposal  
2 packet. In collaboration, the School Committee  
3 and the Town hired a construction attorney to  
4 review and provide guidance on the necessary  
5 changes. I secured an advisory team early in my  
6 tenure to guide the district through the field  
7 project. Along with the advisory team, the  
8 District, School, Town and the attorney and CDM  
9 worked together to make the corrections.

10 The major change was to separate the  
11 modular buildings, the concession stand and rest  
12 rooms and the press box from the field project.  
13 So the projected time line for the concession,  
14 rest rooms and the press box modular building  
15 RFP's, we will go out November 28<sup>th</sup>. They will  
16 appear in the COMMBUYS and the newspaper. And on  
17 December 13<sup>th</sup>, the bids will be received and  
18 opened.

19 The projected time line for the athletic  
20 field RFP, on December 12<sup>th</sup> the RFP will appear in  
21 the COMMBUYS and newspaper, and on January 3<sup>rd</sup>,  
22 the bids will be received and opened.

23 The projected time line for construction  
24 and completion. During the months of January



1 through March, the general contractor will  
2 organize, secure subcontractors and begin  
3 assembling supplies, materials, and the modular  
4 buildings. From March to July, we will have the  
5 groundbreaking and the construction. In early  
6 July, we are projecting that our project will be  
7 substantially completed, and by August of 2019 we  
8 will begin using the field complex.

9 I would like to thank everyone that has  
10 provided guidance to myself and the team through  
11 this field project, and I would also like to  
12 thank all of you for all you're doing for our  
13 students. Thank you very much.

14 [Applause.]

15 THE MODERATOR: Next up: Charter Review  
16 Committee.

17 CHAIRMAN CLARK: Thank you, Mr.  
18 Moderator. Peter Clark, Precinct one and  
19 chairman of the Charter Review Committee.

20 We are most interested in the fourth  
21 bullet point here: how we can get the public to  
22 participate in the process, but for a little  
23 context we'll hit the first three.

24 Who we are. The Charter Review

1 Committee is required to be called into session  
2 at least every seven years, so this is the fourth  
3 Charter Review Committee under our current  
4 charter, which was adopted in 1991 and started -  
5 1990 and started in 1991. If you know any of  
6 the people in that list up there, you'll know  
7 there are five older men and two talented women;  
8 so we're lucky to have them. We're also helped  
9 by Town Meeting Town Counselor - Town Counsel  
10 Frank Duffy and Town Clerk Michael Palmer; we  
11 appreciate their help very much.

12 What do we do? Our main purposes are  
13 simple. Our goal is to try to clarify the  
14 meaning of the Charter language with amendments,  
15 or create a more effective governing process.  
16 We are not allowed, under the Charter Review  
17 Committee scope, to change any of the basic  
18 structure: the Manager, Board of Selectmen,  
19 representative Town Meeting. Those elements are  
20 set and that has to be done by a Charter  
21 Commission, which is a considerably more involved  
22 process to start.

23 We can make suggestions other than the  
24 amendments, but they basically then go to the

1 Board of Selectmen for consideration.

2 Our process is deliberate. We're about  
3 six months into it at this point, and a year from  
4 now we'll be bringing recommendations that have  
5 been screened and approved by the Board of  
6 Selectmen to the November Town Meeting in 2019 to  
7 consider as changes in the Charter. Then it  
8 takes another year for them to get onto the  
9 ballot for the public vote that is required to  
10 put them into action.

11 So, how can the public participate?  
12 You received tonight as you walked in, a survey  
13 form on paper. If you prefer to go to Survey  
14 Monkey, you can do it electronically. The site  
15 - the URL for Survey Monkey is up there, but it  
16 will also be available at the website. It is  
17 also on your paper version if you want to look at  
18 the paper.

19 The paper version will also be available  
20 for folks here or in the community at Town  
21 libraries and Town Hall. We will also have it  
22 download-able to your printer from the website we  
23 hope by the end of the week.

24 So, get involved with that.

1           The survey is basically takes what is a  
2           one page summary of the Charter, which itself is  
3           23 pages long, and it gives you an opportunity  
4           under each of the articles to tell us whether you  
5           think it's working well or whether you would like  
6           some changes. It is best if you go to the full  
7           Charter, which is also available at our website  
8           on the Town Meeting web area.

9           So, we'd love you to fill out the  
10          survey. Second, we hope you will participate in  
11          a public forum, which is scheduled for Wednesday,  
12          December 19<sup>th</sup>, 7:00 to 9:00 in the Hermann Room.  
13          So, come to that.

14          And these two things wrap up the current  
15          July to December phase of gathering ideas. We  
16          will then move into a process of selecting and  
17          determining amendment language. So the survey  
18          and the public forum end our first kind of six  
19          months of work.

20          At the web page you can see the Charter,  
21          itself. You can access it. You can see our  
22          meeting agendas and minutes. There's also a  
23          list, there, an evolving list of Charter  
24          questions. It now has about 30 to 35 items on

1           it, and those have arisen from talking with  
2           officials of the government, here; having  
3           citizens come to us and ask questions. So if  
4           you want to look at the current existing list,  
5           you can go to the web page and see that.

6                        So, Folks, get involved, please.  
7           Answer the survey, come to the public forum, go  
8           to the website and see what's there.

9                        Thank you very much.

10        [Applause.]

11                       THE MODERATOR: Thank you.

12                       Next, I have the Coastal Resiliency  
13           Action Committee.

14                       MR. DREYER: Thank you, Mr. Moderator.  
15           Paul Dreyer, Precinct two and the Planning Board  
16           representative to the Coastal Resiliency Action  
17           Committee.

18                       The Board of Selectmen authorized the  
19           committee with a completion date of May, 2020, so  
20           we have a little more than a year and a half to  
21           go. The action plan is to address the risks and  
22           hazards of sea level rise and coastal erosion.  
23           You can see the Committee members on the board; I  
24           won't repeat that.

1 FROM THE FLOOR: Paul --

2 THE MODERATOR: Can you speak a little  
3 closer into the mic? You're too tall; you can't  
4 reach it.

5 MR. DREYER: Are you ready?

6 Historically, we've had a lot of  
7 incidents in Falmouth. This is a particular  
8 picture from the 1938 hurricane in Woods Hole.  
9 Another one is Falmouth Harbor, the flooding is  
10 Hurricane Sandy, October, 2012. More recently,  
11 Surf Drive earlier this year and less than two  
12 weeks later, Menauhant Road. So we've had some  
13 pretty serious problems here along the coast.

14 This is an example, and it's a little  
15 hard to see this, but basically this is insurance  
16 estimates on the frequency of events occurring  
17 over the years. It begins 1980, when there was  
18 about 200 events a year. In the '90's, it went  
19 to three to four hundred. In the last couple of  
20 years, close to 700 events a year. So the  
21 frequency as well as the intensity is increasing  
22 on these storms.

23 Direction from the Town, Local  
24 Comprehensive Plan was approved by Town Meeting,

1 balancing use of coastal resources. That's in  
2 the plan that was approved by Town Meeting.  
3 The Board of Selectmen Five Year Strategic Plan,  
4 develop a strategy, I won't go into it. I think  
5 Megan English Braga took all the wind out of my  
6 sails on this one. She clearly mentioned a lot  
7 of things that the Board of Selectmen is  
8 interested in doing with the Coastal Resiliency  
9 and I appreciate her support.

10 What are some of the issues? Natural  
11 forces, flooding, erosion, et cetera.  
12 Resources, use is at risk. Public  
13 infrastructure, a number of things, beaches,  
14 wildlife habitats and groundwater. And there's  
15 a series of government programs and laws, from  
16 the national level, National Flood Insurance  
17 Program; state level, Massachusetts Coastal Zone  
18 Management; Cape Cod Commission; Falmouth Land  
19 Use regulations, as well.

20 There have been a number of previous  
21 studies. The first two were done by the Coastal  
22 Resources Working Group. The first one about  
23 fifteen years ago, the other one about eight  
24 years ago. And several others, here. There

1 have been many more, but I just mention these as  
2 an example of some of the previous studies that  
3 have been done that we're relying upon.

4 In addition to that, there were several  
5 presentations by people from WHOI, from USGS,  
6 from D.P.W., Ray Jack made a presentation, the  
7 Harbormaster made a presentation on some of the  
8 work on the beaches. So, we've talked to a lot  
9 of different people on that.

10 There's a new state program called the  
11 Massachusetts Vulnerability Preparedness Program.  
12 An application was submitted for that and we were  
13 approved in June of this year. What that means  
14 is that the Town is now eligible for state  
15 funding for resiliency projects, and there should  
16 be some money coming up early next year.  
17 Falmouth is one of only two towns on the Cape  
18 that have been given that designation.

19 Article 5 in this Town Meeting requests  
20 some funding match for potential grants for  
21 action items in the spring of next year; we  
22 appreciate your support for that.

23 Technical support services, we're in the  
24 process of developing a climate change



1 vulnerability assessment and adaptation plan by  
2 Woods Hole Group. They'll be preparing a high  
3 resolution hydro-dynamic model of the entire  
4 coast of Falmouth, developing targeted strategies  
5 to reduce risk, flooding impacts, adaptation  
6 strategies, outreach and education, with a  
7 completion date of June of next year. We're  
8 very excited about that potential input.

9 What are some of the implementation  
10 issues? Decision policies and standards, law  
11 changes, administrative organizational changes.  
12 Proposed capital costs: we're talking about two  
13 horizons. Near term is 2030 and the mid-term is  
14 2070. In addition, there will be coastal  
15 sections or neighborhoods in Falmouth going along  
16 six in Megansett to Woods Hole and eight from  
17 Nobska to Waquoit; they'll be dealt with  
18 individually in the report.

19 When are the recommendations going to be  
20 alive? It's extremely complex. A lot of  
21 overarching issues, management, legal, policy  
22 impact, mitigation, costs and funding, project  
23 time lines. But there are considerable  
24 benefits, but we need to act now.

1 Thank you.

2 [Applause.]

3 THE MODERATOR: Okay, thank you.

4 Next I have the Recreation Committee.

5 MR. GHELFI: Mr. Moderator, I might  
6 need 30 seconds extra.

7 THE MODERATOR: Okay, they're asking  
8 for five minutes and 30 seconds. All those in  
9 favor, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

13 THE MODERATOR: The ayes have it by  
14 the two-thirds.

15 [Laughter.]

16 MR. GHELFI: Thank you. Good evening,  
17 my name is Scott Ghelfi from Precinct 8 speaking  
18 to you tonight as a member of the Recreation  
19 Committee, here to give our Committee report.  
20 I'm with my fellow committee member Mike Heylin,  
21 who's put together some slides for us.

22 I would first like to also acknowledge,  
23 as the Moderator has, the somber news that our  
24 fellow committee member Walter Crotty passed away

1 in August. Walter was a long-time Committee  
2 member, as well as a member of the School  
3 Committee and Town Meeting. We honor his  
4 military service, his service to the Recreation  
5 Department and the Town of Falmouth and he will  
6 surely be missed.

7 Former long-time Committee member Sandy  
8 Cuny has been re-appointed to serve in Walter's  
9 place. Sandy brings a breadth of functional and  
10 institutional knowledge and we are excited to  
11 have her back.

12 At last April's Town Meeting, I reported  
13 on the deplorable conditions of our fields.  
14 While much of the poor conditions still exist,  
15 progress has been made. We have seen a new  
16 focus from the Selectmen, Town Manager and the  
17 D.P.W., and we are pleased with this start.

18 With the \$200,000 that was appropriated  
19 from last year's Town Meeting, the Sandwich Road  
20 football field has been renovated and it came out  
21 great. Currently one of the fields on Trotting  
22 Park is being re-done and is expected to be ready  
23 for use by next fall's soccer season.

24 Another positive that will impact the

1 Recreation fields is the new, all-purpose field  
2 at the high school that will be ready to go next  
3 year. It is expected that some of our Rec  
4 sports will be able to use the field during non-  
5 high school athletic times. This will allow our  
6 fields to get some much needed rest and will  
7 allow work to be done on others.

8 A third positive and perhaps the most  
9 important is that the D.P.W. has requested  
10 funding for landscaping equipment that they so  
11 desperately need, as well as money for field  
12 renovations and maintenance. We are excited to  
13 hear that they will be requesting this increase  
14 every year for the next ten years. We encourage  
15 you to support this request during the budget  
16 article of this meeting for the 2019 budget.

17 The Rec Committee will be staying  
18 vigilant in keeping track of this progress and  
19 will be looking at other areas of funding to help  
20 expedite the complete restoration of our fields.

21 Another item that the Committee has set  
22 in motion is a field cancellation alert policy.  
23 Joe Olenick has set up a Notify Me through the  
24 Town website and is in the process of getting all

1 relevant parties signed up so that with a click  
2 of a mouse he can notify user groups that the  
3 field will be closed due to inclement weather;  
4 just another step in keeping our fields in good  
5 shape.

6 In the coming weeks, the new Senior  
7 Center will break ground and the Rec staff is  
8 ready for the upheaval. We will certainly be  
9 impacted by the construction. The SBLI  
10 playground will be removed and will go into  
11 storage with the hope that a spot at the Sandwich  
12 Road fields gets prepared. The new playground  
13 will be built on Fuller Field with the \$300,000  
14 that was appropriated once the Senior Center is  
15 complete.

16 The parking lot will be impacted the  
17 most during construction, but on the positive the  
18 new entrance has been completed and should help  
19 alleviate congestion.

20 Perhaps the biggest news of the year at  
21 Gus Canty is that Joe Olenick has shed the  
22 interim title and been made the permanent  
23 director. Joe and his staff does such a great  
24 job with all the programs the Rec has to offer,

1           like summer camp, soccer, multi-sports,  
2           basketball, tennis, flag football, youth nights,  
3           family nights, father daughter dance, mother son  
4           dance, just to name a few.    And the list  
5           continues to grow, with new programs such as  
6           Junior Roller Derby, Youth Volleyball, Pals,  
7           Eccentrics, sailing, kidsfest, community yard  
8           sale, the New York City trip, and of course the  
9           new growing phenomenon Pickle Ball, utilizing 14  
10          hours per week.

11                        With this increased programing, and  
12           more activity expected from the Senior Center  
13           moving next door, the need for additional staff  
14           is paramount.    Town management has made a failed  
15           attempt at hiring a person that will split time  
16           between the Rec and Beach Departments and is now  
17           advertising for a Program Director that will be  
18           cross-trained in Beaches, as well.    Although we  
19           are not really sure of the plan, as Town  
20           management does not ever discuss this with our  
21           Committee.

22                        Thousands of children, teens, adults and  
23           seniors are utilizing our programs more than ever  
24           before, and with less staff than ever before.

1 Makes little sense. Present staffing levels are  
2 causing a safety and quality issue as supervision  
3 of activities, mentoring youth coaches and  
4 general oversight is lacking.

5 Our Charter mission is to make  
6 recommendations to the Board of Selectmen.

7 Well, we recommend that an Assistant Director be  
8 hired and three full-time programmers remain  
9 full-time, where their sole focus will be on the  
10 Rec Department, and Joe be given the flexibility  
11 to add part-time and temporary staff when needed.

12 Thank you very much for your time, and  
13 if anyone has any questions or concerns, you can  
14 always attend one of our meetings that are the  
15 second Wednesday of every month.

16 Thank you.

17 [Applause.]

18 THE MODERATOR: You didn't even use  
19 the extra 30 seconds.

20 Solid Waste Advisory Committee.

21 MR. FINNERAN: Thank you, Mr.

22 Moderator. Marc Finneran from the Solid Waste  
23 Advisory Committee. Linda Davis is our  
24 Chairman, but she had an issue arise and asked me

1 to fill in for her.

2 First of all, I'd like to thank  
3 everybody on the Committee, especially John  
4 Snyder, who's recently retired from public  
5 Service. He was quite - he did a lot of the  
6 work in the food waste shed that we have at the  
7 dump. And I want to clear some things up.

8 There was a letter in the Enterprise  
9 regarding this shed at the facility. We don't  
10 intend that it takes all the food waste in the  
11 town. It's the fact that upwards of 25 percent  
12 of our garbage, which we pay for by the ton, is  
13 food waste. Actually that's the national  
14 average; we're down around 15. It's strictly  
15 intended to train people to compost at home, and  
16 hopefully we can get some of that tonnage down  
17 and save the Town some money and continue with  
18 the curbside service and all our services.

19 I'd like to add that last year we  
20 received \$28,000 in grants from the state, which  
21 is the highest of all the 15 towns on Cape Cod,  
22 and that was greatly affected by the hard work of  
23 our Chairman Linda Davis. She really does a  
24 lot.



1                   What do we got here.   November 15<sup>th</sup> is  
2                   America Recycles Day.   I'd like everybody to  
3                   just take note of that and try to make an effort  
4                   to recycle right every day.   And we have a short  
5                   film that's been provided to us by our curbside  
6                   company --

7                   [Whereupon, video starts.]

8                   [Laughter.]

9                   MR. FINNERAN:   They can say it better  
10                  than I.

11                  [Whereupon, video re-started and played to the end.]

12                  MR. FINNERAN:   All right, and I'd just  
13                  like to take one more moment to remind everyone:  
14                  please do not put plastic bags in with your  
15                  recycling.   They tangle up all the machinery at  
16                  the recycling facilities and they make them stop  
17                  three or four times a day and they literally have  
18                  to go with knives and cut the things out of the  
19                  works.   Try to just keep them out of your  
20                  recycling.

21                  Thanks.

22                  THE MODERATOR:   Any other committees  
23                  want to make a report?

24                  Hearing none, the question will come on

1 the main motion to accept the reports. All  
2 those in favor, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it  
7 unanimous.

8 **Article 3.** Mr. Chairman of the Finance  
9 Committee for the main motion.

10 CHAIRMAN SCHWEGEL: Mr. Moderator,  
11 that the Town vote Article 3 as recommended.

12 THE MODERATOR: As recommended. This  
13 is to appropriate \$7,600,000 for design  
14 construction of water mains and to meet the  
15 appropriation to transfer the sum of \$4,500,000  
16 from Certified Free Cash, and the Treasurer, with  
17 the approval of the Board of Selectmen, is  
18 authorized to borrow \$3.1 million.

19 Mr. Rowitz, I think, held this.

20 MR. ROWITZ: Thank you, Mr. Moderator.  
21 Ray Rowitz, Precinct 5.

22 Article 3 is to appropriate the money  
23 for funding the design and construction of water  
24 main replacement and other costs incidental and

1 related thereto. Designing and engineering for  
2 the replacement of water mains will certainly  
3 include the location of underground conveyances,  
4 including gas lines, sewer lines and existing  
5 utilities. This area, particularly from Palmer  
6 Ave. to the Administration Building, should be  
7 included in the engineering for underground  
8 utilities at this time. This is a distance of  
9 about two and a third miles, of which a third of  
10 a mile is already either underground or diverted.  
11 That's the area along Main Street.

12 I have some pictures that I took. This  
13 is heading east from Palmer Avenue towards the  
14 Post Office. Poles along Village Green. These  
15 are where the poles stop and either the utilities  
16 are underground along Main Street or diverted  
17 into the back of Main Street.

18 They pick up again just after Library  
19 Square, where they continue on and they zig-zag  
20 past Gifford Street. There's poles and wires.  
21 And more wires and poles. Wires through trees.  
22 More poles and wires. Transformers in trees.  
23 There's small light poles there you can see, you  
24 can see right down there, but they're dwarfed by

1 the giant power poles.

2 There's poles past the Police station,  
3 past the Edward Marks, Jr. building, and the Rec  
4 Center and the future Senior Center.

5 This is up Davis Straights. You can  
6 see how nice the trees look on the plaza side,  
7 and what's happened to the trees where they have  
8 to cut 'em to make way for the wires.

9 This is continuing toward the Stop &  
10 Shop plaza. There's poles in the sidewalks.  
11 Not much room here for power poles. More poles  
12 in the middle of the sidewalks. Poles with  
13 extra poles. Poles on both sides. More of the  
14 same. Poles through trees.

15 But there's no poles at the library.  
16 Main Street looks great because we don't have  
17 those power poles.

18 At a recent Selectmen's Meeting, which  
19 included a public forum for the Route 28  
20 improvements, Mr. Jack had indicated that the  
21 consideration of underground utilities for the  
22 project. With major improvements planned for  
23 this road, it makes sense to do the job right the  
24 first time, and take care of the underground and

1 surface needs at one time. Hopefully Mr. Jack  
2 and Mr. Rafferty can coordinate and create a  
3 design that incorporates all of Falmouth's needs,  
4 without having to excavate several times.

5 Three years ago, the Town of Orleans, in  
6 co-operation with the Cape Cod Commission,  
7 finished a study to understand the costs and  
8 steps involved in placing utilities underground,  
9 particularly along Main Street in Orleans.  
10 Orleans was given an estimate from Eversource of  
11 \$3 million a mile, and cable and other utility  
12 costs were assumed to be about the same, at \$3  
13 million a mile.

14 If we can plan to underground the  
15 utilities for two miles through Falmouth's most  
16 dense Business District, the area that my  
17 pictures showed, we'll have the tools helpful to  
18 evaluate under grounding the rest of the town,  
19 and if and when we decide to do it.

20 Thank you. Please vote yes on this.

21 THE MODERATOR: Okay, further  
22 discussion on Article 3?

23 This requires a two-thirds vote for the  
24 authorization of bonding. All those in favor,

1 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 and I declare the two-thirds majority.

7 **Article 4**, Mr. Chairman. This is the  
8 main motion on the Capital Improvement Budget.  
9 Mr. Chairman.

10 CHAIRMAN SCHWEGEL: That the Town vote  
11 Article 4 as recommended.

12 THE MODERATOR: Okay, as  
13 recommended. We're going to have a presentation  
14 and then we will go through each line item. And  
15 you don't - it's not a blanket, you don't hold  
16 it, you just ask a question or make an amendment  
17 as we go through it.

18 Ms. Petit.

19 MS. PETIT: Good evening. The Town of  
20 Falmouth Capital Plan. We present the Capital  
21 Plan every year at the Annual November Town  
22 Meeting.

23 You're probably sick of hearing me  
24 saying this, but it's use of one-time revenues to

1 fund one-time expenses. The process for the  
2 Capital Plan, we receive requests from Department  
3 heads and it's reviewed by myself, the Assistant  
4 Town Manager and the Town Manager. And the Town  
5 Manager makes recommendations to the Board of  
6 Selectmen. We give a presentation at the end of  
7 August to the Board of Selectmen and then the  
8 Selectmen approve it, make changes, and they send  
9 it on over to the Finance Committee and the  
10 Finance Committee reviews it and makes  
11 recommendations to Town Meeting.

12 Next slide, please. And this Capital  
13 Plan's about ten million. We're using 1.5  
14 million in the Capital Stabilization Fund.  
15 We've allocated a couple of Capital articles.  
16 \$8.5 million of Free Cash, and a million of that  
17 is allocated to the School Department.

18 And the initiatives. The major  
19 initiatives in this Capital Plan which is  
20 outlined in your warrant booklet, we're  
21 requesting a ladder truck fire engine, two  
22 ambulances, two dump trucks, trash compactor,  
23 Parks equipment, vehicle replacement, boat  
24 replacement.

1           And other major initiatives which you'll  
2           also see in Article 5. We actually look at it  
3           comprehensively but we break it up into two  
4           articles. Water projects, we have our Top Gun  
5           conversion. A lot of IT infrastructure  
6           upgrades. Coastal Resiliency, which you've  
7           heard previously. Road maintenance, some  
8           wastewater equipment, and again, you heard in a  
9           previous presentation: field maintenance.

10           We continue to make progress funding  
11           these large capital items, and we're maintaining  
12           our vehicle replacement program.

13           And the detail on all your capital and  
14           non-capital items are in the back of your warrant  
15           booklet. And, as you look at the line items,  
16           it'll tell you what page it corresponds to, so  
17           this should be helpful when you're reviewing and  
18           make recommendations on these articles.

19           Thank you.

20           THE MODERATOR: Thank you, Ms. Petit,  
21           and thank you for the page references. That  
22           makes it a lot easier for Town Meeting members to  
23           zero in where we're at.

24           Okay. So we've got transfer the sum of



1 \$7,117,992 from Certified Free Cash, \$1,500,000  
2 from the Capital Stabilization Fund, \$130,000  
3 from the Waterways Improvement Fund, and \$89,000  
4 from Article 4 of the November, 2017 Town Meeting  
5 Coast Guard Water Main for the funding.

6 Any questions about the funding sources?

7 Okay. Information Technology. Okay,  
8 Mr. Callahan.

9 MR. CALLAHAN: [No mic:] I've got a  
10 question.

11 THE MODERATOR: With the mic, please.

12 MR. CALLAHAN: Thank you, Jim Callahan,  
13 Precinct 5.

14 I was just curious about the  
15 infrastructure upgrades. Can I make the  
16 assumption - we talked about - Ray talked about  
17 poles. That will be underground, I assume,  
18 whoever's in charge of that? From the Town Hall  
19 to the Police station, I believe. Is that --

20 THE MODERATOR: This is Information  
21 Technology.

22 MR. CALLAHAN: This is going to be  
23 underground, right?

24 FROM THE FLOOR: [No mic: inaudible.]

1 THE MODERATOR: Whoa, whoa, whoa,  
2 let's have a microphone.

3 MR. CALLAHAN: Thank you.

4 THE MODERATOR: Can we have a  
5 microphone for our IT Director?

6 MR. BANWARTH: Hi. So, just to answer  
7 that question right now, the plan for the fiber  
8 interconnect for the infrastructure is going to  
9 be aerial. If we have the opportunity to bury  
10 it, we will, but it comes at an extraordinarily  
11 extra cost, as well as timing.

12 MR. CALLAHAN: [No mic:] We're setting  
13 ourselves up for the 21<sup>st</sup> Century.

14 THE MODERATOR: No, no, we need  
15 microphones when you speak. We're on  
16 television, we need the record.

17 THE MODERATOR: Mr. Banwarth, do you  
18 want to introduce --

19 MR. CALLAHAN: So --

20 THE MODERATOR: This is Greg Banwarth, by  
21 the way. This is our new IT Director.

22 MR. BANWARTH: I'm sorry, Greg  
23 Banwarth.

24 THE MODERATOR: Who's running our IT -

1 the electronic voting system for us.

2 MR. BANWARTH: Yes. Yes, sir.

3 MR. CALLAHAN: Welcome.

4 MR. BANWARTH: Thanks.

5 MR. CALLAHAN: So, in other words,  
6 we're going into the 21<sup>st</sup> Century with the new  
7 technology, and yet we're going to be - and we  
8 have storms, and so what we're dependent on is a  
9 wooden pole. That's what you're basically  
10 saying. We have a major storm, a pole goes  
11 down, and we have lost our communications.

12 I mean, seems to me we're looking at 21<sup>st</sup>  
13 Century technology with 19<sup>th</sup> Century  
14 infrastructure.

15 MR. BANWARTH: It's quite common to  
16 have a lot of fiber runs, especially on the Cape,  
17 I would say 90 to 95 percent of fiber runs, even  
18 by large companies such as Comcast or Open Cape,  
19 are aerial. It's just the way that we have to  
20 play the game down here.

21 We will try to bury whenever possible,  
22 but the opportunities for that are actually quite  
23 complex, which is the reason that the 450 miles  
24 of fiber that the Cape had installed recently has

1 very little underground burial. There's a lot  
2 of challenges to getting that stuff done.

3 We'll definitely take those  
4 opportunities if we find them, but for this  
5 particular project we don't see any at the  
6 moment.

7 MR. CALLAHAN: So, in other words, all  
8 the things that Ray just showed us that looked  
9 very fourth world to me --

10 MR. BANWARTH: Uh-huh.

11 MR. CALLAHAN: - we're going to  
12 continue in adding more to it by putting another  
13 cable up there?

14 MR. BANWARTH: Yes, sir.

15 MR. CALLAHAN: Thank you.

16 MR. BANWARTH: But I would also note  
17 that we have had old, antiquated fiber connection  
18 between the two buildings noted for about 20  
19 years without any particular issues with  
20 hurricanes.

21 MR. CALLAHAN: But never say never on  
22 Cape Cod. Thank you.

23 MR. BANWARTH: I agree with that.

24 THE MODERATOR: Further discussion on

1 the IT budget? Mr. Donahue.

2 MR. DONAHUE: Bob Donahue, Precinct 3.  
3 Through you, Mr. Moderator, didn't we just vote  
4 to put all the cables underground --

5 FROM THE FLOOR: No, no.

6 MR. DONAHUE: - on the last issue, on  
7 doing the road? Aren't we going to do it? I  
8 thought that's what was part of it, was going to  
9 be to put the cables running all the way up from  
10 Palmer Avenue, up, underground. Now we're --

11 THE MODERATOR: We'd like to do that,  
12 eventually, but that's not part of the previous  
13 vote.

14 MR. DONAHUE: So - okay. I thought  
15 it was, sir.

16 THE MODERATOR: Okay.

17 MR. DONAHUE: So let me say this. We  
18 are digging up Main Street. Could we put the  
19 fiber in when we have Main Street dug up?

20 MR. BANWARTH: We're definitely talking  
21 with Ray Jack and everyone with that project; if  
22 we have that opportunity, we'll definitely take  
23 advantage of it. But right now with the current  
24 plans, I don't see that happening.

1 MR. DONAHUE: Why?

2 MR. BANWARTH: Because the timing of  
3 how it would go is over two years. We need a  
4 fiber connection up sooner rather than later, so  
5 it would have to string an aerial one way or  
6 another. Even if we were to somehow get  
7 underground cabling, which is very different from  
8 the water main project, and does incur a lot of  
9 extra costs that have not been approved by the  
10 Town, the timing would still require us to string  
11 it on aerials first.

12 MR. DONAHUE: Thank you.

13 MR. BANWARTH: Yes, sir.

14 THE MODERATOR: Anything else on  
15 Information Technology?

16 General Government. Public Safety.  
17 Yes, Mr. Dufresne. Yes, want to grab the mic,  
18 right there.

19 MR. DUFRESNE: I have a question on  
20 General Government. Andy Dufresne, Precinct 2.

21 Human Services Relocation \$100,000. Is  
22 there some kind of an explanation of what, where  
23 and we're going to spend \$100,000? It is  
24 currently in a leased situation in Town Hall

1 Square.

2 THE MODERATOR: Yeah, Mr. Suso.

3 MR. SUSO: Certainly. Julian Suso,  
4 Falmouth Town Manager.

5 Several years ago, as part of an overall  
6 concept presented to the Board of Selectmen, the  
7 Selectmen voted to affirm the relocation of the  
8 Human Services function in the town to the Marks  
9 building. And that - that first floor space had  
10 recently been vacated by the Falmouth Retirement  
11 Board, which had done a wholesale upgrade to  
12 create an office function in the entire first  
13 floor of the Marks Building.

14 We also had an architect, Jim Pietro and  
15 Associates, analyze the exterior and interior of  
16 that building, and made a recommendation for  
17 anticipated costs for that first floor  
18 improvement, and that's what appears as part of  
19 the request to Town Meeting under General  
20 Government.

21 MR. DUFRESNE: Is there a rent paid by  
22 Human Services?

23 MR. SUSO: Human Services is currently  
24 paying slightly over \$25,000 annually for the

1 rental space and the Selectmen voted to determine  
2 that we should cease to have Town Departments  
3 within rental space and instead relocate them to  
4 Town-owned buildings.

5 MR. DUFRESNE: Just for the  
6 information of Town Meeting, probably an  
7 explanation of the estimated cost. This  
8 building is some 300 years old, and from my  
9 understanding does not meet the guidelines for  
10 public safety and public habitation.

11 Thank you.

12 MR. SUSO: Mr. Moderator, may I comment  
13 on that, please.

14 THE MODERATOR: Mr. Suso.

15 MR. SUSO: Part of the analysis we had  
16 the architect conduct affirmed that that building  
17 is sound and this is an appropriate location for  
18 such an office use.

19 THE MODERATOR: Anything else under  
20 General Government?

21 Ms. Fenwick.

22 FROM THE FLOOR: [Inaudible].

23 THE MODERATOR: Yeah, I got Ms.  
24 Fenwick first. I've got you on the list.



1 MS. FENWICK: We're under Public  
2 Safety, right?

3 THE MODERATOR: We went back to General  
4 Government, so --

5 MS. FENWICK: Oh, okay.

6 THE MODERATOR: - you got Public  
7 Safety?

8 MS. FENWICK: Yes.

9 THE MODERATOR: Mr. Shearer, are you  
10 General Government?

11 MR. SHEARER: Yes.

12 THE MODERATOR: Okay. Let's - yeah,  
13 I'll come back.

14 Mr. Shearer.

15 Microphone for Mr. Shearer, please.

16 MR. SHEARER: Dan Shearer, Precinct 6.

17 I'm talking about the golf equipment.

18 And I'm sure these two lawnmowers are needed.

19 And I'm going to vote for them. But for three

20 years I've asked for a report from the Golf

21 Committee as to what the Town gets out of this

22 rent and what we get out of this rent, because I

23 don't understand why we have this golf course

24 that we keep pouring money into, I believe not

1 making any money, when if we gave it away, it  
2 would stay the same as it is now. Because the  
3 land cannot be used for anything else except open  
4 space.

5 So, I would like to have a report at  
6 next Town Meeting on the Golf Committee and what  
7 we are doing with it and why.

8 Thank you very much.

9 THE MODERATOR: Okay, anything else  
10 under General Government?

11 Mr. Netto.

12 MR. NETTO: Joe Netto, Precinct 9.

13 I have to agree with Mr. Shearer. And  
14 I'm not going to hold the \$63,000, but Folks,  
15 just - this is an actual operating expense that  
16 should be incurred by the concessionaire, the  
17 person who has the contract to run the golf  
18 course for the Town. Buying lawn mowers?

19 This - I just - how did - is there  
20 someone on the stage that could answer that  
21 question for me? How is this agreed to when we  
22 put out the lease to this property? This would  
23 be akin to buying range balls. It's a daily  
24 operating expense. You can't have a golf course

1 without a lawn mower. What's the thinking?

2 Who - how was this contract written?

3 THE MODERATOR: Ms. Petit.

4 MR. NETTO: Could somebody answer me  
5 why we're picking up --

6 THE MODERATOR: Ms. Petit.

7 MS. PETIT: Sure.

8 When we went out to re-bid the golf  
9 course from the contract to lease the golf  
10 course, we looked at - it was four years ago, I  
11 believe, the contract's up a year from December -  
12 we wanted to maximize the revenue that we got  
13 from the leaseholder, and in order to do that, we  
14 bought the capital equipment. If we were to  
15 roll the capital equipment into the golf course,  
16 we would have received less in revenue. So we  
17 own this equipment and that's how the contract  
18 was structured.

19 If you recall, we owe \$600,000 year in  
20 debt on the golf course, so we wanted to maximize  
21 the re-occurring revenue in order to cover that  
22 debt. And this was the best way to do that.

23 MR. NETTO: So the 60 - we get more  
24 back after we spend the 63,000, we're getting a

1 better return on investment, is that what you're  
2 telling me?

3 MS. PETIT: Yes. If we had structured  
4 the capital equipment into the contract, we would  
5 have received less in revenue to cover the debt.

6 MR. NETTO: Thank you.

7 THE MODERATOR: Ms. Shepard.

8 MS. SHEPARD: On the - Susan Shepard,  
9 Precinct 1.

10 On the Human Services relocation, that  
11 \$100,000 is for anything to be done to the  
12 poorhouse?

13 THE MODERATOR: Mr. Suso.

14 MR. SUSO: That's strictly for interior  
15 renovation on the first floor.

16 MS. SHEPARD: So, we have a building  
17 that we supposedly honored Eddie Marks with by  
18 naming it for him, and we have let the building  
19 deteriorate, sadly. There are aspects of the  
20 second floor and the attic floor which are filled  
21 with historic - they - they describe how that  
22 house was used, including a semi-dungeon on the  
23 attic floor, and I think it's criminal if we do  
24 this without planning a renovation for the entire

1 building.

2 This is a building that's on the  
3 National Register, and if we move Human Services  
4 in there, nothing is going to happen to those  
5 other two floors. There's a lot that needs to  
6 be done to that building and I feel like it  
7 should be done before any Town Department moves  
8 in.

9 We have other buildings in town that the  
10 Town could use. We're building a Senior Center.  
11 There will be an available Senior Center  
12 building. I think that the Eddie Marks Building  
13 should be attacked as a full project.

14 Thank you.

15 THE MODERATOR: Dr. Schneider.

16 With the microphone. Could you stand,  
17 Barbara, so she could see? Sorry.

18 DR. SCHNEIDER: Thank you. Barbara  
19 Schneider, Precinct 4.

20 If I'm not mistaken -- and maybe,  
21 Jennifer, you could tell us this -- we spent some  
22 considerable money some years back with Community  
23 Preservation dollars to work on that building,  
24 and I believe at that time we did a very thorough

1 study of the feasibility of the second floor, and  
2 it was deemed at that time something that should  
3 be not done; that it was almost beyond belief the  
4 cost to do that second floor correctly.

5 I think at that time it was determined  
6 that that building's exterior and first floor  
7 could be very usable, but the second floor and  
8 above could not be. Somebody might want to look  
9 into that and bring that information forward if  
10 anyone remembers it, but I do know there was  
11 money spent at that time. And I'd like to know  
12 -

13 THE MODERATOR: Okay, Ms. Petit, you  
14 want to -

15 DR. SCHNEIDER: - what we did on that  
16 and what still needed to be done, since it wasn't  
17 that many years ago we did this.

18 MS. PETIT: Yes, I don't recall the  
19 Community Preservation Committee funding or the  
20 feasibility study. I definitely can, you know,  
21 look at that.

22 I know that we did have an architect  
23 look at it in 2014 and that's what I'm familiar  
24 with.

1 THE MODERATOR: Okay, Mr. Donald.

2 MR. DONALD: Malcolm Donald, Precinct  
3 6.

4 Two questions. One, on the ESCO, can  
5 we - is there a breakdown on that and is there  
6 any money involved in that \$375,000 that's gonna  
7 be going to the poorhouse?

8 THE MODERATOR: Mr. Suso.

9 MR. SUSO: Yes, Mr. Moderator, and Mr.  
10 Donald, I don't have the exact amount but a  
11 portion of that ESCO Phase II is for the needed  
12 upgrade on the HVAC system in the Marks Building  
13 itself. And we've been awaiting that completion  
14 so that we can move forward with the first floor  
15 office upgrade.

16 MR. DONALD: My next question is have  
17 there been any - well, I understand there have  
18 been some discussions with other groups or other  
19 tenants that might occupy the poor house. Can  
20 you enlighten us as to what those discussions -  
21 who those discussions have been with and what  
22 the, you know, the character - give us some idea  
23 of the discussion.

24 Thank you.

1                   MR. SUSO:     Do you want me to get into  
2                   that, Mr. Moderator?

3                   THE MODERATOR:    It's up to you.    He  
4                   asked a question; do you want to answer it or  
5                   not?

6                   MR. SUSO:     It's really unrelated to  
7                   this proposal, but I'm happy to affirm a single  
8                   private group had approached me, a private, non-  
9                   profit group, with a suggestion that they take  
10                  over the building.    But it was with a condition  
11                  that no Town Department could be there.    It  
12                  would be their own determination of what would go  
13                  in that building and how that would go forward.  
14                  It also relied on a representation that a  
15                  significant amount of C.P.C. dollars would need  
16                  to be funneled into that building.

17                  I advised those who had spoken to me -  
18                  we met on more than one occasion - that I had a  
19                  voted directive from the Board of Selectmen that  
20                  the Human Services Department was to go into that  
21                  building and ultimately be part of the really  
22                  Community Center complex, which is now moving  
23                  forward as part of the new Senior Center  
24                  construction, the Community Center construction,



1 Police Department and the Marks Building.

2 And really, if one considers the  
3 concept, the whole idea is to return to the  
4 original roots of the poor house; the Human  
5 Services Department of course serves the most  
6 needy in our community and those that frequently  
7 have no one to speak for them and are often in  
8 harm's way. And Susie, our director, does a  
9 remarkable job there. There's a very close  
10 linkage with the day to day work that happens in  
11 the Senior Center, also as part of the expanded  
12 Community Center, and Human Services works  
13 closely with our Police Department. So this is  
14 a proposed relocation that has been well thought-  
15 out, discussed in advance, and really has  
16 considerable amount of logic as part of it. And,  
17 again, it would be a return to the roots of - the  
18 service roots of the original poor house, which  
19 we find to be particularly appropriate, as well.

20 And Susie can certainly make some  
21 further comments on that if it would be deemed to  
22 be appropriate.

23 MS. HOFFMAN: Good evening. I'm Susie  
24 Hoffman, the Director of the Human Services

1 Department.

2 I would just reiterate what Julian just  
3 said, that over the past many years we've done a  
4 lot of collaborative work with the departments  
5 that are on that who were becoming as a municipal  
6 services department. Our department serves not  
7 just the most needy and vulnerable residents of  
8 the community, but really we want to be a service  
9 to the entire community. And many folks that  
10 utilize our department may not be deemed the most  
11 vulnerable or needy, but still gain a great deal  
12 of support and guidance from the department.

13 So, being in a location where inter-  
14 generationally we're working - there's the youth  
15 and the seniors and we do a lot of work with the  
16 Police Department, as well, so I think it makes  
17 complete sense for us to be on that campus, and  
18 we have the support of the department, as well.

19 Not to mention that I think returning to  
20 the roots of the poor house means something  
21 historically for the Town, too, so I think it's a  
22 good use of the building, itself.

23 THE MODERATOR: Okay, Mr. Dufresne.

24 MR. DUFRESNE: Adriene Dufresne,

1 Precinct 2.

2 Not to belabor the situation. This  
3 building, which is 300 years old, when I was a  
4 selectman a number of years ago, I condemned the  
5 building and it stay vacant until such a time as  
6 they found a need for it. Back then, it was the  
7 Retirement Board. The Retirement Board was  
8 paying a very small, minimal rent to the Town of  
9 Falmouth by the retirees of the Town of Falmouth  
10 who only used it periodically for their meetings.  
11 The Town Manager raised the rent and then head of  
12 the Retirement Board says, "That's out of line",  
13 and moved out into a rental complex in the Davis  
14 Straits area.

15 My only problem right now is knowing  
16 that building from the time that it was moved  
17 from Hatchville, it was once called the Petey O's  
18 Tavern [sp?], which I still refer to it as the  
19 Petey O's Tavern.

20 I think \$100,000 is just a drop in the  
21 bucket. I would rather see this \$100,000  
22 eliminated until you can have a much more complex  
23 study of exactly what it needs, from the basement  
24 -- which, it has no basement. It has no

1 basement, the floors are not even. There's a  
2 number of things wrong with that building for  
3 making it a public use building, and this is what  
4 bothers me. This \$100,000 is a drop in the  
5 bucket.

6 Pass it if you want. My personal  
7 feeling, I think we could use the \$100,000 a  
8 little better on some other project besides that  
9 one. Thank you very much.

10 THE MODERATOR: Andy, is that an  
11 amendment, to strike the line?

12 MR. DUFRESNE: Say it again?

13 THE MODERATOR: Are you actually making  
14 the motion to strike the line?

15 MR. DUFRESNE: At this particular time,  
16 I would like to strike the \$100,000 and, you  
17 know, have some kind of local committee go in  
18 there and really evaluate, because the Human  
19 Services is a very needed committee for the town.  
20 It helps an awful lot of people.

21 THE MODERATOR: Okay -

22 MR. DUFRESNE: I just don't question -  
23 I mean, I just question this \$100,000 being  
24 sufficient to make that building a public use

1 building.

2 THE MODERATOR: Okay. So the motion  
3 on the floor is the amendment to strike the line  
4 item of \$100,000 for the relocation.

5 Ms. Putnam. Discussion only on this  
6 amendment. Yes.

7 MS. PUTNAM: Rebecca Putnam, Precinct  
8 9.

9 I would tend to disagree with what this  
10 amendment is saying. First of all, we just  
11 heard, you know, that we've already done a study  
12 with Community Preservation Committee funds, an  
13 extensive study of this building, which already  
14 stated that the second floor is not going to be  
15 usable.

16 You have a department paying \$25,000 a  
17 year in rent. Well, 25 times four years equals  
18 a hundred thousand. So, therefor, we're  
19 recouping our money in four years on the  
20 renovations. We had a very good, and I'm going  
21 to tell you a very good architect - architectural  
22 firm go through the building and say this is what  
23 needs to be done and what should be done to make  
24 the first floor habitable and useful.

1 I think it's ridiculous that we would  
2 not move forward with something like this and I  
3 would ask you to vote the amendment down.

4 THE MODERATOR: Mr. Lowell.

5 MR. LOWELL: Nick Lowell, Precinct 5.  
6 I'm also the Vice Chairman of the Finance  
7 Committee.

8 I do want to report that the Finance  
9 Committee supported this particular appropriation  
10 and we did just meet just this evening partly to  
11 talk about this issue, whether we were supportive  
12 of it, which we generally – or which we are. We  
13 didn't actually vote this evening, but we talked  
14 about the \$100,000, we talked about the use, we  
15 talked about the potential for there being  
16 additional costs and the move, and we're still  
17 supportive of it and I urge you to vote this  
18 amendment down.

19 Thank you.

20 THE MODERATOR: Okay, Mr. Brown.

21 SELECTMAN BROWN: Douglas Brown.

22 I just want to remind us that we spent  
23 over \$200,000 on this building probably 12, maybe  
24 15 years ago, fixing major structural issues in

1 that first floor and making it safe and  
2 structurally sound. So it's not the pit that  
3 you might have thought it was. Maybe - I don't  
4 know if you recall that, but there was a lot of  
5 work done a while back.

6 THE MODERATOR: Okay, Mr. Hargraves.

7 MR. HARGRAVES: Thank you very much. I  
8 would just like to get some clarity around the  
9 details of the project needs and goals as it  
10 appears on page 44. Between the Town  
11 administration and the finance director we have  
12 some excellent resources here for our  
13 consideration and deliberation, and especially  
14 these needs and goals are more complete and  
15 accurate than they ever have been, and I didn't -  
16 as a member of the Finance Committee, I voted in  
17 favor of this but I'm rising to ask this question  
18 related to Mr. Dufresne's amendment, because it  
19 says here, and we discussed this, that the funds  
20 will be used to update and complete the design as  
21 needed, and also be used for initial  
22 construction.

23 And it was recognized in our discussion  
24 that there were further expenses needed to bring

1 the building into the full vision of the  
2 accessible part on the first floor. But,  
3 considering Mr. Dufresne's issue, I would like to  
4 ask for clarification: will this \$100,000 make  
5 the building suitable for public use or does it -  
6 is that going to be contingent on further money  
7 spent so it will be a safe and useful workplace?

8 Thank you.

9 THE MODERATOR: Mr. Suso.

10 MR. SUSO: To the best of our  
11 knowledge, these funds that we're requesting will  
12 do the modest additional upgrades necessary to  
13 make this the appropriate location for Falmouth  
14 Human Services.

15 And, having said that, I should note  
16 that this building has been in ongoing public  
17 use. We sell beach stickers out of that  
18 building every spring; it's done as a matter of  
19 routine. It's fully accessible to the public,  
20 it's barrier free, et cetera. It's had some  
21 significant upgrades already, related to the  
22 sales of the beach stickers, having to do with  
23 infrastructure and cabling within the building,  
24 as well.



1                   And it wasn't that long ago that, as has  
2                   been noted, the Retirement Board operated a full  
3                   service office out of that entire first floor.  
4                   So, we're talking about some adjustments that  
5                   will make this appropriate for Human Services use  
6                   and that's what we're proposing here.

7                   MR. HARGRAVES:     Thank you.

8                   THE MODERATOR:     Dr. Schneider.

9                   DR. SCHNEIDER:     This is the good thing  
10                  about having a phone with you.     So, if you go to  
11                  the cpfund.org page for Falmouth, which is a  
12                  really great resource, it will remind you that in  
13                  2006 this Town Meeting approved \$50,000 from the  
14                  C.P. Fund to support a \$400,000 project to  
15                  complete the restoration of the Falmouth poor  
16                  house.     And there was an additional \$250,000  
17                  approved and that work was all done, based on the  
18                  first \$40,000 study of what was needed, and then  
19                  the work being completed by 2008.

20                  So Andy, while I appreciate that you  
21                  thought it was in bad repair, there's already  
22                  been almost \$300,000 put into it since that time  
23                  and so it can't be as bad as you remembered.

24                  THE MODERATOR:     Okay, Mr. Stecher.

1 MR. STECHER: Bernie Stecher, Precinct  
2 3. There we go.

3 I just have a quick question. On page  
4 41, how much of the \$575,000 that's being asked  
5 for - there's a note here Eddie Marks heating and  
6 insulation and air conditioning, but there's no  
7 amount for that building. Anybody know?

8 THE MODERATOR: Okay, Mr. Suso.

9 MR. SUSO: Mr. Moderator, we're taking  
10 a look at the online records to see if we can  
11 answer that, if we could just have a moment.

12 THE MODERATOR: Sure, I'll go on to our  
13 next speaker while we're looking up the answer to  
14 that one.

15 MR. STECHER: Yeah.

16 THE MODERATOR: Why don't you keep that  
17 mic and can I have my other mic carrier go to Mr.  
18 Donald, please.

19 MR. JOHNSON-STaub: Mr. Moderator.

20 THE MODERATOR: Oh, we've got the  
21 answer already.

22 MR. JOHNSON-STaub: We have the answer.  
23 46,000 is allocated to that project from the 575.  
24 46,000.

1 MR. STECHER: Okay, thank you.

2 THE MODERATOR: Okay, Mr. Donald.

3 MR. DONALD: I'm Malcolm Donald,

4 Precinct 6.

5 I have a follow-up question. I'm  
6 wondering if that non-profit that you had  
7 discussions with had offered any kind of a budget  
8 to - in regard to that building to restore it.  
9 And that's my first question.

10 And my second question is: are we going  
11 to replace that industrial door on the front of  
12 the poor house that just destroys the character  
13 of that very old building?

14 Thank you.

15 THE MODERATOR: Mr. Suso.

16 MR. SUSO: Mr. Moderator, I don't have  
17 that information here with me, not having  
18 anticipated that we'd be getting into a  
19 discussion about it. So, you know, again, all  
20 I'm coming forward with is an estimate that we  
21 received from a highly qualified architect to  
22 complete some modest first floor adjustments so  
23 that the Human Services Department can relocate  
24 as the Selectmen have voted and directed, and

1 we've been awaiting these ESCO improvements for  
2 HVAC to allow it to occur, as well.

3 I should also remind Town Meeting: this  
4 building, as Ms. Schneider has commented and  
5 others, has been under the stewardship of the  
6 Town; funds have been expended on it. We've  
7 done an analysis of it as recently as 2014. This  
8 Town Meeting also voted funds for roof  
9 replacement, a contract which has been awarded  
10 and is about to get underway.

11 So this concerns the first floor of that  
12 building and moving the Human Services element  
13 into that portion. I would think the discussion  
14 of other issues is not really within the scope of  
15 this particular proposal.

16 THE MODERATOR: Okay, the question will  
17 come on the amendment to withdraw the \$100,000  
18 for the Human Services relocation.

19 All those in favor of removing the line  
20 item, signify by saying Aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 Chair is that the no's have it by a majority and  
2 we're back to public safety.

3 Ms. Fenwick.

4 MS. FENWICK: Judy Fenwick, Precinct  
5 one.

6 I really appreciate that we've been  
7 given the detail for all of the line items in the  
8 capital improvement plan, but I think maybe we've  
9 opened up people doing a lot of homework, so  
10 we've got these extra questions.

11 Mine is on page 48 for the \$100,000 on  
12 security camera upgrade. Just out of curiosity,  
13 it's an upgrade for 28-plus security cameras, and  
14 I'm wondering if they're so highly secure that we  
15 can't know where they are.

16 [Laughter.]

17 MS. FENWICK: So my question is where  
18 are these security cameras?

19 THE MODERATOR: We can maybe tell you  
20 the zip code that they're going to be in, but.  
21 Chief.

22 CHIEF DUNNE: Good evening. Edward  
23 Dunne, Police Chief, Precinct 8.

24 These security cameras are throughout

1 the building. Most of them are within the cell  
2 blocks which have to run 24/7/365, and they are  
3 recorded and we have to keep track of all that.  
4 We also have them in the booking room, drive  
5 through, in the - they're all over the building.  
6 They're in the main lobby of the building and  
7 it's all for security within.

8 And those cameras have been there for  
9 quite a while; a lot of them are analog and  
10 they're failing. So they're going to be going  
11 to digital and they are badly needed.

12 THE MODERATOR: Okay, so the general  
13 category here of Public Safety. Facilities.  
14 Highway. Vehicles/Equipment.

15 I'm hearing somebody saying Mr.  
16 Moderator, but I don't see a hand. Where are we  
17 at? Oh, Mr. Donald.

18 MR. DONALD: Malcolm Donald.

19 Is any part of the road - that \$890,000  
20 going to be to address the Jones Road, Gifford  
21 Street intersection which backs up very badly in  
22 the summertime?

23 THE MODERATOR: So, that's back under  
24 Highway. Mr. McConarty.

1 MR. MCCONARTY: Peter McConarty, Deputy  
2 Director of Public Works.

3 These funds are not going to be used for  
4 Gifford Street/Jones Road; that is not part of  
5 this 890,000.

6 THE MODERATOR: Okay, Vehicles  
7 Equipment. Fleet Services. Water.  
8 Wastewater. Engineering/Admin.

9 Mr. Donahue.

10 MR. DONAHUE: Through you, Mr.  
11 Moderator, Bob Donahue, Precinct 3.

12 Engineering Software. In today's day  
13 and age, I can understand if you need a big  
14 computer or maybe a mainframe or something like  
15 that, but software is something that it needs to  
16 be up graded yearly, at least every couple of  
17 years. Why isn't this just in the normal budget  
18 of I guess the Engineering Department?

19 I think capital funds like a dump truck  
20 or something like that, that is going to have a  
21 service life of five to ten years, maybe, I think  
22 that's a capital item, but software in today's  
23 day and age should be a budget item of every  
24 department.

1                   And I see it continuously on things like  
2                   this, software.

3                   Thank you very much.

4                   THE MODERATOR:    Okay, Mr. McLaughlin.

5                   MR. MCLAUGHLIN:    Mr. Moderator, James  
6                   McLaughlin, Town Engineer.

7                   Currently the Engineering Department has  
8                   three software licenses for AutoCAD, which is the  
9                   standard engineering software that just about  
10                  everyone uses in Massachusetts and actually  
11                  throughout the country.    So that software, when  
12                  it was originally purchased, was on a per seat  
13                  basis and it can be used until the computer  
14                  basically dies off.

15                  About two years ago, the company that  
16                  provides the software, AutoCAD, they went to a  
17                  subscription basis.    So there are two things  
18                  going on.    One is our current three seats are at  
19                  the end of their useful life and we also have two  
20                  additional seats where right now are operating  
21                  without any AutoCAD.    So we're looking for five  
22                  total licenses to replace the existing three, but  
23                  they're on a subscription basis.    So, the  
24                  request is for the maximum number of years that



1 they will offer, which is the cheapest on a per  
2 year basis, and it's for three years.

3 And, going forward, every three years,  
4 unless they modify the subscription system, we'll  
5 be looking to get those re-instated.

6 THE MODERATOR: Okay. Anything else  
7 under Engineering?

8 Parks. Schools. Yeah, back right,  
9 back there. I can't see who -

10 MS. PRICE: I want to go back to the  
11 Engineering Software.

12 THE MODERATOR: Okay.

13 MS. PRICE: My name is Esther Ann Price  
14 from Precinct 3.

15 If it is a subscription that you are  
16 paying for, it's not a capital expense. It  
17 becomes a current expense.

18 THE MODERATOR: Ms. Petit.

19 MS. PETIT: Yes, it should have been in  
20 Article - it's in Article 4; it should have been  
21 in Article 5. So I put it in capital and it  
22 should have been in the non-capital article.  
23 That was my mistake.

24 MS. PRICE: Okay.

1 THE MODERATOR: Okay. Anything else  
2 under Schools?

3 The question will come on the main  
4 motion as recommended. All those in favor,  
5 signify by saying Aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it  
10 unanimous and the meeting will stand in recess  
11 for 15 minutes.

12 [Whereupon, recess taken.]

13 THE MODERATOR: All Town Meeting  
14 members please come forward to re-establish the  
15 quorum.

16 [Pause.]

17 THE MODERATOR: We're going to cue up a  
18 slide for the quorum. And then we will return  
19 to Article 5.

20 Could we cue up the slide without a  
21 time, just let it run for a bit and then we'll  
22 get it going when we can, here.

23 Okay, all Town Meeting Members present  
24 please press one for the re-establishment of a

1 quorum. Press two if you went home during the  
2 break. If you left during the break and you're  
3 at home and you forgot to drop off your clicker,  
4 press two. And bring it tomorrow night.

5 [Pause while electronic vote scrolling.]

6 THE MODERATOR: Okay, let's close out  
7 the quorum. Let's close out the quorum slide.

8 [Pause while electronic vote scrolling.]

9 THE MODERATOR: By a counted vote of  
10 162 members, we have a quorum and we're back in  
11 session.

12 **Article 5.** Mr. Chairman for the main  
13 motion on Article 5.

14 CHAIRMAN SCHWEGEL: Mr. Moderator, that  
15 the Town vote Article 5 as recommended.

16 THE MODERATOR: As recommended. This  
17 is for the purpose of funding non-capital  
18 projects.

19 This is to vote to transfer the sum of  
20 one million, three hundred and eighty-eight  
21 thousand, four hundred and twenty-seven dollars  
22 from Certified Free Cash for the items listed in  
23 the spreadsheet.

24 Information Technology. General

1 government.

2 MR. JOHNSON: Mr. Moderator.

3 THE MODERATOR: Yes, Mr. Johnson.

4 MR. JOHNSON: Leonard Johnson, Precinct  
5 5.

6 We have studied this before. It seems  
7 to me this is a repeating theme, here, tonight.  
8 But my major point is that I think this should  
9 not just include North Falmouth and West Falmouth  
10 but also Hatchville. I realize that the two  
11 stations are in North Falmouth and West Falmouth,  
12 but we need also to consider the broader location  
13 in providing fire services to people in  
14 Hatchville. I don't think I should amend this  
15 to include Hatchville, but I hope there's a  
16 general understanding that would include  
17 Hatchville.

18 THE MODERATOR: Mr. Suso.

19 MR. SUSO: Yes, Mr. Moderator, this  
20 proposal will include an analysis of fire  
21 dispatches throughout - throughout the community,  
22 not just in a segmented area of the community.  
23 However, it is focusing on needs in this specific  
24 area, given the current station utilization that

1 is in place.

2 THE MODERATOR: Okay, anything else  
3 under General Government?

4 Public Safety. Mr. Callahan.

5 MR. CALLAHAN: Jim Callahan, Precinct  
6 5.

7 Just a quick question on the  
8 fingerprinting machine. It came up at our  
9 Precinct meeting, and a lot of us were unaware  
10 that the teachers, for example, have to get  
11 fingerprints, have to go to Bourne and pay a  
12 certain amount of money. So I guess the  
13 question I have: will this fingerprinting machine  
14 be of use by everybody in the town that needs to  
15 be fingerprinted? That's all.

16 Thank you.

17 THE MODERATOR: Chief.

18 CHIEF RIELLO: This is going to be an  
19 electronic fingerprint machine, because we have  
20 ink, and this will be electronic. And if the  
21 teachers need to be fingerprinted, they just need  
22 to come in and be fingerprinted.

23 THE MODERATOR: Okay. Anything else  
24 under Public Safety?

1                   Community Development.    Facilities.  
2                   Highway.    Fleet Services.    Engineering.  
3                   Parks.    Recreation.    Beach.

4                   MR. ROWITZ:    Hold.

5                   THE MODERATOR:    Mr. Rowitz.

6                   MR. ROWITZ:    Ray Rowitz, Precinct 5.

7                   I was curious about the roller curtains  
8                   for the concession stands, whether it would  
9                   accommodate a shading like the present ones do,  
10                  if there's any way to do that.    Or if it  
11                  matters.

12                  THE MODERATOR:    Mr. Morgado.

13                  MR.    MORGADO:    Bruce Morgado, Beach  
14                  Superintendent.

15                  Currently those 5/8ths sheets of plywood  
16                  weigh a little over 40 pounds, and they bounce up  
17                  and down in the wind.    And one of these days  
18                  they're going to come loose and they're going to  
19                  hit somebody in the head.    We've been looking at  
20                  getting them replaced.    Our turn has finally  
21                  come up with the Capital Plan.    To replace them  
22                  with A, roller curtains so that they are safer,  
23                  but also they will reduce theft and crime,  
24                  breaking into the concessions.

1                   So we've been looking forward to having  
2                   this go through.

3                   THE MODERATOR:    Okay, anything else  
4                   under Beaches?

5                   The question will come on the main  
6                   motion as recommended.    All those in favor,  
7                   signify by saying Aye.

8                                           [Aye.]

9                   THE MODERATOR:    All those opposed no.

10                                           [None opposed.]

11                   THE MODERATOR:    The ayes have it  
12                   unanimous.

13                                           **Article 6.**    Mr. Chairman of the  
14                   Planning Board for the main motion.

15                   MR. FOX:    Mr. Moderator, I move Article  
16                   6 as printed.

17                   THE MODERATOR:    As printed.    Okay, who  
18                   held -

19                   MS. VALIELA:    Mr. Moderator.

20                   THE MODERATOR:    Yes, Ms. Valiela.

21                   MS. VALIELA:    Virginia Valiela,  
22                   Precinct 5 and Vice Chair of the Water Quality  
23                   Management Committee, which has worked with the  
24                   Planning Board, thank you very much, on updating

1 this.

2 I'm waiting for the slide to come on the  
3 - for Article 6. They were all the Planning  
4 Board slides together.

5 [Pause.]

6 MS. VALIELA: Well, while she's  
7 locating that. Article 6 is a very important  
8 housekeeping measure. In 1988, the Town Meeting  
9 established the Coastal Pond Overlay District and  
10 it -

11 That is the second slide. Do we have  
12 a first slide?

13 With this slide, which I hope they will  
14 show, that showed the impaired watersheds that  
15 flowed towards Nantucket Sound. And, in 2001,  
16 that map was updated -- and again, it's the map  
17 that's not up there yet -- that included some  
18 watersheds on the Buzzards Bay side.

19 The map that you're looking at now --

20 And perhaps I think we'll just stay with  
21 the map you're looking at, now. Okay.

22 So, this is an updated map from the work  
23 that was done in 1988, and the reason that it was  
24 needed to be updated was twofold.



1                   In 2004, the state hired the U.S.  
2                   Geological Survey to do a regional watershed  
3                   study, so that's not only the watersheds in  
4                   Falmouth but also Bourne, Sandwich and Mashpee  
5                   and Joint Base Cape Cod, because in many cases  
6                   the watersheds in our town are shared with one or  
7                   two other towns when you go upstream.

8                   The second reason that we need to update  
9                   this map is that the map that the Town currently  
10                  has on the books is missing four watersheds that  
11                  are actually impaired.    And those watersheds,  
12                  just for your information, starting in the  
13                  northwest corner, the purple and then there's a  
14                  slightly lavender one underneath it, that's Rands  
15                  Canal and Fiddler's Cove; those two watersheds  
16                  are impaired.    Moving south, down to the purple,  
17                  that is around Quissett Harbor, that one is  
18                  currently missing from the Town maps.    And then  
19                  over to yellow with Falmouth inner harbor.  
20                  Those four watersheds are not currently on the  
21                  Town's books, you might say.

22                  So, tonight, we are asking that you vote  
23                  this updated map with the updated information  
24                  from the Geological Survey and including these

1 four watersheds that were missing.

2 I'd be happy to answer any questions.

3 THE MODERATOR: Okay. Any discussion  
4 on Article 6?

5 Mr. Walker.

6 MR. WALKER: Thank you, Mr. Moderator,  
7 Grant Walker, Precinct 3.

8 Just a question, but first thank you for  
9 all the work that you've done on this. I know  
10 this is needed. So, it's just a question, just  
11 a point of information.

12 The Coastal Pond Overlay District  
13 already exists in the bylaw, so we're just adding  
14 some more area to it?

15 MS. VALIELA: Yes. You are correcting  
16 the current map and you are adding more area  
17 because there were four watersheds missing.

18 MR. WALKER: The entirety of those  
19 watersheds are considered part of the Coastal  
20 Pond that's governed by the Overlay District?

21 MS. VALIELA: Yes. Each one of those  
22 watersheds flows into some coastal pond.

23 MR. WALKER: Yeah. But all the  
24 specifications of what people may do in and/or

1 near the watersheds and the ponds, that's in the  
2 original bylaw?

3 MS. VALIELA: Yes.

4 MR. WALKER: Thank you very much.

5 MS. VALIELA: Thank you.

6 THE MODERATOR: Mr. Hargraves.

7 MR. HARGRAVES: Thank you. Peter

8 Hargraves, Precinct 9.

9 I can't resist the opportunity to become  
10 informed, here. I understand the utility of a  
11 zoning map and the opportunity to change and  
12 define what we can do in different parts of town,  
13 but could you briefly explain the utility of the  
14 watershed map and how it constrains or enables  
15 anything that we really as citizens might be  
16 interested in knowing about?

17 MS. VALIELA: Okay. We'll try and do  
18 that in one minute. All of our coastal ponds  
19 are extremely important to the town for  
20 recreation. It's where our highest real estate  
21 is. For some people, it's a livelihood. And  
22 so it's very important to maintain the health of  
23 those coastal ponds.

24 There has been so much development,

1 largely residential, that the amount of nitrogen  
2 coming out of this house, plus this house, plus  
3 this house, plus this house, has reached the  
4 point where these coastal ponds have exceeded  
5 their sometimes called carrying capacity.  
6 They've exceeded the ability of the pond to  
7 absorb that nitrogen.

8           The state did a - required each town to  
9 do a study of all of its coastal ponds and  
10 determine which ones were impaired and needed to  
11 take steps to reduce the amount of nitrogen going  
12 into those ponds. Each pond is different. The  
13 Town has already moved ahead with the Little Pond  
14 watershed, and we believe that there has been  
15 enough sewerage done there that that pond should  
16 begin to show signs of recovering. That is  
17 currently being monitored by the Geological  
18 Survey and also by the Town through a regular  
19 program we have of summer monitoring.

20           Ultimately, this - this is Falmouth.  
21 This is our character. It's our ponds and our  
22 shellfish and our recreation. And so you  
23 basically have an orderly program that identifies  
24 areas that contribute nitrogen to those ponds and

1 the Town has a program to gradually reduce the  
2 amount of nitrogen where it's excessive.

3 Thank you.

4 THE MODERATOR: Okay, any further  
5 discussion?

6 The question will come on the main  
7 motion as printed. All those in favor, signify  
8 by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The ayes have it by the  
13 two-thirds majority and I so declare.

14 **Article 7.**

15 Mr. Chairman of the Planning Board for  
16 the main motion.

17 MR. FOX: Mr. Moderator, I move Article  
18 7 to amend section 240-192 of the Zoning Bylaw as  
19 printed, and to further amend section 240-193 by  
20 adding a new subsection C, to read: "C. No  
21 certificate of occupancy will be issued until an  
22 as-built plan, prepared by a Registered  
23 Architect, Landscape Architect or Professional  
24 Engineer, has been submitted and verified by the

1 Planning Board's designee within seven days of  
2 the as-built submittal that all conditions of the  
3 approved plan have been met.

4 As an explanation, this change is  
5 intended to deal with the changes in technology  
6 that we've come up with in the last few years.  
7 That will govern the installation of structures  
8 such as pole barns and solar canopies as  
9 accessory uses, that will be included in site  
10 plan review as they have no floor area, and  
11 further to ensure that the site improvements  
12 required by the site plan approval have been  
13 properly installed. Requested by the Planning  
14 Board and in - this article was requested by the  
15 Planning Board in consultation with the Building  
16 Commissioner.

17 THE MODERATOR: Okay, can we put the  
18 slide back up, the first slide, there, that had  
19 the main motion?

20 Okay, so it's what's printed. The main  
21 motion as printed in the warrant, but this is the  
22 new section C. It takes Planning Board's agent  
23 and says "Planning Board's designee, within seven  
24 days of the as-built submittal". Okay, so that

1 will be the main motion.

2 Discussion on Article 7.

3 Mr. Latimer. And then Mr. Potamis.

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

6 I am opposed to this, as well as the  
7 following ones which seek to pose limitations and  
8 restrictions on people who choose to install  
9 solar energy facilities, including structures  
10 upon which most facilities are sited.

11 You know, there's a saying that, you  
12 know, "Think globally and act locally". We are  
13 facing a serious problem with global warming, the  
14 denials of our current president notwithstanding.  
15 We are feeling that in the Town of Falmouth, with  
16 the rising sea levels, the erosion of beaches.  
17 It's ongoing, and the only way it's going to be  
18 stopped is if people on the local level start  
19 saying, "We don't need to and we won't burn any  
20 unnecessary fossil fuels". And the only way we  
21 can stop burning fossil fuels is to allow the  
22 free and open development of alternative energy  
23 sources such as non-invasive solar panels.

24 The Koch brothers have not dreamed up

1 any kind of solar panel syndrome as that I'm  
2 aware of.

3 So, I'm objecting to this effort by our  
4 Planning Board to put restrictions on people who  
5 want to install solar panels, and this part of it  
6 is, "Well, we're going to regulate the structure  
7 on which it is built".

8 We will hear about how bad the project  
9 is up at Kenyon's Market. I drive by Kenyon's  
10 Market and I say that's beautiful. Here is a  
11 win-win situation. Here's a merchant who is  
12 providing some cover for his customers parking  
13 their cars when it's snowing or raining, but at  
14 the same time, when the sun is shining, he's  
15 getting free energy and he's not burning fossil  
16 fuels.

17 We don't need this bylaw. It is  
18 unnecessary. What is the problem? Well, some  
19 problems with aesthetics. Some problems with,  
20 "Well, we might want to look at the vegetation."  
21 These are innocuous structures. They do no  
22 harm. They do good. And we should not be  
23 trying to restrict them.

24 Thank you.



1 THE MODERATOR: Mr. Potamis.

2 MR. POTAMIS: Gerry Potamis, Precinct  
3 2.

4 This is a pretty simple amendment. You  
5 told me to write it down, so I wrote this one  
6 down.

7 It's simple enough: after "Landscape  
8 Architect", you insert "Professional Land  
9 Surveyor". Then it would be "Landscape  
10 Architect, Professional Land Surveyor, or  
11 Professional Engineer". Professional Land  
12 Surveyors are equally adequate of measuring  
13 dimensional offsets and things like that.

14 That's the gist of the motion.

15 THE MODERATOR: Okay, so in Section C,  
16 after Landscape Architect, add Professional  
17 Landscape Surveyor. And it reads the same after  
18 that.

19 MR. POTAMIS: [No mic:] Professional  
20 Surveyor.

21 THE MODERATOR: Professional Land  
22 Surveyor, I'm sorry.

23 MR. POTAMIS: Land Surveyor.

24 THE MODERATOR: Land Surveyor. I said

1 Landscape, sorry. Professional Land Surveyor.

2 Okay, discussion just on the amendment.  
3 Hearing none, the question - yeah. This is on  
4 the amendment, Mr. Smolowitz?

5 MR. SMOLOWITZ: Thank you. Ron  
6 Smolowitz, Precinct 8.

7 I guess my question is regarding the  
8 structure. So, if it's just a land surveyor,  
9 that's just the position. So, when somebody -  
10 this structure, are there going to be other  
11 aspects of it that are going to be - have to be,  
12 let's say certified in the as-built plan, such as  
13 its structural strength, its height, its  
14 material? I mean I don't understand how a land  
15 surveyor could do anything more than just  
16 positioning the structure. This article doesn't  
17 tell me what the other requirements are going to  
18 be regarding this structure.

19 So, maybe somebody could explain it a  
20 little bit more. I mean, I don't even  
21 understand, if it's concern is solar, why we're  
22 going to a general term of structure. So, what  
23 are the requirements that may be put on somebody  
24 under this proposal?

1 THE MODERATOR: Mr. Fox.

2 MR. FOX: There would be requirements  
3 under the Building Code and under the Building  
4 Commissioner. Planning Board won't get involved  
5 in anything structural other than lot coverage  
6 and its location. And we only - and site plan  
7 review is just a recommendation.

8 We're not restricting these. We're  
9 very much in favor of solar and we just see - we  
10 reasonably regulate where structures go on  
11 property and we're just trying to include that in  
12 it.

13 But all the questions you're asking  
14 about the actual structure is building code  
15 issues and not the Planning Board's.

16 THE MODERATOR: Okay, so this is just  
17 on the amendment, adding Professional Land  
18 Surveyor.

19 Mr. Latimer.

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

22 I would support the amendment for the  
23 simple reason that a Professional Land Surveyor  
24 will be less expensive for the land owner than a

1 Landscape Architect will be. To me, the  
2 requirement of a landscape architect for what is  
3 essentially just a lot coverage issue is, again,  
4 if not deliberate, is certainly calculated to  
5 make these projects more expensive and therefore  
6 a deterrent. So I would support this amendment,  
7 but while still opposing the bylaw itself.

8 We do not need this. And before we  
9 even talk about this, I think the Planning Board  
10 should explain the need for this. The need for  
11 this kind of level of planning that outweighs the  
12 benefit of just allowing people to install solar  
13 whenever they want to, wherever they want to, as  
14 long as they don't create a nuisance, which is  
15 subject to the neighbors who are filing a  
16 lawsuit.

17 But why does the Planning Board want to  
18 get into this? I'd like to have some kind of  
19 explanation of that before we proceed.

20 Again, I would support this amendment.

21 THE MODERATOR: Okay, yeah, did you  
22 want to? No, no, okay.

23 Yeah, go ahead. On the amendment, yeah.

24 MR. BAKER: Bob Baker, Precinct 4.

1 I just have a question for the chair. I  
2 want to make sure I have this clear in my mind.  
3 We vote first on the amendment with a couple of  
4 words, then we vote secondly on this amendment -

5 THE MODERATOR: Then we go back to  
6 debate -

7 MR. BAKER: And then the third vote is  
8 on the original motion, is that correct?

9 THE MODERATOR: So, the first motion  
10 is whether or not to add Professional Land  
11 Surveyor. Then we go back and we debate the  
12 underlying article either with or without the  
13 amendment. And then we take a vote on the  
14 underlying article.

15 MR. BAKER: Thank you.

16 THE MODERATOR: Yeah.

17 Ms. O'Connell.

18 MS. O'CONNELL: Maureen O'Connell,  
19 Precinct 4.

20 Point of information. We're adding  
21 professional land surveyor. Are we deleting  
22 Landscape -

23 THE MODERATOR: No, no, no adding.

24 MS. O'CONNELL: Just adding.

1 THE MODERATOR: Yes.

2 MS. O'CONNELL: Thank you.

3 THE MODERATOR: Anything else on the  
4 amendment? The amendment is a simple majority.  
5 The underlying bylaw requires a two-thirds, but  
6 the amendment is a simple majority.

7 All those in favor, signify by saying  
8 Aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: It's the opinion of the  
13 Chair that the ayes have it by a majority and the  
14 amendment passes.

15 The question will come back onto the  
16 main motion. Mr. Netto was next on my list.

17 MR. NETTO: Joe Netto, Precinct 9.

18 I would hope that we would defeat this  
19 article. This is just another hurdle in trying  
20 to stop people who are trying to help the  
21 environment. I'm just appalled that every time  
22 we try to do something with alternative energy -  
23 we went through the wind turbine debacle. This  
24 has no moving parts. It doesn't have any

1 pressure, doesn't have any flicker.

2 Interesting, Falmouth Youth Hockey put  
3 this up and we were all so supportive of Falmouth  
4 Youth Hockey. When they went up to the arena  
5 and they put solar arrays above their parking,  
6 nobody said anything. When the Admiralty  
7 apartments did it.

8 Then Lemoine's put this solar structure  
9 up, and I'm there just about every day, going to  
10 the gym, there. And I've got to tell you: it's  
11 great. It was pouring this morning. I had a  
12 roof over my head. I got out of my truck, put  
13 my coat on. In the summertime, when I had my  
14 dog with me, I could at least go in there, park,  
15 because there's some shade.

16 But the meeting started tonight with  
17 Selectmen Braga mentioning, you know, the coastal  
18 resources of our town. Mr. Dyer got up and said  
19 the same thing as being on -- the Planning  
20 Board's representative on the Coastal Resiliency  
21 Committee.

22 Sixty years ago, I rode a bike down  
23 Menauhant and went to Menauhant Beach. The road  
24 I rode on, the beach I sat on, is about 200 if

1 not 300 feet out in Vineyard Sound. That was 60  
2 years ago. It's gone; it's in the ocean. We  
3 have to start doing something.

4 I mean, this is another impediment, but  
5 what's - I think the Energy Committee, because  
6 right before I came to Town Meeting tonight, I  
7 hope most of you got this. I don't know how any  
8 of you have seen this. But they gave us some  
9 guidance on what to do with all these articles  
10 about solar photovoltaic. I think that's the  
11 correct pronunciation. And I appreciate their  
12 help in helping us straighten this out. And  
13 here's what they have to say about Article 7.  
14 They're asking us to vote it down, and that's  
15 what I'm going to do. And I'm going to vote  
16 down the one year moratorium, also.

17 We have to act now.

18 They are telling us that this would be a  
19 violation - whoops, my phone is moving, here - a  
20 violation of Mass. General Laws - whoops, I'm  
21 sorry. That would prohibit solar arrays on the  
22 basis of aesthetics. Don't forget: one person's  
23 pleasure is another person's poison. We can all  
24 never agree on when something looks nice or bad.



1           So what bothers me is if the Planning  
2           Board didn't realize this, and if the Energy  
3           Committee is telling us that this would violate  
4           General Law Part one Title VII, Chapter 40A,  
5           section 3, which states, "No zoning" - now I'm  
6           stating the Mass. General Law. In other words,  
7           the Attorney General will probably return this to  
8           us and say it doesn't meet - pass the muster.  
9           Again, "No zoning ordinance or bylaw shall  
10          prohibit or unreasonably regulate the  
11          installation of solar energy systems or the  
12          building of structures that facilitates the  
13          collection of solar energy, except when necessary  
14          to protect the public health, safety or welfare."

15                   THE MODERATOR:    Okay, Mr. Netto -

16                   MR. NETTO:        Thank you.

17                   THE MODERATOR:    - we're at the four.

18                   Okay. Good.

19                   MR. NETTO:        What, Mr. Vieira?

20                   THE MODERATOR:    You were at the four  
21                   minutes, but you're done, so that's good.

22                   MR. NETTO:        And I'm all done.

23                   THE MODERATOR:    Okay, Ms. Carey.

24                   MS. CAREY:        Rosemary Carey, Precinct 5

1 and I'm a member of the Energy Committee and one  
2 of the authors of the letter that we sent to Town  
3 Meeting members today.

4 So I thank you for the - covering the  
5 state law aspect, which I was prepared to read to  
6 the group. So I won't repeat that. But I just  
7 want to also say that many townspeople - well.  
8 The Energy Committee struggled with this for many  
9 months and brought our concerns to the Planning  
10 Board, and during that time we discovered that  
11 the impetus for this article was the Planning  
12 Board seeing that the new solar canopy at  
13 Kenyon's Market and finding it not in keeping  
14 with the character of the Town. So I would say  
15 many townspeople would disagree with that,  
16 finding solar canopies much more attractive than  
17 a bare asphalt lot.

18 Solar canopies also represent our long-  
19 awaited transition away from coal, oil and gas  
20 for energy to clean, renewable energy, as well as  
21 participation of our local businesses in the  
22 clean energy economy.

23 So, parking lot canopies provide  
24 outstanding opportunities for businesses to

1 generate clean energy and stabilize their energy  
2 costs, and also make money on selling the energy  
3 back to the grid.

4 They can direct storm water and protect  
5 customers from rain and snow and extreme summer  
6 heat, and they also can easily be built in  
7 attractive ways that suit the character of the  
8 town.

9 And, so, the Energy Committee has  
10 recommended a No on this article as written.

11 Thank you.

12 THE MODERATOR: Okay, Ms. Putnam.

13 MS. PUTNAM: Rebecca Putnam, Precinct  
14 9.

15 I'm sorry, but this is becoming the  
16 Planning Board wanting to restrict us more and  
17 more and people from usage. And solar, it's one  
18 of the best producers. We have so much sun. I  
19 mean, we live on Cape Cod. Why would we want to  
20 tell a commercial property owner that they  
21 wouldn't want to put up, or you can't put up,  
22 solar panels, regardless if it's in a parking  
23 lot, on their building? What's next? Are they  
24 going to tell us we can't put solar panels on our

1 roofs of our houses because it doesn't  
2 architecturally fit in with our neighborhoods?

3 It's just another way to restrict and  
4 restrict and restrict. And the best thing ever  
5 is Google: the first thing that comes up when you  
6 ask, "Is it legal to restrict solar panels in  
7 Massachusetts?" It says "Massachusetts also  
8 prohibits restrictions on solar devices, voiding  
9 any provision in an instrument relative to the  
10 ownership of use of real property such property  
11 which purports to forbid or unreasonably  
12 restricts the installation of use of solar energy  
13 systems."

14 So, and this is the solar - Department  
15 of Energy from the mass.gov.

16 I mean, where does it stop? Again, do  
17 we want to be told where and when we can use an  
18 energy resource that's safe, clean and, well, it  
19 should be here. I'd ask that you vote it down.

20 THE MODERATOR: Okay, Ms. Lichtenstein.

21 MS. LICHTENSTEIN: Leslie Lichtenstein,  
22 Precinct 8.

23 I also urge you to vote against this. I  
24 think it is - it's a polyglot. It's got too

1 much stuff in there. If you want to prohibit  
2 pole buildings and say, "We're not going to give  
3 you a certificate of occupancy", that's fine.  
4 You can't move in - you can't put anything under  
5 the pole building.

6 But, certificate of occupancy on a lot -  
7 - you've got a house, you're living in the house,  
8 you decide to put solar panels in the field next  
9 to your house. Suddenly, there's no occupancy  
10 permit? What? You're going to move out of  
11 your house?

12 I mean, I don't think this was well  
13 written. I don't think that a certificate of  
14 occupancy is the way to try to regulate solar  
15 panels, and of course they shouldn't be  
16 regulated, anyway.

17 Thank you.

18 Please vote this down.

19 THE MODERATOR: Okay, before I continue  
20 with my list, all of our speakers have been in  
21 the negative on the main motion. Is there  
22 anyone who wants to speak in favor of the main  
23 motion?

24 Okay, Ms. Lowell.

1 MS. LOWELL: Vicky Lowell, Precinct  
2 one.

3 I might be swimming against the tide,  
4 but I just think there's a little bit of lack of  
5 understanding of what this bylaw would do. It's  
6 - site plan review is a process where the  
7 applicant comes to the Planning Board and they go  
8 over their plans and make sure they conform to  
9 Zoning and then the - they can make suggestions  
10 for changing the plan. Aesthetics could be part  
11 of it, but that's not really the major thing.  
12 It's: will the traffic flow still work if you  
13 have a big solar installation there? Will the  
14 same number of parking spaces that are required  
15 be there? It's sort of those overall, the  
16 zoning elements, because you don't want to put  
17 something up and then find out you didn't conform  
18 to zoning.

19 And I think they have done this in  
20 consultation with the Building Commissioner  
21 because there's a lot of detail.

22 Let's say the Falmouth Mall wants to put  
23 up a lot of solar. That's probably a great  
24 thing. I'm not a - I'm very much a proponent of

1 solar. But you might want the Planning Board to  
2 be able to say, "Well, yeah, the traffic flow  
3 will still work. The - you still have plenty of  
4 parking." But they could say, "Well, maybe if  
5 you put it over here, it might be a little better  
6 than if you have it there", but they can't  
7 require them to do it.

8 This is a - it's not really a voluntary  
9 process. They have to go through the process  
10 before they can get the building permit, but they  
11 can't turn something down.

12 So, it's not a true impediment. It's  
13 maybe a slight delay, but I think both the  
14 applicant and the Town could come out better if  
15 they go through this process. So, I want to  
16 make sure, before you vote this down, that you  
17 understand that this is not - it's not a totally  
18 burdensome process and I think we could have some  
19 very good results, get solar, yet perhaps improve  
20 it a little bit from what the applicant might  
21 have initially wanted to do, but still it would  
22 go forward.

23 So, I just want to make sure you know  
24 that before you vote this down, because I think

1           it's actually a good balance of solar versus the  
2           community.

3                     Thank you.

4                     THE MODERATOR:    Okay, Ms. Harris.

5                     MS. HARRIS:    Mary Harris, Precinct 5.

6                     I think it was Article 3 we looked at  
7           pictures of telephone poles and wires that were  
8           put up with no regulation whatsoever.    If in  
9           those years about a hundred years ago everybody  
10          said, "Wow, do we really need electricity.  It's  
11          the best thing that's going to save us and we  
12          better let us put dead trees up every 50 feet and  
13          string wires everywhere", there might have been  
14          someone at that time who said, "Gee, you know,  
15          maybe we ought to regulate where those are going  
16          to go and what they're going to look like".  And  
17          here we are talking about spending \$3 million a  
18          mile to get rid of it.

19                    The state law says you won't do anything  
20           unreasonable in the regulation.  It doesn't say  
21           you won't do nothing.  And I think to have the  
22           Town have a little bit of an ability to say,  
23           "Maybe it's appropriate here, maybe it isn't  
24           appropriate there" would be something we should



1 consider.

2 THE MODERATOR: Okay, Ms. Siegel. No,  
3 you don't want the floor? Okay.

4 Mr. Hargraves.

5 MR. HARGRAVES: Thank you. Peter  
6 Hargraves, Precinct 9.

7 I'd like to underline what my colleagues  
8 have just added, here, but with a slightly  
9 different tilt. I'm not sure whether this  
10 includes single family or two family residences.  
11 It sounds like it excludes it under some  
12 conditions. But, in any case, a thousand  
13 square feet is substantially more than what would  
14 be needed by a single homeowner to put solar  
15 power into their home. And to size a system  
16 reasonably and economically to enjoy the benefits  
17 of solar.

18 And so I ask you to consider the other  
19 side of this, which is the private and personal  
20 right that people have, and I'm talking about  
21 abutters and those adjacent to a substantial  
22 structure like this, a thousand square feet, more  
23 than what a single family home would require,  
24 and I would appreciate the oversight, abutter

1 notices and a site plan review before it's just  
2 granted by right that someone could put there  
3 wherever they want it.

4 Thank you.

5 THE MODERATOR: Okay, Mr. Donahue.

6 MR. DONAHUE: Bob Donahue, Precinct 3.

7 Is the Building Inspector here? Or  
8 whoever you would go to to get a permit and who  
9 would oversee this project? I believe that's  
10 the Building Department. Is there somebody here  
11 that could answer a couple of questions?

12 THE MODERATOR: Okay, yeah.

13 You can ask the question while he's  
14 walking up there.

15 MR. DONAHUE: Well, the first question  
16 is, is there standards on height, width? You  
17 know, basic things.

18 I remember back - because I have grey  
19 hair - when gas stations first started to put a  
20 rooftop over their pumps. And everybody said  
21 well, how ugly they were. Today, if you needed  
22 gas this morning, would you have gone to a gas  
23 station that did not have an overhang for you to  
24 protect you?

1                   But, could you ask the question: are  
2                   there building requirements to put one of these  
3                   things up in my parking lot?

4                   MR. PALMER:     Good evening, Mr.  
5                   Moderator, our T.M. Members, my name is Rod  
6                   Palmer, Building Commissioner.

7                   I'm a little confused with your  
8                   question, but yes, we do have height limitations  
9                   for structures in town.     Typically it's 35 feet  
10                  for principle structures and 22 feet for  
11                  accessory, but maybe I'm - I'm not quite sure  
12                  what -

13                  MR. DONAHUE:    Well, what about a gas  
14                  station, take the - we'll use the Stop n Shop gas  
15                  station, they have it covered.    You're under  
16                  cover.     That's about, I would guess, 15 feet,  
17                  maybe.

18                  MR. PALMER:     Okay.

19                  MR. DONAHUE:    Maybe you know exactly  
20                  what it is.     That's what I'm trying to say, is  
21                  that if I want to build something like this, I  
22                  have to come to you.

23                  MR. PALMER:     That's right.

24                  MR. DONAHUE:    There's got to be some

1 kind of regulation on it so we are protected. I  
2 want everybody to feel they are protected on the  
3 - you just can't willy nilly put up one of these  
4 structures and it can't not fit in with the - I  
5 don't know what the term is - guidelines or rules  
6 and regulations of - of putting up a structure  
7 for solar. Or for anything else. Just a  
8 cover.

9 I mean, there must be some kind of rule  
10 for putting up a cover.

11 MR. PALMER: There are, there are.  
12 Maybe as an example we could - somebody mentioned  
13 Kenyon's Market, and that might be a good example  
14 where there's solar - solar panels mounted on  
15 stanchions or structures in the parking lot.

16 Those structures are designed by  
17 professional engineers, and when they come to the  
18 Building Department for a permit, we analyze the  
19 structure, we analyze the Zoning aspect of it,  
20 and if they comply with both, typically a  
21 building permit is issued. They're rather  
22 unique in their design, so it's nothing that's  
23 prescriptive in the Building Codes. It requires  
24 professional engineering for its unique design.

1                   But - but, to answer your question,  
2                   there are zoning bylaws that regulate height and  
3                   area and lot coverage and there are building  
4                   codes that regulate how it's to be put together.

5                   MR. DONAHUE:    And if I wanted to put  
6                   one of these things up, I have to get some kind  
7                   of professional help to -

8                   MR. PALMER:     You do.     If you mount  
9                   solar panels on a single family home - I know  
10                  that's not what we're here to talk about.    I  
11                  believe this article exempts one and two  
12                  families, but if you were to apply for a building  
13                  permit to put solar panels on your roof, it  
14                  requires engineering, so.

15                  MR. DONAHUE:    Thank you.    I'm voting  
16                  against this because I think it's covered.    We  
17                  have - the Building Department covers the  
18                  structure.    There are rules and regulations to  
19                  what a person can do.    You or I can't go in and  
20                  do it ourselves as a little project for the  
21                  weekend.    So, what's the problem?

22                  Please, vote this down.

23                  THE MODERATOR:    Okay, Mr. Leary.

24                  Mr. Latimer, you're on the list.

1 MR. LEARY: Bob Leary from the Planning  
2 Board.

3 Peter brought up a very good point that  
4 site plan review gives the public a chance to  
5 weigh in on something, because we have open  
6 meetings, this is all discussed, and if it's a by  
7 right thing, you don't get that opportunity. So  
8 I just thought I'd put that in your heads, that  
9 you get a say in these things.

10 And more in the light of being  
11 transparent. How many times do you drive around  
12 town and you see something, it's like, "Where did  
13 that come from? I never heard about that; there  
14 wasn't any hearing." And this is all this is.  
15 It's just - we're not anti-solar. Believe me.  
16 We're the ones who permitted the rink having  
17 their solar array. We pushed for the solar out  
18 in the landfill.

19 So, we feel that we're being crucified  
20 for being anti-solar and we're not. We just  
21 want to have some reasonable regulation, which  
22 the state law allows. So, think about that.

23 Thank you.

24 THE MODERATOR: Okay, Mr. Patrick.

1 MR. PATRICK: Matthew Patrick, Precinct  
2 7.

3 I was involved in writing the state  
4 legislation, and it distinctly says no regulation  
5 should be put in place unless it's to protect the  
6 public welfare, health and safety. I can't  
7 believe that the owner of one of these parking  
8 lots is going to build one of these things to  
9 inhibit parking or traffic flow or limit parking  
10 space. They're very concerned about aesthetics  
11 and I think they're going to do a good job just  
12 to make sure that people come to their shopping  
13 malls.

14 So we have a directive from the state:  
15 let's make this a priority. Vote no on this  
16 article, please.

17 THE MODERATOR: Okay, Mr. Walker.

18 MR. WALKER: Thank you, Mr. Moderator.  
19 Grant Walker, Precinct 3.

20 I went to several Precinct meetings in  
21 preparation for this Town Meeting in the last two  
22 weeks. At one of those meetings, one of the  
23 Planning Board members said that there's a story  
24 going around that we, the Planning Board, are

1 anti-solar. We're not anti-solar and now this  
2 evening Mr. Leary, a member of the Planning  
3 Board, said pretty much the same thing. And I  
4 think that's important for all of us to realize:  
5 the Planning Board is not against solar, they're  
6 not anti-solar.

7 I think they're caught in the  
8 responsibility that they have to take care of us.  
9 And so they don't want just anything going up  
10 anywhere. They feel that that is their  
11 responsibility, and I think that's perfectly  
12 legitimate. And I have tried in a variety of  
13 ways to push the Planning Board to allow solar  
14 and to promote solar, so I imagine that I might  
15 be perceived as one who thinks that they are  
16 anti-solar, but I do not. I think that they are  
17 just, in a way, overwhelmed with the  
18 responsibility of protecting us and protecting  
19 the Town.

20 But I think there's too much confusion  
21 here with this article. And part of the  
22 confusion is Article 11, which refers back to  
23 this Article 7 and says, "Well, if Article 7  
24 doesn't pass, we're going to try to get a



1 complete moratorium on solar energy in Falmouth.”  
2 And so, I just want to make this point, to begin  
3 with, here. Everyone here who has spoken to  
4 vote no on this article because they feel it’s  
5 too restrictive and so on, their arguments to  
6 vote no should not be interpreted as favoring or  
7 justifying a moratorium. I think that would be  
8 the worst thing.

9 The problem is: we can’t talk about  
10 Article 7 without talking about Article 11, the  
11 moratorium article.

12 Now, Mr. Hargraves, one of the previous  
13 speakers here, referred to I think residential  
14 properties. I don’t think only them, but  
15 residential properties. My understanding from  
16 what I’ve heard at Planning Board meetings and  
17 speaking with members of the Planning Board is  
18 that somehow this article, even though it doesn’t  
19 say so, does not apply to residential properties.  
20 And, as a matter of fact, Article 11, the  
21 moratorium article, when referring back to  
22 Article 7, this site plan review article, offers  
23 an explanation that says at the end that the  
24 Planning Board wants to encourage solar in

1 building zones. But that's not stated in  
2 Article 7 that this applies to building zones.

3 And if you look at the building  
4 requirements for building two zones, where a lot  
5 of properties, commercial properties are in the  
6 town, there are setbacks and there are minimum  
7 lot coverage -- maximum lot coverage I meant to  
8 say, allowable by structures and by parking.  
9 Part of the confusion with Article 7 is: how many  
10 times would the space underneath a solar canopy  
11 be counted? Once, because it's already paved  
12 and that's parking? A second time because now  
13 it's under a structure? That's not clarified.

14 And so --

15 THE MODERATOR: Okay, Mr. Walker,  
16 you're at four minutes. Time's --

17 MR. WALKER: Am I finished?

18 THE MODERATOR: Yeah.

19 MR. WALKER: Thank you so much.

20 THE MODERATOR: Okay, Ms. Putnam, Ms.  
21 Putnam.

22 MS. PUTNAM: Rebecca Putnam, Precinct  
23 9.

24 I'd ask that we move the question.

1 THE MODERATOR: Okay, the question is  
2 coming on closing discussion. All those in  
3 favor, signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: It's the opinion of the  
8 chair that the ayes have it by a two-thirds  
9 majority and the question is moved.

10 The question will now come on the main  
11 motion as amended. Remember: we added  
12 professional land surveyor to section C. So the  
13 main motion as amended.

14 All those in favor, signify by saying  
15 aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: With a majority of  
20 no's, I declare there is no two-thirds majority  
21 and the article does not pass.

22 **Article 8.** Article 8, Mr. Chairman for  
23 the main motion.

24 MR. LEARY: Mr. Moderator, Bob Leary

1 from the Planning Board.

2 I move this motion from Article 8. I  
3 move to amend the Zoning Bylaw by adding a new  
4 Article 48, Large-Scale Ground-Mounted Solar  
5 Overlay District, and to amend the official  
6 zoning map by adding a Large-Scale Ground-Mounted  
7 Solar Overlay District along the Blacksmith Shop  
8 corridor proximal to the power line easement on  
9 large parcels where tree cover and land forms  
10 have previously --

11 THE MODERATOR: Mr. Leary, could you  
12 just pause for one moment?

13 We have a slide, correct? Okay,  
14 because there's some language here that's  
15 different than what's in the warrant booklet.  
16 So I want folks to see this.

17 Go ahead.

18 MR. LEARY: Okay. Large parcels where  
19 tree cover and land forms have previously been  
20 impacted, consisting of Lot numbers 1603002000  
21 and all inclusive up to 220205000M, that are  
22 under the utility easement as printed in the  
23 warrant, with the following changes and  
24 additions: substituting Planning Board for Site

1 Plan Review Authority in the following sections:  
2 Section 240-252D, 240-253, 240-253F, 240-254G and  
3 240-254J, 240-255A, 240-255A3 and finally 240-  
4 255C.

5 THE MODERATOR: Mr. Fox.

6 CHAIRMAN FOX: This article adds 158  
7 acres of solar to the Town, and where it really  
8 came from is we've been working on solar zoning  
9 for almost ten years. It was - the first thing  
10 we came up with was the Light Industrial C  
11 complex; it was specifically designed for solar.  
12 It was discussed a lot, it was brought forward,  
13 and we actually thought it would - we could then  
14 start moving it on the landfill, and that any  
15 other lands around that zone, up and down this  
16 corridor, all they'd have to do is apply for  
17 Light Industrial C and we thought we had it  
18 changed.

19 In listening to the hearings, and from  
20 Town Meeting Members telling us - and regular  
21 residents - that they're really concerned that  
22 changing the zoning wasn't the right thing.  
23 Because everyone was worried about what happens  
24 when the solar isn't there and if it's zoned in

1 Light Industrial C, now you have agricultural  
2 land that's all of a sudden zoned commercial and  
3 you get warehouses on it. And people didn't  
4 want that. And we listened to them.

5 So we came up with another way. This  
6 way, by putting in an overlay district, we get  
7 the notices, we get the setbacks, and in ten or  
8 20 years it stops, for even - they stop using it  
9 for a year or two, it reverts back to the  
10 original zoning that it was there and everyone  
11 has the protection, and that's what people told  
12 us they wanted.

13 So this is a change we were moving for a  
14 long time on solar, with going to Light  
15 Industrial C, and now we've come to the  
16 conclusion that it needs to be done this way, for  
17 the main reason that it's listening to what the  
18 towns want and - and moved it forward.

19 It's solely listening to what Town  
20 Meeters want and try to bring as much solar as we  
21 can with the town. Anyone who thinks we're  
22 against solar, we've been working on it for ten  
23 years. We just think it needs to be done right  
24 and with reasonable regulation. That article is

1 over with, so I won't go any further.

2 THE MODERATOR: Okay, discussion on the  
3 main motion.

4 Mr. Latimer.

5 MR. LATIMER: Thank you, Mr. Moderator.

6 Richard Latimer, Precinct one.

7 I certainly never meant to impugn the  
8 motives of the Planning Board. I think they  
9 were misguided in the last article because it  
10 would have the effect of deterring solar  
11 development.

12 In this article, I think the purpose is  
13 a good purpose, however I am concerned about some  
14 of the specifics of the site plan review. And  
15 if we look at Section 240-253, Required  
16 Documents, there are things that we would want to  
17 see in a site plan review, but there are things  
18 that I think we cannot require. Things that  
19 affect the aesthetics of the project.  
20 Specifically, okay, the vegetation. Well,  
21 certainly if we're looking at the vegetation  
22 that's going to be removed, we can certainly look  
23 at things like, well, erosion, affects on the  
24 land - things that affect the public safety and

1 public health. But, when we talk about  
2 screening, now we're getting into aesthetics.  
3 And that's frankly something that we can't do.

4 So I think this - and I can't amend this  
5 bylaw on the floor, here, but I think this is  
6 something that requires a little more thought as  
7 to what the standards for the site plan review  
8 would be. And I think we just want to avoid  
9 things that tend to be aesthetics, then to give  
10 neighbors grievances because we want to encourage  
11 these developments.

12 But, as the Planning Board says, we want  
13 to do it in a way of these large scale  
14 developments that is responsible and reasonable.  
15 But the standards for that reasonableness has to  
16 be directly related, under statute, to public  
17 safety, public health and public welfare.

18 Thank you.

19 THE MODERATOR: Further discussion on  
20 the article? Yes.

21 Mr. Jones.

22 MR. JONES: Doug Jones, Precinct one.

23 One question I have is any time we talk  
24 about any energy resource like that, where we put



1 a restriction on the size based on kilowatts,  
2 means that if energy production improves  
3 tremendously, if we get better at using  
4 photovoltaics, we are now restricted, saying only  
5 because of the amount of energy they produce, and  
6 that really does not refer us into the size of  
7 the project. It just talks about the amount of  
8 energy that's being produced by these things.  
9 And it could be that, fairly soon, because this  
10 technology is changing very quickly, that we end  
11 up having a very small photovoltaic program that  
12 can produce a lot more electricity than we're  
13 allowing in this.

14 So I am a little concerned that we're  
15 including a number of kilowatt hours in the  
16 restriction of a large plan.

17 THE MODERATOR: Further discussion?

18 Mr. Walker.

19 MR. WALKER: Thank you, Mr. Moderator.  
20 Grant Walker, Precinct 3.

21 I like this article. I do agree with  
22 the Planning Board that this is one  
23 representation of their commitment to solar.  
24 But this article actually has two distinct parts

1 that we have to vote on with one vote. And the  
2 first part is the part that establishes the  
3 overlay district. The second part is the part  
4 that applies that concept of the overlay district  
5 and that one particular location, the Blacksmith  
6 Shop corridor as defined there.

7 That's quite different than the Coastal  
8 Pond Overlay District that we discussed earlier  
9 this evening in which the bylaw was created first  
10 and then later, as tonight, additional areas were  
11 added to the areas that were already there,  
12 covered by that bylaw.

13 So, I think that we should consider  
14 separating this article into two articles.

15 Mr. Latimer has already identified  
16 certain things that might be questionable in the  
17 overlay district definition, but in addition to  
18 that the dimensional and setback requirements  
19 that are specified in this article are  
20 considerably greater distances than those spelled  
21 out in the Massachusetts model guidelines for  
22 Large-Scale Ground-Mounted Solar Overlay  
23 Districts. In those Massachusetts guidelines,  
24 the front yard setback is ten feet. The side

1 yard - well, the front yard setback in Article 8  
2 is 100 feet, ten times greater.

3 The side yard setbacks in the  
4 Massachusetts guidelines are 15 feet. Here, in  
5 Article 8, they are 35. Similarly with the rear  
6 yard.

7 So, I think we ought to create an  
8 overlay district; I think that is an excellent  
9 idea that is promoting solar, but we should not  
10 assume that every area that might qualify for  
11 Large-Scale Ground-Mounted Solar Overlay District  
12 would require exactly the same dimensional  
13 requirements as specified here in Article 8.

14 THE MODERATOR: Okay, so Mr. Walker's  
15 making a motion to divide the question. If we  
16 divide the question, the first question will be  
17 on whether or not to create Article 48 of the  
18 Zoning Bylaw. And then we would have a vote on  
19 the District lot plot plans that were up there.

20 MR. WALKER: [No mic: inaudible].

21 THE MODERATOR: No? I thought that's  
22 what I heard you say, you wanted two separate  
23 votes.

24 MR. WALKER: [No mic:] I actually have

1 an amendment -

2 THE MODERATOR: Well, that's not what I  
3 heard you say, so why don't you tell me what you  
4 want to do? Because I heard you say you wanted  
5 to take two separate votes.

6 MR. WALKER: Well, either that or we  
7 could just amend the current article and vote on  
8 it all at once. I have an amendment that I  
9 would suggest. So, it's either separate it into  
10 two articles or do something like this amendment.

11 THE MODERATOR: Okay, yeah, it wouldn't  
12 be two articles. It would be two motions.

13 MR. WALKER: Yeah.

14 THE MODERATOR: And we would vote on  
15 each motion separately.

16 MR. WALKER: Yeah. But if we vote on  
17 the overlay district, we should not vote on it as  
18 it is defined because it has those excessive  
19 minimum lot size and setback requirements.

20 THE MODERATOR: Okay, so how you would  
21 do that is you would amend the portion that deals  
22 with Article 48 of the Zoning Bylaw --

23 MR. WALKER: Yes.

24 THE MODERATOR: -- then you would vote

1 yes or no on that. And then you would go back  
2 to the main motion, being the second division of  
3 the question, which would be where you put it on  
4 the map.

5 MR. WALKER: Yes, or we could just keep  
6 the whole thing as one article for one motion,  
7 with an amendment that changes the setback and  
8 minimum lot size --

9 THE MODERATOR: So what do you want to  
10 do? It's your choice.

11 MR. WALKER: I'll do the second. We'll  
12 keep it as one motion.

13 THE MODERATOR: Okay.

14 MR. WALKER: And I --

15 THE MODERATOR: Do you have your  
16 amendment ready for the Clerk?

17 MR. WALKER: Yes. Shall I read it?

18 THE MODERATOR: Sure.

19 MR. WALKER: Okay. Amend Article 8 as  
20 follows. In part 240-254, Site Plan Review and  
21 Operation Standards, add the following sentence  
22 following the word standards and preceding Part A  
23 of that section: "The minimum lot size and  
24 dimensional requirements specified in Parts A and

1 B of this 240-254 section shall apply to the  
2 solar overlay district along Blacksmith Shop  
3 corridor as defined in this Article 48 of the  
4 Zoning Bylaw."

5 THE MODERATOR: Whoa, whoa, whoa. You  
6 can't refer to an article in the language of a  
7 bylaw.

8 MR. WALKER: Okay. So I'd have to  
9 strike that, I'm sorry. Okay, so: "Shall apply  
10 to the overlay district along Blacksmith Shop  
11 corridor, whereas other Large-Scale Ground-  
12 Mounted Solar Overlay Districts may have  
13 different specifications for minimum lot size and  
14 dimensional requirements such as those suggested  
15 by the model as of right Zoning Bylaw allowing  
16 use of Large-Scale Ground-Mounted Solar  
17 photovoltaic installations prepared by the  
18 Massachusetts Department of Energy Resources  
19 dated December 2014."

20 I could give you that in writing and --

21 THE MODERATOR: Okay, we've got a  
22 couple of issues. You can't refer to the other  
23 document, Town Counsel is telling me.

24 MR. WALKER: Oh.

1 THE MODERATOR: And we can't refer to  
2 the article.

3 MR. WALKER: Okay, so --

4 THE MODERATOR: Do we have a slide or  
5 anything? The what? There are too many people  
6 talking at the same time.

7 [Discussion off the record.]

8 FROM THE FLOOR: Mr. Moderator.

9 THE MODERATOR: Can you bring it up  
10 here in writing so we can take a look at this?

11 MR. WALKER: Yes.

12 MR. LOWELL: [No mic:] Can you put a  
13 slide up?

14 THE MODERATOR: There is no slide.  
15 He's doing this on the fly.

16 MR. LOWELL: [No mic:] The main motion.

17 THE MODERATOR: Oh. The main motion.

18 Could we put the underlying motion on  
19 the slide, please.

20 Okay, Mr. Duffy? I'm going to  
21 recognize Mr. Duffy to discuss this, the  
22 referencing of the model bylaw and how that is an  
23 issue for us.

24 MR. DUFFY: The amendment that Mr.

1 Walker has proposed - in any case, I'll just read  
2 it. The minimum lot size and dimensional  
3 requirements specified in Parts A and B of this  
4 240-254 section shall apply to the solar overlay  
5 district along the Blacksmith Shop corridor as  
6 defined in this article Roman numeral 48, I  
7 guess. Which is the article that we're adding  
8 by Article 8.

9 And then, "Whereas, other Large-Scale  
10 Ground-Mounted Solar Overlay Districts may have  
11 different specifications for a minimum lot size  
12 and dimensional requirements such as those  
13 suggested by the model as of right zoning bylaw".  
14 That's kind of an indefinite reference to another  
15 document, which is really not allowable in a  
16 zoning bylaw, which has to be very specific.

17 Then he goes on to say, "Allowing use of  
18 Large-Scale Ground-Mounted Solar voltaic  
19 installations prepared by the Massachusetts  
20 Department of Energy Resources dated December,  
21 2014". Again, that's a reference to another  
22 document that's not included in the zoning bylaw  
23 which has to be specific.

24 So I have problems with this amendment.



1 THE MODERATOR: And therefore I'm going  
2 to deem the amendment beyond the scope.

3 Mr. Swain.

4 MR. SWAIN: [No mic: inaudible].

5 THE MODERATOR: Microphone, please.

6 With a microphone, please.

7 MR. SWAIN: This article is too large  
8 and cumbersome to be changed on Town Meeting  
9 floor.

10 [Applause.]

11 MR. SWAIN: This should be voted down,  
12 back to the Planning Board, put it together  
13 properly and then re-present it at the next Town  
14 Meeting.

15 THE MODERATOR: Okay. Ms. Shepard.

16 MS. SHEPARD: Susan Shepard, Precinct  
17 one.

18 I don't think we need to amend this at  
19 all. We're talking about a minimum lot size of  
20 seven acres. It can be a lot larger. A  
21 hundred feet on seven acres is actually a very  
22 small distance. I don't think we need to go  
23 down to ten feet or change anything else. I  
24 think it's fine the way it is.

1 THE MODERATOR: Ms. Lichtenstein.

2 MS. LICHTENSTEIN: Lesley Lichtenstein,  
3 Precinct 8.

4 Through you, Mr. Moderator to the  
5 Planning Board. I would like to know why, what  
6 their reasoning was for increasing the  
7 suggestions of the Mass. Energy Commission.  
8 What was the reason for larger setbacks? I - I  
9 support this, but I'd like to know what the  
10 reason was.

11 Thank you.

12 THE MODERATOR: Mr. Bott.

13 MR. BOTT: Good evening, I'm Tom Bott.  
14 I'm the Town Planner here in Falmouth, Mass., and  
15 if you'd bear with me I'd like to run a couple  
16 slides by you.

17 After the motion, if you would click  
18 forward to this first - next one, please. Yes.

19 So this is largely just a comparison to  
20 let you know that this is different from an  
21 accessory use; this is a primary use. This is  
22 not something you put on your house; this is not  
23 something you put at Kenyon's. 250 kilowatts is  
24 the standard that the state uses, their model

1 bylaw, for differentiating what is a large scale  
2 and what is not large scale. So 250K is what  
3 that is. Kenyon's Corner is 185 kilowatts, so  
4 it's about 75 percent of the large scale solar  
5 array.

6 If you'd flip to the next slide, please.

7 So, in our discussion, in our research,  
8 we used this aerial photography for identifying  
9 what the district is. Those very large white  
10 spots that you see - is that a pointer? No.  
11 I'll stop doing that. I'll just run this.

12 So, so those very large white spots you  
13 see on the ground, that's the actual air  
14 photography, and those are areas that have  
15 already been mined. So, we used this to look at  
16 where the area was there was some interest in.  
17 When I first got here, we had a couple of  
18 inquiries for solar in this district and then  
19 later on we also had another inquiry for the  
20 folks at Lawrence Lynch, as well.

21 So, with that mind, we identified these  
22 particular parcels that had already been  
23 disturbed along the corridor. There's about ten  
24 parcels in this corridor. The tenth one was

1 added at the request of Lawrence Lynch because  
2 there was one parcel that was left off of the  
3 array of the initial analysis that I had done.

4 So, this is the seven acre minimum lot  
5 size. There's a hundred foot vegetative setback  
6 from the street because, if you look at the  
7 street along the Blacksmith Shop corridor, for  
8 the most part there's a power line easement that  
9 runs along there, anyhow, and you can't actually  
10 put anything under the power line easement. The  
11 utility will let you go under an easement to get  
12 to it, but won't let you put anything under it.

13 So, essentially, when we go back and  
14 look at this aerial photography, that sort of tan  
15 strip you see on the right side of the road,  
16 that's the power line easement. So,  
17 essentially, that power line easement is mostly  
18 that 100 foot front yard setback.

19 So, we looked at seven acres as a  
20 minimum lot size because seven acres was the  
21 smallest lot here. If someone decides they want  
22 to take their 65 acre lot and come in with a  
23 commercial subdivision plan, they can create  
24 additional lots for additional solar in this

1 area. Those 100 foot setbacks are essentially  
2 to screen this from the road as you drive down  
3 the road because, as we pointed out, they are  
4 very large lots.

5 Where solar abuts solar, we use the  
6 setbacks that are already in the zoning bylaw;  
7 that's 35 feet from the side. Where solar  
8 starts to butt up against a residential or  
9 agricultural use, there is a hundred foot  
10 setback. In the conversations and the  
11 discussions we had at the hearing, we heard  
12 people say, "I think the setback is too big."  
13 "I think the setback is too small." It's a  
14 pretty good indication that you're probably  
15 pretty close to the right area if not anybody  
16 loved it.

17 There is a maximum of two acres of  
18 clearing. The reason we picked this corridor in  
19 these areas is because they've already been  
20 disturbed. There are no shortage of people who  
21 will tell you the carbon offset for solar, and  
22 how many trees you're going to save. But  
23 there's no shortage of people who will also say,  
24 "It doesn't seem very green to cut down trees to

1 make a solar thing." So, in our bylaw, which  
2 comports with the bylaw I wrote in the Town of  
3 Kingston and also with the Town of Barnstable,  
4 there's a maximum of two acres you can clear for  
5 trees because trees have a lot of benefits. In  
6 addition to carbon offset, they take up water,  
7 they deal with storm waters and issues like that.

8 There is a de-commissioning bond, as  
9 well. So in the event that solar becomes the  
10 next - the last best thing, there's a  
11 commissioning decommissioning bond that will go  
12 into place that will require the applicant to  
13 remove the solar from the site.

14 We went further and looked at each of  
15 these parcels, and I won't bore you with these  
16 parcels. You may have seen that I've been  
17 sending out some emails to kind of keep people in  
18 the loop best I can. My apologies for my  
19 emails.

20 So, these are actually topos of the  
21 areas that show the 100 foot and 25 foot setbacks  
22 on each of these parcels. There's 37 acres  
23 previously disturbed. There's 17 acres  
24 previously disturbed. There's 50 acres

1 previously disturbed. There's 18.7 acres  
2 previously disturbed, and on and on. So we took  
3 a fair amount of research and look at what we are  
4 actually doing here and not just creating  
5 something out of the model bylaw.

6 And the model bylaw, which this is based  
7 on, will tell you there are large-scale, there  
8 are medium-scale, there are different versions of  
9 that bylaw as they put it together, and they also  
10 note this is not something you would just take  
11 the top of and put the name of your town in there  
12 and vote it as a bylaw. It informs folks for  
13 the bylaw for the size and the scale of what they  
14 wanted. In the model bylaw, we used the parts  
15 for large-scale solar over 250 kilowatts.

16 I think we put together a very good  
17 opening salvo into solar. Zoning has unintended  
18 consequences that I never want to be associated  
19 with, so we've done our very best to take an  
20 incremental step in opening a very large part of  
21 the town where the market has seen a need or a  
22 desire for these things on parcels that are  
23 already previously disturbed in an area I think  
24 that will work as our opening salvo for solar.

1 I'm happy to take any other questions.

2 THE MODERATOR: Okay, Mr. Stone. In  
3 the back, Mr. Stone.

4 MR. STONE: Michael Stone, Precinct 6.  
5 I'm a resident taxpayer.

6 Although I didn't agree with the  
7 Planning Board putting forward a potential solar  
8 moratorium, I think Article 8 is well thought  
9 out. The setbacks are very conservative.  
10 They're more conservative than the state  
11 guidelines.

12 I grew up within about a mile of these  
13 lots and, you know, these are sand pits,  
14 basically, that don't really have a higher use at  
15 this point.

16 So I would urge the Town Meeting Members  
17 to vote this forward. I think it's sensible,  
18 it's well-thought-out, and it'll help develop  
19 solar in Falmouth.

20 Thank you.

21 THE MODERATOR: Okay, Mr. Buessler.

22 MR. BUESSELER: Thank you, Mr.  
23 Moderator, Ken Buessler, Precinct 2.

24 I want to speak strongly in favor of



1 this article.

2 We've heard a lot nitpicking about  
3 setbacks and the [inaudible] process. I think  
4 the fact we have all of these components within a  
5 new way to actually bring solar to this town is  
6 great. They've picked, I think, a good  
7 location, we saw from that map, to be doing this  
8 type of thing.

9 If we want to put overlay districts in  
10 other parts of town, we can have different  
11 overlay districts with different rules, but I  
12 don't think we have to go back, ask them to wait  
13 another year to change a few words that someone  
14 else is going to object to. There are about 180  
15 people here; we all have our own ideas of what  
16 the proper setback is. What we're getting  
17 presented here with a well-reasoned and thought  
18 out plan of this part of town that I think we  
19 should support.

20 If we think it's wrong, in the future we  
21 can come and change some of these things in this  
22 particular overlay district, but I think it's  
23 basically got all the components that we're  
24 looking for to move solar forward, so I urge us

1 to vote in favor of this article.

2 THE MODERATOR: Okay. Mr. Brown.

3 SELECTMAN BROWN: Hi, Douglas Brown.

4 I just want to speak in favor of this.  
5 There's a new state energy program; it would be a  
6 shame to have this delayed and have these people  
7 miss out on these incentives. So let's not  
8 wait.

9 THE MODERATOR: Okay, Mr. Lowell.

10 MR. LOWELL: Nick Lowell, Precinct 5.

11 I'm probably the only one, but I'm a  
12 little confused. And it has to do with the way  
13 that this article has been presented. In the  
14 warrant book it lists one thing. And I'm fully  
15 expecting at this point that when we get a  
16 recommendation it's not as what was printed in  
17 the book. So I was prepared for that. And at  
18 my precinct meeting last week I was given a  
19 handout that had the new article in it. Which  
20 was quite a bit different. Okay.

21 Then when I walked in here, I got a  
22 different --

23 THE MODERATOR: Let me - yeah, let me  
24 address that for you.

1 MR. LOWELL: - thing that had a --

2 THE MODERATOR: So the - let me just  
3 address it right up front.

4 So the substantive, multiple-nuanced  
5 changes in the handouts that some Town Meeting  
6 Members received, which said it was the new  
7 article, there is no such thing as redrafting the  
8 article after the warrant has been posted. So  
9 that was the first issue.

10 The second issue was the recommendation  
11 listed on your handout for the quote new article  
12 was "as printed". Which it couldn't be because  
13 what is printed is what is posted legally by the  
14 Board of Selectmen in the warrant booklet.

15 And so, when it became evident between  
16 the Planning Board, myself and folks that were  
17 getting ready for Town Meeting that there was a  
18 substantial difference between what had been  
19 handed out as an article - it really wasn't the  
20 article because it wasn't posted - the best way  
21 forward was to go and simplify where we had to  
22 actually get the lot numbers listed in order to  
23 put this thing on a map. So we had to put that  
24 in the main motion.

1                   And then, the second slide - could you  
2                   do one more slide for me?

3                   And then to make all of those references  
4                   and to leave the rest of what was printed in your  
5                   warrant booklet the same.    Should we need to  
6                   come forward in the future and make minor  
7                   adjustments, perhaps we could do that, but that  
8                   the underlying "as printed in the warrant" was  
9                   good enough with these two changes to move  
10                  forward.

11                 MR. LOWELL:    Okay, and so even what we  
12                 just got handed when we walked in the door is  
13                 different than what's shown up here on the board,  
14                 which is confusing to me.

15                 THE MODERATOR:   Okay, so, so what you  
16                 got handed when you walked in the door, which I  
17                 got handed when I walked in the door, is the  
18                 recommendation included half of what I just spoke  
19                 about, and the explanation gave those plot  
20                 numbers.    They should have all been listed as  
21                 the recommendation.

22                 MR. LOWELL:    Okay, so it's your opinion  
23                 that this motion that we have here is valid and  
24                 would go forward should it be approved tonight?

1 THE MODERATOR: Yes, as a valid motion,  
2 that's correct.

3 MR. LOWELL: So, in the event that this  
4 doesn't pass tonight, I would hope that when we  
5 come back in the spring we could get this article  
6 split into two; have one that creates the overlay  
7 and one that calls out the lots, which is the way  
8 we've more typically done it.

9 THE MODERATOR: Okay.

10 MR. LOWELL: But I support the article.  
11 Thank you.

12 THE MODERATOR: Okay. Let's see. Ms.  
13 Elder.

14 MS. ELDER: Thank you. Katherine  
15 Elder, Precinct 6.

16 I totally support this article. I  
17 think the Planning Board did an excellent job and  
18 I wanted to thank them.

19 But I do have a concern and I'm not sure  
20 if anyone here could properly answer it. It was  
21 brought up at my precinct meeting, and it was  
22 concerning the use of herbicides underneath any  
23 kind of a solar array. And I noticed that it  
24 was not covered or dealt with in this article or

1 this bylaw, but I got a message - an answer at  
2 the Precinct meeting that indicated that it was  
3 covered by Massachusetts law.

4 And if there's someone here that could  
5 speak as to how or where that could be dealt with  
6 or controlled, if it's the Board of Health, I was  
7 just interested in understanding whether people  
8 would be able to do it or if this would be  
9 something someone could oversee.

10 THE MODERATOR: Okay, Mr. Duffy.

11 MR. DUFFY: That subject is covered by  
12 regulations of the Department of Agricultural  
13 Resources. We don't have a copy of it with us  
14 here today, but they have a rather comprehensive  
15 program on herbicides.

16 THE MODERATOR: Yeah, they're regulated  
17 by the state agency, herbicide use.

18 Mr. Donahue.

19 MR. DONAHUE: Bob Donahue, Precinct 3.

20 I remember last Town Meeting we had a  
21 discussion about the Lynch property and whether  
22 it was put back to the I'll call it natural state  
23 that - that they were supposed to put it back to.  
24 That is, will all this land that the solar arrays

1 be put back to what they should be, whatever that  
2 was?

3 I'm not familiar with exactly what the -  
4 but I believe there was some kind of conditions  
5 because some people did bring it up at that time,  
6 and saying that, as I say, that it was a - a  
7 reason to vote it down, which we did last Town  
8 Meeting.

9 And, number two, Mr. Jones brought up  
10 this subject about the capacity or output of  
11 these units. Is there any limitation on the  
12 capacity? Because, as he said, this kind of  
13 thing is changing very, very rapidly and - and,  
14 you know, I think anybody who goes into it would  
15 want to have the capability of expanding it if  
16 they had the opportunity to do so.

17 THE MODERATOR: Mr. Putnam.

18 MR. PUTNAM: 250 kilowatts is the  
19 floor, not the ceiling. So 250 kilowatts is the  
20 threshold for what is large. What is larger  
21 than large, is larger than large.

22 MR. DONAHUE: [No mic: inaudible].

23 THE MODERATOR: Something about  
24 restoring to previous --

1 MR. PUTNAM: I --

2 THE MODERATOR: I don't --

3 MR. PUTNAM: I'm not familiar with  
4 that.

5 THE MODERATOR: Yeah, I'm not, either.  
6 I don't know. Okay.

7 Mr. Herbst. Mr. Herbst. On your  
8 mark, get set, go.

9 MR. HERBST: Yeah, Ralph Herbst,  
10 Precinct 8.

11 I received an email this afternoon that  
12 said that the Energy Committee supports this  
13 article. If you look at this article and you  
14 see how involved it is, it can't be developed  
15 quickly. Obviously the Planning Board spent a  
16 large amount of time on this, with the Town  
17 Planner, who developed a similar plan in two  
18 other towns.

19 So I can't see how we could not support  
20 this article. Thank you.

21 THE MODERATOR: Okay, Mr. Latimer.

22 And then we're almost - almost ready. I got one  
23 more.

24 MR. LATIMER: Thank you, Mr. Moderator.



1 Richard Latimer, Precinct one.

2 And for Ralph's benefit I'll explain how  
3 I do not support this article as drafted.

4 I do support the overall thrust of the  
5 article, the purpose of the article, however when  
6 I hear a hundred foot setback from the road,  
7 without any explanation of how that is in any way  
8 related to public health, safety or welfare, I  
9 have to think aesthetics. What else?

10 Oh, we're told there's something about,  
11 well, the lots are there, they're already power  
12 lines, et cetera, et cetera. Still, okay, why a  
13 hundred foot setback? The problem I have with  
14 that is: there are other reasonable restrictions,  
15 such as wetlands. Such as the need to protect  
16 trees. Such as the need to - the maximum size  
17 of these installations. Which the 100 foot  
18 setback, based on nothing but aesthetics, would  
19 restrict the ability of this owner to develop the  
20 site to its full potential.

21 So that's one problem I have with it.

22 Another problem I have with it is with  
23 the site plan criteria. Well, physical features  
24 including roads for the project site, that's

1 fine. Changes to the landscape, grading,  
2 vegetation, clearing and planting, so far so  
3 good. Exterior lighting, you need it.

4 Screening vegetation. Screening from  
5 what? Again, we're talking aesthetics. You  
6 know, I'm not nitpicking, here, I'm talking about  
7 problems with this as drafted. If we could  
8 simply amend this to eliminate all that language  
9 that has to do with aesthetics, to just put in  
10 the numbers of the setbacks that's on the model  
11 legislation, I'd have no problem with this.

12 I think it's been said that maybe we  
13 should just say come back in the spring and make  
14 those changes and this would be a perfectly fine  
15 piece of legislation. But I think it has flaws,  
16 which unduly restrict --

17 THE MODERATOR: Okay, Mr. Latimer, your  
18 two minutes is up.

19 MR. LATIMER: Thank you.

20 THE MODERATOR: And am I correct you  
21 were the first speaker and you spoke in favor of  
22 this? Did you change your mind?

23 MR. LATIMER: [No mic:] No I did not  
24 speak in favor.

1 THE MODERATOR: I have you as my first  
2 speaker, speaking in favor. I must have mis-  
3 heard you because -- okay.

4 [Laughter.]

5 THE MODERATOR: Ms. Putnam.

6 MS. PUTNAM: Rebecca Putnam, Precinct  
7 9.

8 Again, I'm asking that we move the  
9 question.

10 [Applause.]

11 THE MODERATOR: You were the last one  
12 on the speaker's list, anyway. Okay, so we're  
13 going to go to the main motion. The main motion  
14 as presented by the Finance Committee - excuse  
15 me, by the Planning Board.

16 [Laughter.]

17 THE MODERATOR: It's these lights;  
18 they're too bright, tonight.

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 chair that the ayes have it by the two-thirds  
2 majority and I so declare.

3 **Article 9.** The recommendation of the  
4 Planning Board is indefinite postponement. This  
5 was a petitioner article by Mr. Zweig.

6 Mr. Zweig for a main motion. Let's  
7 see if we can get through solar tonight.

8 MR. ZWEIG: Thank you, Mr. Moderator.  
9 I'm Ron Zweig from Precinct one and I move the  
10 article, Article 9 as printed.

11 THE MODERATOR: Okay, Article 9 as  
12 printed. Mr. Zweig.

13 MR. ZWEIG: I have slides. I have a  
14 presentation. Oh, okay, great. Is there a  
15 pointer?

16 MR. BANWARTH: Yeah, the top button  
17 [inaudible].

18 MR. ZWEIG: The top button. Is that  
19 it? Okay. Whoops. Okay. Thank you, it's  
20 getting a bit late.

21 This particular article is actually a  
22 complement to Article 8 that we just considered.  
23 And in a nutshell, Article 9, we revised Falmouth  
24 Zoning Bylaws to allow ground mounted solar as a

1 primary accessory use in all Light Industrial  
2 Districts. Currently, it is allowed only in  
3 Light Industrial C Districts as a primary use for  
4 Section 240-64.3.

5 Falmouth has three different Light  
6 Industrial Districts: A, B and C.

7 Oftentimes they're called - they're  
8 considered to be solar farms. They don't  
9 necessarily have to be that large to a farm  
10 context, but this article does not apply to roof  
11 mounted solar or parking lot canopies.

12 So this is, basically, this is what's  
13 printed in the booklet and this really is  
14 interesting in that I have to thank the Planning  
15 Board and the Legal Department for the excellent  
16 work that they did in working out the ground  
17 mounted solar for Light Industrial C. What we  
18 have here is essentially the same language that  
19 is in the Town Code and - and what it is doing is  
20 basically is applying a similar or the same  
21 language for Industrial districts. Again,  
22 Industrial Districts A, B and C. And so this is  
23 the main point, in addition to adding the  
24 capacity for Light Industrial C to have accessory

1 use in addition to primary use.

2 So, as we've discussed earlier, solar's  
3 a good neighbor. It's quiet, no moving parts.  
4 After construction, very little activity. Does  
5 not generate traffic. Does not use Town  
6 services, schools, sewers, water, et cetera.

7 From an aesthetic standpoint, you know,  
8 if you look at it, you can almost consider it in  
9 a similar way to large parking lots in town,  
10 except they don't generate more traffic  
11 congestion or pollution. But, in terms of the  
12 aesthetics, we can look around town and see the  
13 numerous parking lots, many - some of which abuts  
14 residences such as the Steamship Authority's on  
15 Palmer Avenue as well as the one in Woods Hole.

16 Again, we've already been through this  
17 aspect about the state law, Chapter 40A, Section  
18 3, that basically warrants or allows solar to be  
19 developed unless there's an adverse impact to  
20 public health, safety or welfare. And that  
21 would be considered in any application.

22 So, looking at the scale of these, all  
23 of these districts, there are - you know, there  
24 are three. There's Light Industrial A, Light

1 Industrial B, which is basically the Technology  
2 Park, and the Light Industrial C, which are  
3 actually two sites. So the total area is about  
4 1.6 percent of the Town of Falmouth.

5 So here are the locations of the various  
6 - various sites. What I'd like to point out  
7 with this little button, here, is that this is  
8 Light Industrial C where we have the solar array  
9 in the Town dump. But here's another Light  
10 Industrial C area. And in this particular one,  
11 there's a business there. There's a building on  
12 the site. There's a house on this side of it,  
13 an abutter. There's a home there, and there's  
14 also two houses right across Thomas Landers Road  
15 on the other side. So it's basically in a  
16 location where they can do ground mounted solar  
17 by right in an area where there's business as  
18 well as residences.

19 So we can look through these. Some of  
20 you - I sent maps around to everyone; hopefully  
21 you got them. But these are the different areas  
22 where the Light Industrial A - this is Little  
23 Pond area. This is like Wood Lumber - not Wood  
24 Lumber, Falmouth Lumber area. And - and, et

1 cetera.

2           There are other sections spread around  
3 town, but they're relatively small, and some of  
4 them are - if we look at, you know, there is some  
5 concern about being in a vicinity of residences  
6 but we have - we have this area, here, around  
7 Wood Lumber and these along here where - where  
8 there are residences on the street side of Locust  
9 Street, like with the Steamship parking lot.  
10 There are houses right along the edge of it,  
11 right next to the large Steamship parking lot on  
12 Palmer Avenue.

13           And so this is the essentially few areas  
14 and would be - it's not so different from other  
15 development in town.

16           So, in concluding, I'd say, you know, it  
17 makes sense to allow ground mounted solar in  
18 Industrial districts, in addition to the proposed  
19 overlay district.     So I ask you to support  
20 Article 9, and again, I think of this as an  
21 opportunity to advance renewable energy  
22 development and to allow private holders and  
23 businesses to expand, again, safe, reliable  
24 energy in the town that has very little impact.



1 And it's not so different, in terms of  
2 development, to others.

3 And, as they discussed this evening,  
4 that the Town bylaws, regulations, and everything  
5 would control development in terms of height,  
6 setbacks, other aspects, as with any other  
7 business. And other business would make a  
8 decision, would be making business decisions on  
9 whether to do it.

10 And some of these areas, though, I will  
11 say, have already been developed with apartments  
12 and businesses and they likely would not be  
13 developed further or maybe some supplement. But  
14 the main thing is, is that they should fit well  
15 within our community.

16 Thank you.

17 THE MODERATOR: Discussion on the  
18 article? Mr. Fox.

19 CHAIRMAN FOX: We feel the solution is  
20 to just change these, if the neighbors want it,  
21 to Light Industrial C. That's why that bylaw  
22 was developed. We think it's perfect.

23 The main reason why we developed Light  
24 Industrial C is because we have very large

1 commercial - or residential developments. We  
2 have Carlson Lane, and Wood Rise, and these are  
3 all in Industrial zoned areas. And we just feel  
4 that there's better places in town to do it.

5 There's areas in Locust Street, the  
6 whole back of Locust Street, a very, very dense  
7 area; we don't think it's necessary to put it  
8 there. We have great areas in this town where  
9 solar can go where the trees are already cut down  
10 -- because the state also restricts you cutting  
11 down trees. You don't get the same deal on  
12 solar if you cut down trees, it's greatly  
13 prohibited.

14 If somebody wants solar on any one of  
15 these parcels, they just come to us. They want  
16 it rezoned, we have a public hearing; the  
17 neighbors all come in. We rezone it Light  
18 Industrial C and away we go. That's the best  
19 way to do it. We think this is too far-  
20 reaching, puts it everywhere over town with no  
21 thought process, no impact from the neighbors;  
22 just putting it in.

23 We are creating in our first bylaw 150  
24 acres of it. There's more to be done. It

1 should be done with an overlay district, not this  
2 way.

3 THE MODERATOR: Okay. We're at the  
4 witching hour.

5 Mr. Dufresne.

6 MR. DUFRESNE: [No mic:] I move to go  
7 beyond the 11:00 to finish this article.

8 THE MODERATOR: Okay. We have a  
9 motion to go beyond 11:00 to complete this  
10 article. All in favor, signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 THE MODERATOR: The ayes have it and  
15 we're going to go past 11:00 to complete this  
16 article.

17 Further discussion on this article?

18 Mr. Latimer.

19 MR. LATIMER: Thank you, Mr. Moderator.  
20 Richard latimer, Precinct one.

21 I support this article because ---

22 FROM THE FLOOR: It's not on. It's  
23 not on.

24 THE MODERATOR: I hear him.

1 MR. LATIMER: I support this article  
2 because it promotes solar development.

3 I think Mr. Fox's suggestion sounds too  
4 much like spot zoning. Oh, somebody wants to  
5 put up a solar panel, well, we'll come in and  
6 we'll have a zoning hearing to re-zone. I think  
7 that the issues surrounding the use of these  
8 solar panels, solar installations, are adequately  
9 covered in terms of health, safety and welfare  
10 because of the Building Commissioner's oversight.

11 I don't think anything more is needed  
12 and I think we should pass this article as  
13 written.

14 Thank you.

15 THE MODERATOR: Okay, further  
16 discussion. Mr. Walker.

17 MR. WALKER: Thank you, Mr. Moderator.  
18 Grant Walker, Precinct 3.

19 I support this article. I ask all my  
20 friends and neighbors here to vote yes on this  
21 article. If Light Industrial A, Light  
22 Industrial B and Light Industrial C all together  
23 comprise only - what did you say?

24 MR. ZWEIG: One point six percent.

1 MR. WALKER: One point six percent of  
2 the land area in the town, it's not as if this  
3 will spread solar arrays all over the town.  
4 And, secondly, I don't think that we should  
5 disadvantage business owners and other property  
6 owners in Light Industrial A and Light Industrial  
7 B in terms of denying them the right to help  
8 offset their utility costs with solar.

9 Thank you.

10 THE MODERATOR: Okay. The question  
11 will come on the main motion - Mr. Fox.

12 MR. FOX: [No mic: [inaudible]].

13 THE MODERATOR: Okay, Mr. Fox.

14 CHAIRMAN FOX: They can have solar as  
15 an accessory use, okay? That's - as a primary  
16 use, that's just not a fair statement.

17 And, as far as spot zoning goes, that  
18 was used the last time, and Richard should  
19 remember because he was on the Planning Board.  
20 We got a letter from the Attorney General saying  
21 that because it's part of a long-term plan that  
22 we've been working on for years, when you start a  
23 new zoning [inaudible] the first place you put  
24 it, everyone's going to scream spot zoning.

1           You've got to start somewhere, so it's  
2           definitely not spot zoning.

3           We have a letter from the Attorney  
4           General and I really think it's wrong to declare  
5           it that way.

6           THE MODERATOR:    Okay, Mr. Latimer.

7           MR. LATIMER:     Thank you again, Mr.  
8           Moderator.     Richard Latimer, Precinct one.

9           I have no personal interest, I don't own  
10          one of these pieces of property.    But if I did,  
11          what Mr. Fox is suggesting, instead of just  
12          simply going and getting a permit from the  
13          Building Department and putting up my array that  
14          was allowed by right, I have to go before the  
15          Planning Board and get my property rezoned.  
16          That is a burden.    That is an unreasonable  
17          burden.    Whether it is spot zoning or not, it is  
18          an unreasonable burden that deters the  
19          development of these parcels.

20          And, what is going to happen at the  
21          zoning hearing?    Oh, you're going to hear all  
22          the opponents coming in, who will have all kinds  
23          of grievances not related to health, safety or  
24          welfare, but basically related to their own

1 property values and aesthetics.

2 So I say let's pass this as written and  
3 let's move on towards the 21<sup>st</sup> century across the  
4 wave of alternative energy that has to come and  
5 replace fossil fuels.

6 Thank you.

7 THE MODERATOR: Okay, the question will  
8 come on the main motion.

9 MR. ZWEIG: I would just like to say,  
10 just to follow up, that what Mr. Fox is saying, I  
11 mean, we have building rules that Mr. Palmer  
12 explained to us. We have a state law that says  
13 that you can't really reject things on aesthetics  
14 and this kind of thing. This has been passed by  
15 the state.

16 And I think that we have to keep that in  
17 mind, and particularly with regard, as Mr.  
18 Latimer mentioned earlier, we're really in kind  
19 of a crisis situation. Every little bit helps  
20 to offset the advancement of adverse impacts.  
21 We're looking into coastal resilience issues and  
22 all of these things and these all play into  
23 helping with mitigating those impacts.

24 So I think this is just a - it could be

1 a good business decision by someone if they go  
2 ahead with it. It just gives people the  
3 opportunity to do something positive.

4 Thank you.

5 THE MODERATOR: Okay, the question will  
6 come on the main motion. All those in favor,  
7 signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.  
10 [No.]

11 THE MODERATOR: This requires a two-  
12 thirds majority, so let's cue a slide.

13 Okay, all those in favor of Article 9,  
14 signify by pressing 1A.

15 All those opposed, signify by pressing  
16 2B.

17 [Pause while electronic vote scrolling.]

18 THE MODERATOR: By a counted vote of  
19 119 in favor and 74 opposed, there is not a  
20 necessary two-thirds and the article does not  
21 pass. The meeting will stand adjourned until  
22 seven o'clock tomorrow.

23 [11:05 p.m. Whereupon the meeting adjourned for the  
24 evening.]



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 Tuesday, November 13, 2018. 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 20<sup>th</sup> Day of December, 2018.

\_\_\_\_\_  
Carol P. Tinkham, Notary Public  
My Commission Expires  
April 5, 2024

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