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

Wednesday, November 14, 2018
7:00 p.m.

Tinkham Reporting Service
Buzzards Bay, MA 02532
caroltinkham@gmail.com
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reports from Committees and Town Officers</td>
<td>1-23</td>
</tr>
<tr>
<td>2</td>
<td>Appropriate Funds for Unpaid Bills</td>
<td>1-21</td>
</tr>
<tr>
<td>3</td>
<td>Fund Design and Construction of Water Mains</td>
<td>1-58</td>
</tr>
<tr>
<td>4</td>
<td>Fund Capital Improvements</td>
<td>1-62</td>
</tr>
<tr>
<td>5</td>
<td>Fund Non-Capital Improvements</td>
<td>1-99</td>
</tr>
<tr>
<td>6</td>
<td>Amend Zoning Art. XXI - Coastal Pond Overlay</td>
<td>1-103</td>
</tr>
<tr>
<td>7</td>
<td>Amend Zoning Art. XXXIX - Site Plan Review</td>
<td>1-109</td>
</tr>
<tr>
<td>8</td>
<td>Amend Zoning Art. XLIII - Large Scale Ground Mounted Solar Overlay District</td>
<td>1-139</td>
</tr>
<tr>
<td>9</td>
<td>Pet: Amend Code of Falmouth, Ch. 240 Zoning Ground Mounted Solar Photovoltaic Array</td>
<td>1-172</td>
</tr>
<tr>
<td>10</td>
<td>Pet: Amend Zoning Arts. Chapter 240</td>
<td>1-22</td>
</tr>
<tr>
<td>11</td>
<td>Amend Zoning Sec. 240- Add Moratorium on Solar Energy System</td>
<td>2-7</td>
</tr>
<tr>
<td>12</td>
<td>Petition: Amend Net Metering Program</td>
<td>2-28</td>
</tr>
<tr>
<td>13</td>
<td>Amend Zoning Art. XIV Shed Dimensional Regs.</td>
<td>1-22</td>
</tr>
<tr>
<td>14</td>
<td>Amend Zoning Art. V - Accessory Apartments</td>
<td>2-42</td>
</tr>
<tr>
<td>15</td>
<td>Pet: Amend Art. VI - General Residence Districts - Accessory Apartments</td>
<td>2-98</td>
</tr>
<tr>
<td>16</td>
<td>Amend Town’s Seasonal Position Class. Plan</td>
<td>1-22</td>
</tr>
<tr>
<td>17</td>
<td>Amend Town’s I.T. Classification Plan</td>
<td>1-22</td>
</tr>
</tbody>
</table>
## INDEX

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

THE MODERATOR: Okay, all Town Meeting members present please come forward. Make sure you’ve checked in and you have your electronic voting device.

THE MODERATOR: Yeah, if we could cue the quorum slide. Greg, if we could cue up a slide for a quorum.

Okay, folks, come on down, take your seats.

THE MODERATOR: I remind everyone that has a cell phone to please put it on a silent operation or turn it off before we commence the meeting. I heard some phones ringing last night.

I want to remind all Town Meeting Members if you have your Charter Review Committee
survey: there’s a box in the lobby and you can
drop off your completed survey and there are
extra copies of the survey in the lobby if you
haven’t gotten them yet.

So, you can drop them off tonight. Pick
one up during the break, if necessary, fill it
out and drop it off.

Okay, let’s activate the quorum call.

All members present please press one for the
establishment of a quorum.

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, all Town Meeting
Members present please press one for the
establishment of the quorum.

[Pause while electronic vote scrolling.]

THE MODERATOR: By a counted vote of
183 members we have a quorum and I call the
Annual Town Meeting back into session.

All present please rise for the
presentation of the colors by the Falmouth Scout
Honor Guard.

[Colors presented.]

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

THE MODERATOR: At this time I’ll recognize Virginia Valiela for our invocation.

MS. VALIELA: Lord, when it comes to meeting and communicating with each other, help us to be good listeners. Help us to be open-minded, putting aside our own agendas. Help us to be honest, without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and to challenge without being harsh.

Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us.

Amen.

THE MODERATOR: Please remain standing for a moment of silence this evening for another Town Meeting member that we lost since our last Town Meeting: Sia Karplus.

[Moment of silence taken.]

THE MODERATOR: Colors post.

The Falmouth Scout Honor Guard including the Sea Scouts, the Boy Scouts and the Cub
THE MODERATOR: Okay, we’re going to start on Article 11 tonight. Article 11. The Planning Board for the main motion.

MS. HARRIS: Charlotte Harris, Precinct 5 and member of the Planning Board.

I’d like to first read the motion and then talk about it for a few minutes before you rush ahead. The motion is: I move to amend the Zoning Bylaw by adding a new section 2040-12, Moratorium on Solar Energy System, to read: 2040-12, Moratorium on Permits for Solar. The provisions of the zoning bylaw to the contrary notwithstanding, no building permit or special permit for the construction of solar arrays on business property, Business zoned property, as defined, shall issue until November 30th, 2019, or until this article is repealed by a vote of Town Meeting, whichever occurs first.

The purpose of this article is to provide the time necessary to study impacts to sites, site coverage, and other issues associated with the location of this use in front yard.
setbacks and along the roadways of Falmouth.

Before you go ahead and vote against it, which I suspect you’re going to do, I would like to explain that it’s not unreasonable. The new law that has been passed by the state allows for reasonable regulations. You yourself voted last night for a reasonable regulation in passing the article that created the solar overlay district, so you’ve acknowledged the reasonableness of some regulations.

The Planning Board had hoped to have the opportunity to have a planning site review before ground mounted solar arrays --

THE MODERATOR: Could we hold for one moment? So, the number is dash 12. Your warrant booklet is dash 13. So that is one change. And can we just confer for one moment before you continue?

MS. HARRIS: Certainly.

THE MODERATOR: Thank you.

[Whereupon, Moderator leaves the dias and confers with Ms. Harris. The Moderator then returns to dias.]

MS. HARRIS: Okay, that was actually exciting. [Laughs.]
THE MODERATOR: Maybe for you, but –

[Laughs].

[Laughter.]

MR. HARRIS: Mr. Vieira thought that this would be withdrawn because Article 7 passed, and I thought, “Oh. Wow.” But no, in fact it didn’t. So this isn’t withdrawn.

So let me go back to – to where I was, which is the explanation of why this is here as sort of a back-up.

It’s confusing to have a set-up on a warrant article that, if this one passes, we’ll withdraw that. We apologize for the confusion. In the future, we’re not going to present things in that way. But we saw it as one way to try and be sure that we would have time to develop appropriate regulations for this relatively new technology. The Town doesn’t have them now.

It’s true, as Rod Palmer has told us, that he’s going to apply the zoning regulations that exist, but they don’t really suit the occasion and it needs to be refined in some reasonable way. We had thought that by having it be considered as a structure, we would have a
site plan review in advance of making decisions, which would give us a case by case chance to develop a sense of what would be appropriate and that would have worked for us.

But now, that hasn’t happened. So, rather than having that case by case approach that we would have gotten through a site planning process, we’re asking for the time to be able to develop that. The amount of time that we would like is either one year, through next November, or, if it isn’t working for some reason, sooner than that; you could get rid of it in April. So it’s either six months or a year’s time to develop reasonable regulations. That doesn’t seem unreasonable.

I’d also like to use this opportunity to try and correct some statements that were made yesterday that may be untrue. The statement was made that the new state law forbids the consideration of aesthetics. The word “aesthetics” doesn’t appear in the law. It’s just plain not there. The law doesn’t make any comment whatsoever about the appearance of ground mounted solar arrays. It’s not in the law.
What the law says is a phrase that’s often used in legislation: safety, health, public welfare. Think about those words. Welfare, if you look at Webster, often refers to general well-being, prosperity, economic sort of considerations. That’s all in the clutch of ideas that are held together in that word of welfare.

Much of the welfare of our town depends on its appearance. People come here, they buy houses here, they visit here, they spend their money here, because we’re a beautiful community. It’s part of our welfare. We need to be thinking about that as we think about zoning our town.

So, that’s the statement I’d like to make. Now please consider the moratorium. I’ve a feeling it’s not going anywhere, but think about it.

Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct one.

I hate to stand up here like a lawyer.
But I’m going to say a few words in Latin, just to start out. The first one is: “Expressio unius est exclusio alterius”. Which means: If you say one thing, that eliminates other things. Where you talk about health, safety and welfare, that excludes aesthetics, period. That’s a legal maximum.

The other one is: “Noscitur a sociis”. Which means: when you list several things in a row, you know what each one means by what it is associated with. Health and safety and welfare, “welfare” refers back to health and safety or other general concerns related to health and safety. Now, that is the law.

The law says these regulations can only be directed to health, safety and welfare. Welfare meaning things relating to the well-being of individuals, not to property values. Not to what some people think are tasteful appearance and other people might think is not a tasteful appearance.

So, I think we want to say “no” to this. We said no to the other restriction they wanted to put on the individual’s ability to develop
their properties with solar installations; we
want to say no to this.

We don’t want to be another pawn in the
Koch brothers’ assault on alternative energy.
And if you don’t believe that’s true, that’s what
it is. The Koch brothers are making billions
and billions of dollars off oil. They don’t
want to stop doing it until they pump every last
drop out of the ground and this planet is turned
into a wasteland.

We’ve got to start on the local level
all across America and we can’t be - we cannot go
along with something like this that says for a
whole year - “Oh, it’s only a year.” If I’m
somebody that really is concerned about global
warming and I’m also concerned about my electric
bill, a year is a hell of a long time.

Let’s just say no to this nonsense, move
on. We passed a bill that had to do with major
installations, but this is something that’s going
to affect the average homeowner in town who might
both want to save some money on his electricity
and help protect the environment. So let’s just
say no.
Thank you.

THE MODERATOR: Okay, on the far right in the center.

MS. CIARLETTA: Hi, Precinct 5, Beth Ciarletta.

I just want to point out that the article that’s on the slide is actually slightly different than what’s in our warrant book. It includes the words “on business zoned property”, instead of --

THE MODERATOR: That’s correct. So -- so there’s two changes. I thought the Planning Board was going to let you know that. So 13 should be 12, and it specifically says “on Business zoned property” in the third line.

MS. CIARLETTA: Which one is correct?

THE MODERATOR: This is the motion.

MS. CIARLETTA: Thank you.

THE MODERATOR: Yeah.

Okay, Mrs. Putnam. I’ll add you.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

So what’s aesthetically pleasing? You have a board of five or seven members who gets to
decide whether it looks right or it looks wrong.
First of all, with solar, when you’re talking
about solar, it has to be built and done in a way
that is generating the energy. So, depending on
what type of sun maybe a business zoned property
received, it might be more shadowed at certain
times of the day. They might have to build it
slightly more slanted. It’s not going to all
look the same, ever.

Number two. If we put this in place
for a year, we don’t know how many businesses
have already put down deposits and have asked for
permits to do this in their parking lots,
currently. They’ve already started an
investment. They’ve paid money. It’s not
right for us to say that seven – five or seven
people get to determine what looks right and what
looks wrong.

If you go down Church Street, which I
know that I’ve seen a few Facebook posts this
week about, there’s a house being built right
next door to the cemetery and the church, there.
To me, it is not aesthetically pleasing. To the
homeowner who is building it who paid for a
permit and paid an architect, it is.

Why are we insisting upon stopping the solar? Business owned property is the right place to put it. It’s usually in a Business zoned area. When you drive down Route 28, you have huge parking lots -- and actually I think it would be great. It’s a nice place to park, like yesterday we had such nasty weather. And let them generate some energy. Cleanly. Without putting up a wind turbine. Without doing things that we have found to be detrimental.

This moratorium, the Planning Board needs to come back with actual guidelines and ask us to vote on actual restrictions, like they did last night. I ask you to vote this down.

THE MODERATOR: Ms. Siegel.

MS. SIEGEL: Debra Siegel, Precinct 6.

Mr. Moderator, I don’t know if you’re going to allow me to say this, but I didn’t dare try to say at 10:30 last night.

I am begging the Planning Board the next time that you come to us with complex and complicated articles with multiple revisions, please have the courtesy to at least highlight
the changes so that it is easier for us to figure out what those changes are.

Thank you.

THE MODERATOR: Okay, Ms. Carey.

MS. CAREY: Rosemary Carey, Precinct 5 and I’m a member of the Energy Committee.

The Energy Committee believes the year-long hiatus is unnecessary and our residents and businesses would lose out in the meantime.

Already, Falmouth residents and businesses have installed 11.7 megawatts of solar capacity and a new solar installation, according to one industry member, happens on an average of one every 2.5 days in Falmouth. That’s astonishing. Do we really want to shut that down?

If a moratorium is placed on solar in Falmouth, our business owners would miss key financial incentives in the first years of this state’s new Smart program. A one year moratorium would leave Falmouth on the bench while other towns enjoy the benefits.

Finally, in a report addressed to policymakers - that’s us, here in the room - the IPCC, the Intergovernmental Panel on Climate
Change, is telling us that we have about 12 years if we are going to rapidly transition to renewable energy and leave future generations with a planet that is anything like the one we have today. So, it would be unconscionable, really, for our coastal town sitting on the front lines of climate change to suspend solar energy development for an entire year, one of these critical years that we need to get going.

So I am asking for a vote no on Article 11. We know what inaction looks like, or delay, and we – we just don’t have the time anymore.

Time’s up.

Thank you.

THE MODERATOR: Okay, in the back.

Mr. Stone.

MR. STONE: Falmouth Town Meeting, thank you for the opportunity to speak before you today regarding Article 11. I’m Michael Stone, Precinct 6, a resident and taxpayer.

I have a small business here in Falmouth, Suntility Electric, that’s been operating for five years. I have worked in the solar industry for ten years. The projects I
manage are primarily based in Massachusetts and Vermont, and clients range from Fortune 500 energy companies to local non-profits.

An important note: my company is not working on any solar projects in development in Falmouth. That is simply not my company’s focus. I’m speaking to you today because I simply care about clean energy progress in this town and care about helping to advance the many economic and health benefits that solar power offers.

Falmouth and its institutions are stronger because of solar. According to the Massachusetts Department of Energy Resources, there are nearly 50 commercial solar installations in Falmouth out of the nearly 800 solar installations in total.

Solar helps lower businesses’ operating costs, brings federal and state incentives to our community, and helps make Falmouth organizations more competitive and more resilient. That benefits all of Falmouth’s citizens.

Pillars of our community Falmouth Service Center, the Marine Biological Laboratory,
Falmouth Academy, Falmouth Youth Hockey, Cape Cod Church, Falmouth Jewish Congregation, Atria Senior Living, St. Barnabas Church, Waquoit Bay Research Reserve, the Woods Hole Oceanographic Institute, the Falmouth Artist Guild and many more, all have solar. These organizations went solar to do the right thing, to save energy, to save money, create jobs, and help the environment. Shouldn’t we be encouraging other organizations such as these to go solar?

Shouldn’t we be encouraging action to preserve a stable environment on which we all depend? Solar is a significant net benefit to this town and is a valuable part of a diversified local economy. Solar has brought over $40 million worth of investment to Falmouth, employed local skilled professionals, engineers, electricians and laborers.

Solar also raises property values, according to the U.S. Department of Energy, as proven by multiple studies. For example: an average-sized residential solar array increases a home’s value by $15,000. As overall solar provides significant benefits to Falmouth, a
solar moratorium would be bad for Falmouth.

Also, based on state law, as had been discussed yesterday, a solar Moratorium would likely be deemed illegal by the Attorney General. Judge for yourself: No zoning ordinance or bylaw shall prohibit or unreasonably regulate the installation of solar energy systems, or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

A solar Moratorium would prohibit solar. Falmouth is a better place with solar. Healthier, safer and stronger today and into the future. I urge you to vote no on a solar moratorium.

THE MODERATOR: Ms. Vogel.


I am familiar with the studies that show that roof mounted solar does increase property values and has shown to be an additional asset to a home. What it seems to me, tonight we’re talking about the addition of a lot of ground-
mounted solar arrays, so my question - and I’m not sure who to direct it to - is what are the potential safety issues with ground-mounted solar? Do they get hot? Do they emit waves? Are they a problem for children?

Is there someone who could address that?

Thank you.

MS. HARRIS: I can’t give you any kind of a proper answer, but I can say that giving us time to hear information like that would be helpful.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

Fellow Town Meeting Members, I would just ask you: would you really want to pass legislation that’s anti-business and call that planning? Would you like to pass legislation tonight that affects the profit and loss margin of the local businesses of the Town of Falmouth? Do you really want to take part in that political process? I know I don’t.

I can tell you one reason why these business folks are putting these solar arrays up, because I went to one of them that has one and
told him. And I was shocked. Hundreds of thousands of dollars. And I said, “Oh, my God, why would you spend so much money?” “Very simple, Joe, because the payback at today’s electric rates is this.”

So, I’m not going to talk to you about the scientific parts of it; of, you know, the beach erosion, like I did last night. But the dollars and cents, which we ask these business folks in the Town of Falmouth to be prosperous so they can hire the residents of the town and we can have a vibrant economy.

You know what your home electric bill is. When I spoke to these business people and they told me what their bill was, I was shocked, a month. They’re talking 20, 30,000 dollars. Not for big business, either.

So therefore I do not want to take part in any legislation that infringes upon that person’s right to earn a living.

Thank you.

THE MODERATOR: Okay, before I continue with my list, is there anyone that wants to speak in favor of the moratorium?
Mr. Hargraves.

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

You know, I’m getting really uncomfortable with the discussion, here, because it’s mis-characterizing this issue as a battle between people who are for solar and people who are against solar, and it’s not about that at all. I applaud the Planning Board for taking on a complex issue and trying to make some sense out of it. And unfortunately last night we bypassed the opportunity to put some structure and learn as we go, by voting down Article 7.

So I think approving a moratorium so that we can make some sense out of this is the right thing to do.

And, in my view, have we learned nothing from the past four years with the wind turbines? They were fine, no problem. You know, they met all the regulations. We put them in, and suddenly there were issues. We don’t know the issues with solar.

And I’m standing up here, the only one speaking in favor of this article besides the
authors in the Planning Board, and I’m getting
the feeling that, you know, if you’re either for
solar or against solar and you’re – that means
you’re – you’re a climate denier or you’re a
smart person, and I think it totally mis-
characterizes what we’re talking about.

I’m talking about, you know, a sane site
plan review and concern about the character of
our town, and I’m the first one in line for
reducing emissions, improving the environment and
– and having green energy. But let’s look at
what the real issue is, here, and you know, mis-
characterization of the Massachusetts law in
order to defeat sane articles that give us
maintain control over the character of our town
is a travesty. And I haven’t heard from legal
minds who might have another opinion on that, but
it’s worded ambiguously enough that you could
take any side of that.

So, I would say please think about this.
And I say all mine in English; I have no Latin.
And vote in favor of this article.

Thank you.

THE MODERATOR: Okay, Mr. Walker.
MR. WALKER: Thank you, Mr. Moderator.

Grant Walker, Precinct 3.

I don’t have a very extensive answer, but I have somewhat of an answer to the lady who spoke a few moments ago asking if there is any information.

I have in my hand a report entitled “Clean Energy Results Questions and Answers, Ground-Mounted Solar Photovoltaic Systems”. This represents a study of many studies that were done on solar by the Massachusetts Department of Energy Resources, the Massachusetts Department of Environmental Protection, the Massachusetts Clean Energy Center. And in this report, they look at heat, they look at various kinds of waves. They look at reflection. They look at all kinds of things.

One of the things they look at, for example, is: well, what happens when you have to take these things down. And I’ve read parts of this, and I’m not qualified to understand everything in here, but it has a lot of answers to those kinds of questions. And when you take these things down, from what the studies indicate
so far, you have to practically bash them to pieces and grind them into powder before you’re going to release anything that comes close to harming anybody.

But there is a report available; it’s online: Massachusetts Department of Energy Resources.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: I’d like to move the question.

THE MODERATOR: Okay, we have a motion to close discussion. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds and I so declare.

The question will now come on the main motion that’s up on the overhead. So, it’s as printed, changing the number 13 to 12, and adding the language “on Business zoned property”.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the nos have it by a majority and therefore there is no two-thirds.

**Article 12**, the recommendation of the Board of Selectmen is indefinite postponement.

Mr. Walker, would you put a positive motion on the floor?

MR. WALKER: Thank you, Mr. Moderator. I move Article 12 as printed.

THE MODERATOR: As printed. Mr. Walker.

MR. WALKER: So, hello everybody. I’ll try to make this as quick as I can. I’ve cut it down.

Article 12, no spending, no borrowing, no bylaw, no permitting, no construction, no delays. We’re focusing on two programs in Massachusetts: net metering and SMART. SMART’s the new program. They’re both intended to encourage solar in the state.
And basically Article 12 asks us: let’s remove or urge the removal of some bad things, but let’s keep the good things.

First: net metering. If you have solar panels that generate more electricity than you use, that electricity goes out to the grid. You get a credit for that electricity and you can use that credit to help pay charges on your bill.

Got to have a meter; some people have two meters. Got to have an account with an electric utility company. You could have solar panels on a school, on a house, on a manufacturing facility, on a farm, on a supermarket, on a hospital, on a parking garage.

Who’s eligible? I’m sorry, let’s get to this question first: who owns the electricity? What happens to it? It’s out there on the grid. The utility company that delivers the electricity to the customers and people, your own house, perhaps in your area, they own that, they control that, they sell that electricity to other customers.

The “net” in net metering, let’s take a look at that. The net refers to the difference
between the electricity that you use and the
electricity that your system sends out when you
don’t need electricity because it’s generating
more than you use. You get a credit for that.

The value of the credit is worth money,
of course. It appears as a dollar amount on
your bill. Credits never expire and you can
roll them over to the next billing period.

Not included in a calculation of the net
metering credits: all the other charges that you
get on your electricity bill. It’s only the
electricity that comes in and the electricity
goes out. Get the difference, that tells you
whether you got a credit or not.

Let’s take a look at what we mean by the
caps on net metering. The caps are limits on
the total combined capacity of all the solar
systems in the territory, the service territory
of a given utility. It’s not a cap on you, it’s
not a cap on me, it’s not a cap on them, it’s a
cap on the whole array combined, the aggregate
total of all the systems in a given area.

There are exemptions to the cap. Some
people’s solar systems don’t count towards that
total aggregate capacity that is limited by the
caps. Houses, residences, small systems have not
been counted towards the cap. They are exempt.

Did I skip one? No, I didn’t. Even
hydro-electric power has been accepted for net
metering in Massachusetts.

Now, the caps have been reached. It was
in April of 2016 that the Massachusetts
legislature set the cap for the whole
commonwealth: 1,727.25 megawatts, for the whole
commonwealth. About one year after that cap was
set, caps were reached in two of the NStar
service territories and in a Unitel service
territory. Six months after that, the caps were
reached in Western Massachusetts for Eversource,
there.

Here, where we are, in Southeastern
Massachusetts caps have not been reached.

So what happens when caps have been
reached? Projects are locked out. They don’t
qualify. They could send their electricity out
to the grid, but if they do, it won’t help them
much because the compensation they’ll get the for
the electricity will be a tiny fraction of the
compensation that is received by all those
projects that got in before the cap was reached.

So, Article 12 asks us to urge our
representatives to serve us in this way and to
fight for the removal of the caps.

Why do we want to remove them? Let’s
just review a few reasons. Fairness. People
who invest their money: school systems, churches,
hospitals, whatever, businesses who invest their
money in solar panels and then actually send
electricity out to the grid, they should be paid
for that. They should not be forced to give it
away. Fairness.

There’s also job growth. There’s also
the fact that the more we can use of solar, the
less we need natural gas and natural gas
pipelines and other fossil fuels.

Now, Article 12, in addition to removal
of the caps, urges that we have the ability to
net meter as long as our system is sending
electricity out to the grid. Why put ten years
on it? Or 20 years on it? As long as it’s
capable of sending electricity out to the grid,
let’s go with it.
Another good thing about the net metering program is the assignment of credits. So you got a credit for electricity that you’ve generated and did not use. You can assign that credit to another account. Could be if you have a business in the same area or a second home in the same area. It could be to a friend or a relative. It could be to a public school. You can assign credits to another account that they can use against their bill. So we’re urging that to be kept.

And to do that, you have to be in the same – or with the same utility company as that other account, and you have to be in the very same electric distribution load territory. Those are the territories – it might be a little tough to see the colors and what they define, but that’s also available at the Department of Energy resources.

Article 12 also urges us to urge them, the representatives, to keep Community Solar. Community Solar is a solar facility in which many customers can share, many business, many homes, whatever. There are three ways to participate.
in Community Solar. You can buy shares in Community Solar; even though you never use that electricity, you can benefit financially from being an owner of the shares in that energy that is produced.

Secondly, you can subscribe, as a customer, to get your electricity, because the program offers support to Community Solar installations that serve people locally; you’ll get a lower rate.

The third way to participate in Community Solar is sometimes in a given community actually get together, put their money together, set up their own generating facility with a lot of solar panels, and all get their electricity from it.

Community Solar is critical for a number of things.

Article 12 urges fair compensation, but I didn’t want to presume and the people that signed this petition with me didn’t want to presume that we knew what was fair. There’s a lot of fighting going on about what’s fair. How much should we pay for that electricity? Should
people get exactly the same amount as they pay retail for that electricity to the utility company? Should it be a little bit less? Which it has been. What should it be?

The new program SMART is going to offer incentives and compensation are going to pay people even more than the retail rate. It’s going to be more than one for one.

Article 12 also urges on-bill compensation. No waiting for a check in the mail. No filing for reimbursement. Month to month, right on your bill.

Renters, low income people, other who cannot put solar panels on their house, they can participate in Community Solar, and the program offers support for the low income people. So, they get an even more discounted rate on their bill.

Whoops, I went by my favorite slide. The new program. It’s called SMART: Solar Massachusetts Renewal Target. And there’s a SMART cap. There’s a cap on the new program. And the cap is, again, a limit on the total capacity that is going to be eligible for
reimbursement and incentives. It's not on you, it's not on me, it's not on him or her. It's on the whole system, if you will.

Here we see a table. Don’t worry about the numbers. It shows basically what the cap is for each utility company in each of its service territories. It’s the idea: public and private entities, each utility company, each territory.

THE MODERATOR: Mr. Walker, we’re at ten minutes.

MR. WALKER: I’m at ten minutes?

THE MODERATOR: Yes.

MR. WALKER: Sorry. Thank you.

THE MODERATOR: Okay --

MR. WALKER: So, please vote in favor of Article 12. I never got to SMART, but that’s the next program. It does pretty much some of the same things in different ways.

[Laughter.]

MR. WALKER: It has caps --

THE MODERATOR: Okay. Mr. Antonucci.

MR. WALKER: [No mic: inaudible.]

[Applause.]

THE MODERATOR: Mr. Antonucci.

I do respect your opinion. I respect your opinion on every article that’s come up and that’s important. But, you know what, just tonight, at this Town Meeting and last night, I’m getting a little frustrated by the complexity of the issues that are brought to Town Meeting floor with a lot of study.

You just told me how many things Article 12 is going to do. In no way am I going to vote for it because I’m not sure those are accurate. Not doubting your integrity. Not doubting your word.

I would suggest we take a moratorium for a year on every new regulation and every advocacy that we’re doing. That’s what we need. This Town Meeting is getting a little carried away. We’re making decisions that are going to impact the town in the future without good deliberation. This is in no reflection of the people who serve on committees. I just think it’s about time we focus on what’s best for the town.

I don’t need a lecture on Article 12.
I don’t need a lecture on how to put my cans in
the right bin at every Town Meeting. I get it.
So let’s move on.

So I’m against Article 12 because of its
complexity. Not because of Mr. Walker.
Because he does his homework. You have to give
him credit.

But the complexity of that issue is the
same as the complexity with the solar issues.
So I would urge all of us: take a step back, take
a deep breath and not vote for Article 12.

Thank you.

THE MODERATOR: Further discussion on
Article 12?

Ms. Siegel.

MS. SIEGEL: Deborah Siegel, Precinct
six.

This isn’t a regulation. So, I think
to put it in that category is giving the wrong
impression.

Thank you.

THE MODERATOR: Okay, further
discussion?

Mr. Latimer.
MR. LATIMER: Richard Latimer, Precinct one. Thank you, Mr. Moderator.

As Ms. Siegel has said, this isn’t a regulation. This is just simply a resolution. We want to let our legislators know, perhaps the legislators down Cape in similar towns, that this town is in favor of fairness in electrical energy distribution. We’ll do it in a way that will encourage more people to install these systems because they’ll save more money.

And what the article calls for is simply asking the legislators to come up with a fairer formula than now exists. And I don’t think that’s too hard to understand. I understand it. The existing formula is unreasonably restrictive. There’s a 20 year cap on these systems. Why? How is the – there’s a megawatt cap on these systems. Why? Why should that be? This is simply asking our legislature to go forward and look at those questions.

And I say vote yes on this.

Thank you.

THE MODERATOR: Okay, the question will come on the main motion as printed.
All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: Can we cue a slide?

Okay. We’re going to use the electronic voting devices for this. It’s a simple majority.

Activating the polling. All those in favor of Article 12 as printed, signify by pressing 1A; those opposed, 2B.

[Pause while electronic vote scrolling.]

THE MODERATOR: Mr. Hunt, are you having trouble with your device?

MR. HUNT: [No mic: inaudible.]

THE MODERATOR: Okay, we’ll deal with that as soon as we’re complete, here.

We’re going to need to save the results on this for a moment. We might have a clicker that’s not working.

Okay, the current total is 126 in favor; 68 opposed. It passes, but can we pull up Carter Hunt on the roster and see if the vote activated?
Are we getting a light on that, that it’s -

[General talking with no mic; inaudible.]

THE MODERATOR: Here’s the clicker.

Did you notice if he registered during the quorum?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Okay.

THE CLERK: Re-issue a new clicker.

THE MODERATOR: Okay.

FROM THE FLOOR: [No mic:] Request for the slides to go slower.

THE MODERATOR: No, because we can’t get through the rotation more than once if we go too slow.

MR. BANWARTH: Okay. It’s registered.

THE MODERATOR: It’s registered now.

So it’s now active.

MR. BANWARTH: No, it registered the vote.

THE MODERATOR: Oh, it actually - so he’s in the 126? Okay. So the display is not showing that it voted. Is that what I’m hearing?
MR. BANWARTH: I think the display did
show it.

THE MODERATOR: Oh, okay, so it didn’t
– gotcha. It didn’t come up here but it was in
the total. Okay.

Okay, so 126 in favor and 68 opposed,
the article passes.

**Article 14.** Recommendation of the
Planning Board. I’m assuming we’ve got some
slides.

MS. KERFOOT: I’m Pat Kerfoot, the
Planning Board.

I move Article 14 to amend the zoning
bylaw Article 5, Single Resident Districts, and
Article 8, Agricultural Districts, and by
amending both Section 240-31I, and Section 240-
38I, Accessory Apartments, by deleting both
sections and inserting the new language below in
both sections, as printed with the following
changes and additions.

(3)e) The accessory apartment shall have
no more than two bedrooms and a maximum of 800
square feet, or 40 percent of the principal
dwelling, whichever is less, as measured using
the exterior side of the first floor outside wall.

And, in deference to Ms. Siegel, this would have been in bold, had we done it this way.

Plus, as follows: Finished attic space, 50 percent of first floor; finished half story, 75 percent of first floor; three-quarter story gambrel, 90 percent of first floor; second floor colonial, 100 percent of first floor; and third floor colonial, 100 percent of first floor.

(4)a) The architectural effect, as the result of the accessory apartment being constructed within the principal dwelling, or attached thereto, shall be that of a single family residence consistent in its exterior character.

(4)b) The architect --

THE MODERATOR: Can we just pause for one second. So, the change in your warrant booklet is instead of saying “compatible with the surrounding neighborhood”, it will say “consistent in its exterior character”. That’s the change.

MS. KERFOOT: I’m sorry, I should have
said that. Okay.

Okay, (4)b) The architectural effect, as the result of the accessory apartment being constructed as a detached accessory structure, shall be that of a structure incidental to a single family residence and in the same character and period of architecture as the primary residence. And that would be the same thing, the same character and period.

Monitoring. That’s number (6)a) An affidavit shall be submitted annually to the Building Commissioner, signed by the property owner, attesting that the principal dwelling or accessory apartment has been owner-occupied for a period of seven months and not otherwise rented as set forth in section (3)c) – that was b) – above. The Building Commissioner may allow a property owner to be absent during the seven month period for cause, such as military assignment, work, or health-related issues, academic sabbatical, or similar circumstance.

THE MODERATOR: Okay, so in that section the only change is it goes from 3b to 3c.

MS. KERFOOT: Uh-huh.
THE MODERATOR: That’s the only change from what’s printed in your warrant in that section.

MS. KERFOOT: Yeah, the – you’ll see them bolded, the other changes to the bylaw.

THE MODERATOR: Okay. So, we’ve got the main motion on the floor. Are there any questions about the motion before we do the presentation?

MR. POTAMIS: [No mic:] Gerry Potamis, Precinct --

THE MODERATOR: Oh, can we get a mic, please?

MR. POTAMIS: Gerry Potamis, Precinct 2.

It was a one bedroom accessory apartment, now you’re allowing up to two bedrooms in accessory apartment?

MS. KERFOOT: We always had.

MR. POTAMIS: Always allowed two bedrooms?

MS. KERFOOT: Yes.

MR. POTAMIS: My mistake. Thank you.

THE MODERATOR: Okay. Any questions
just about the motion? I want to make sure we’re all on the same page with that before we do the presentation.

Yeah. Mr. Donahue.

MR. DONAHUE: Mr. Moderator, Bob Donahue, Precinct 3.

800 square feet seems very small to me for two bedrooms, living room, dining room, kitchen --

THE MODERATOR: Okay, that’s part of --

Mr. Donahue --

MR. DONAHUE: Yeah.

THE MODERATOR: That’ll be part of the debate. I want to make sure everyone understands the changes that the Planning Board are making from what you have in front of you in your warrant booklet.

MR. DONAHUE: Sorry.

THE MODERATOR: Okay. But I’ll get you during the debate.

Okay, so everybody’s good with the changes? Okay. Now we’ll have the presentation. Ms. Kerfoot.

MS. KERFOOT: Thank you.
Now, we’re going to go to the changes to the bylaw. I don’t know how many of you remember, but you probably do, because it wasn’t that long ago. It was Spring 2017 Town Meeting that you passed this accessory apartment bylaw, and we thank you for that.

As with many bylaws that are as complex as this, there are refinements that are needed as time goes on. Well, this happened when inquiries and applications started to be received. It became apparent that some clarifications were necessary. This became even more obvious during a joint meeting called by the Selectmen of several boards, Committees and Town personnel, all of whom had something to do with administration of the bylaw.

There was little consistency of understanding of what the requirements as they were envisioned by the Planning Board. So, a temporary working group was set up with one representative each of the Planning Board, the Zoning Board of Appeals, the Board of Health, the Affordable Housing Committee and the Water Quality Management Committee, as well as Town
staff from those groups, when they could attend
and participate. So you can see there was broad
representation when we were looking at any
changes necessary to this bylaw, because they all
had their own different experiences.

And then the following are the major
changes that came out of these deliberations.
You’ll see (3)b) up there, that there should be a
minimum lot size, hence 7500 square feet. So as
not to raise unreal expectations with lots that
are too small for consideration.

Most of you know that most of the lots
here in town have septic systems on them. Any
accessory apartment has to be accommodated for
their sewage disposal. Some of the lots may be
too small. Some of the lots that are 7500
square feet might not even be reasonable. They
have to be reviewed, because it will depend upon
the configuration of the lots. But, as a
baseline, 7500 square feet was thought: okay, we
can start off with that.

The Zoning Board of Appeals originally
wanted a baseline and they were okay with 7500
square feet.
So we go to (3)e). The square footage of the primary dwelling was being measured in any number of ways. Some people were counting bathrooms and hallways; some were not. Some were measuring from interior walls, some from exterior walls. The Planning Board originally envisioned it as being measured from exterior walls. So we have as measured from exterior walls.

However, that needed further definition because we have different forms of buildings. And you’ll see up here: okay, we have attic space that’s been finished. So we’re saying 50 percent of the first floor. We’re saying we might have a finished half-story. Well, that would be 75 percent of the first floor. Three-quarter story, which is a gambrel. We’re saying, okay, count that as 90 percent of the first floor. And remember, that first floor is being measured from the exterior walls.

The second floor colonial and the third floor colonial would be both 100 feet – a hundred percent of the first floor.

This is a much easier way of calculating
and pretty accurate, also. There are many organizations that use this format for calculating the square footage.

Then we go to (3)f). The footprint of a new detached accessory dwelling unit cannot exceed that of the principal dwelling. We debated long and hard about this, because you’ve got second stories and an accessory detached dwelling may just be and probably is a one floor dwelling. And sometimes that footprint could be larger than the main dwelling, which could give the appearance of its being two separate main dwellings on one lot. So we put this limitation in. We were – that working group was happy with that, as a limitation.

The question came up there are some pre-existing buildings that have more than four bedrooms. How do we handle that? Well, you can see up here how we suggested handling that. There are a couple of different instances and I’ll leave it up to you to read those in your warrant book.

The next one, Tom.

Now, we got into owners of properties in
a coastal pond overlay district. This becomes critical with how you dispose of your wastewater. If you want to apply to have more bedrooms than the density outlined in (I) in here, you can only do so provided that both the principal dwelling and accessory apartment are connected to the municipal sewer system, and only to the extent allowed within the applicable sewer system — sewer district bylaw or regulation.

So you’ve got a couple of controls, there. You have to be allowed to hook up to that. Or two, that you have an onsite septic system with enhanced nitrogen removal approved by the Board of Health, and it is installed on the property.

We go to the changes to the existing bylaw here for design standards. The architectural effect is the result of the accessory apartment being constructed within the principal dwelling, or attached thereto. So it’s just one unit. Shall be that of a single family residence consistent in its exterior character.

We had “similar to the neighborhood”,

Tinkham Reporting
but no, because what we’re trying to do is make this be absolutely unidentifiable from one residence.

Or (b), the architectural effect is the result of the accessory apartment being constructed as a detached accessory structure. Shall be that of a structure incidental to a single family residence, and in the same character and period of architecture as the primary residence. We had someone tonight who mentioned a new house going up on Church Street. Not my architectural choice, either. Well, it would be possible that someone could, without this constriction on it, put up a very modern accessory apartment next to a very Cape Cod colonial. It just wouldn’t mesh. So the reason for the “in the same character and period of architecture as the primary residence”.

We also had a great deal of discussion about on-street parking. We cannot allow that with an accessory apartment. Any accessory apartment that is built, whether within the building, the primary residence, or whether in a detached structure, has – the lot has to be
capable of accepting any parking envisioned on that lot. So that you’re not crowding the street with parking.

So this is a very simple one: monitoring. But it’s a very important one, too. An affidavit shall be submitted annually to the Building Commissioner signed by the property owner attesting that the principal dwelling or accessory apartment has been owner-occupied for a period of seven months and not otherwise rented as set forth in Section (3)c) above.

And that is that you can only rent one of those units at a time. It can be either the primary structure or it can be the accessory structure, but not both. The owner must live in one of those units.

The Building Commissioner may allow property owner to be absent during the seven month period for cause, and that’s why we had to put this in the restriction. You can only rent one of those properties at a time.

So those are all the changes and the reasons behind them. And we really do hope that you will support this article. It’s been a lot
of work for that temporary working group and we enjoyed trying to figure all of this out. 

I’d be happy to try to answer any questions that you might have.

THE MODERATOR: Okay, Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

I question the 800 square feet. Why and how did you come to that number? Why not 1,000 square feet? And if we’re talking about building – taking the roof off a building and putting an accessory apartment where the attic used to be, why not just use the square footage of the building itself and let it go at that?

It seems like you folks are just trying to make this as complicated as you possibly can, for, here again, to force a person who wants to put in an apartment to have to hire architects and lawyers and et cetera, et cetera, et cetera. It really defeats the whole issue of it because people won’t do it. It becomes too expensive.

Thank you.

MS. KERFOOT: It may be for some people, but the whole point of doing this is, you have to remember the word “accessory”.
Accessory is something that’s not the primary.

The real motivating factor on this was affordable housing. You limit the amount that you charge to some degree by the square footage of it. Why not say, “Well, you can have 100 percent of the primary residence”? That would defeat the whole purpose.

This was envisioned as apartments that could be used, let’s say – well, let’s use me. I’m getting older, and it may be that I don’t, at some point in time, want to keep up my whole house. And I’d love to be able to rent my main house to somebody and have a one bedroom, very small unit, myself. Maybe even an efficiency apartment. That’s logical. It also serves a purpose of having somebody live there, maybe a relative, maybe not, who knows whether you’re alive or dead.

That’s one scenario.

Another scenario is you’ve got children. They’re hard-pressed to be able to live in Falmouth because of the expense of the housing here. So you want to put on a one or a two bedroom efficiency, an apartment, whatever you
want to call it, and your children can live here
while they economically get ahead.

So those are various scenarios. We
never, ever envisioned having something large.

A thousand square feet is fairly large.

Actually, I brought two children up in what would
be called a cottage. It’s about an 1100 square
foot house. Three bedrooms. [Laughs.]

MR. DONAHUE: I beg to disagree. I
think that if we’re looking to house low income
people, young people, they’re going to need at
least two bedrooms, probably, because they’re
going to have children. Maybe three. We’re
trying to get people, young people to stay in
town. I think you’re defeating it by putting
limitations on this for the homeowner.

Thank you.

MS. KERFOOT: Then we cannot call it an
accessory apartment any longer. That’s simply
my comment, the word “accessory”.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Precinct
2. I’d like to offer an amendment.

THE MODERATOR: Okay.
MR. POTAMIS: You’re on page 16. My suggestion and recommendation is to eliminate the term “enhance”, such that the language would read: “An onsite septic tank system with nitrogen removal approved by the Board of Health.” Could you go to the next slide, please.

This is a little bit awkward because I had thought I was dealing with no more than one bedroom, but it serves the purpose. If you have a three bedroom house, you could put an accessory apartment in and use a standard Title V. If you have a four bedroom house and you wanted to go to five bedrooms, you have to put an enhanced system.

Now, why should that worry you? If you live in Perch Pond, that’s an impaired waterway, okay? An enhanced system won’t help you. And the Board of Health has to deal with the term “enhanced”.

If you live north of 28, in the Little Pond Coastal Overlay, we just spent millions of dollars to put sewers in. We’re growing oysters, and we may – don’t shoot me – we may do
inlet widening -- but hopefully we won't. If you
live there and you want to put an accessory
apartment in that exceeds the density, you have
to put in an enhanced system approved by the
Board of Health.

Next slide, please.

I've just repeated myself. This is
essentially the same slide for the coastal
overlay. Disregard the red.

Next slide.

Why? Enhanced system. It's an
experimental system. Under Title V it's called
pilot systems, okay? For pilot system to be
acceptable, you have to have 18 systems, the same
system, approved over 18 months of monitoring.

Then you go to the next step, which is 15 systems
over three years of monitoring. Now, granted
you could take the 15 and add it so you only have
to be 35.

This enhanced is not required by Town, Board of Health or state, and more importantly in
my mind: there's no subsidy. We gave through
not - Buzzards Bay -- I was going to say British
Beer club - a subsidy of up to $10,000 to put in
experimental systems. These people will not get any money to put in an experimental system. We gave the eco toilets folks $5,000 initially and I think we waived the betterment of $15,000. But if you want to accommodate the elderly, younger, or maybe if you need assisted living for a member of your family, you get no subsidy. The cost of these systems are 20 to 30 thousand dollars, plus a thousand dollars annually of O and M.

So this one bothers me. Excuse me.

Oh, operation and maintenance. In other words, you have to go out and monitor it.

This is not required for your neighbors. You want to put an accessory apartment in, you pay 20 to 30 thousand dollars. Your neighbor wants to put three to five bedrooms – three to four more bedrooms in, he’s not covered by any law, or she. Excuse me, I get in a lot of trouble nowadays, with the --

[Laughter.]

MR. POTAMIS: In other words, we’re discriminating – eh, discriminating’s a strong word, according to the Assistant Town Manager, but we’re having an adverse impact on the people we
want to help the most.

The standard onsite system removes 20 to 40 percent nitrogen. I verified this with the Health Agent. I also verified it with our own town consultants. In the Oyster Pond, one of the early reports, they came up with 40 percent for removal of a standard nitrogen system. GHD, in another report, not necessarily for the Town, said it’s closer to 20 to 40 percent, but on average 23 percent. So your average system, including cesspools, I think, could remove about 20 percent nitrogen.

Now, this slide’s a little bit misleading because I was thinking one bedroom, but do the math – and even Andy can figure this out. A one bedroom, two person – a one bedroom with two people in it adds zero point zero one two kilograms. You’re going to spend – or you’re going to require people that want accessory apartments to spend 20 to 30 thousand dollars for point oh one two kilograms. And if you have two bedrooms, double it. It’s not consistent.

And I’m going to say that again. It’s
not consistent with any – not consistent with or required by the Zoning Coastal Overlay District bylaw. This is something that was recommended to be put in. I think it was well-intentioned, but I don’t think people fully thought it out. And I think I mentioned this earlier and, if you listened to Pat, it’s unfair to the elderly, to the moderate income, those seeking independent living and younger homeowners applying for an accessory apartment.

Next slide, please.

In summary, why should you vote yes on this? Fairness. Twenty to forty thousand dollars for a minuscule amount of nitrogen that I don’t think you can measure in the water body. But, you know, you put 200 of these in, you could measure it. But we’re talking about three to four systems a year.

This allows the Board of Health to approve the nitrogen reduction system in the absence of an approved watershed plan.

Now, when I discussed this with some members of the Board of Health or the chair, they don’t have a definition of “enhanced”. They
hope to within two or three months, and I’m assuming someone will come up with something before we get the first watershed plan. But right now — and one person said, “Well, you know, the Board of Health can define enhanced any way they want.”

Well, I have more of a regulatory background. “Enhanced” means more than standard, okay? You can’t say to the people in Perch Pond they don’t have to put in an advanced system because you know that’s not going to help all the people north of 28 and the Little Pond area.

So, I think, yes, it puts an onus initially on the Board of Health, but I’m urging the Board of Health and maybe the Water Quality Committee to come up with a definition or a policy of what we’re going to do with “enhanced” and how we’re going to enforce it.

And finally, you should vote yes because it’s consistent with the zoning bylaw and it’s consistent with the intent of the accessory apartment to make more affordable or more diverse a living for the older, the younger, and you
could say people that need assisted living.

    I’d be glad to answer any questions on
my slides. I did research most of them, but if
anybody wants to discuss the validity of them, I
could tell you my opinion; you could disagree.

        Thank you.

THE MODERATOR: Okay, discussion on the
amendment to remove the word “enhanced”.

    Yes, Mr. Waterbury.

MR. WATERBURY: John Waterbury, Precinct one and until recently a member of the
Board of Health.

        There are a couple of things, here.
There really definitionally is no difference
between saying “enhanced” and “nitrogen
removing”. DEP at present does not give a
credit to Title V systems, normal Title V systems
that we put in the ground. There is no nitrogen
credit. And so, what - this group has thought
this through and what they’re asking is that if
there is an increase in the number of bedrooms,
you either have to be hooked to a sewer or you’re
going to need to put in a system that has
enhanced nitrogen removal.
The words that Gerry has substituted, “nitrogen removing”, is definitionally the same as “enhanced”. And in fact, he’s correct, the definitions of these systems are not well-defined at this point. And what the Board of Health has done in the past -- for instance, the state regulates these enhanced systems, at the moment, at 19 milligrams per liter. And, with what we’re trying to achieve in our coastal ponds, that does us almost no good.

So what we’ve been working toward is getting the vendors of these systems to reduce the amount of nitrogen that – increase the amount of nitrogen that they remove. We’re currently putting in systems in West Falmouth demonstration project in West Falmouth Harbor that are meeting less than ten milligrams per liter. The Board of Health in its local regulations years ago mandated that systems that went in in collected systems in developments with more than five houses had to meet 12 milligrams per liter, and if we pass this bylaw as it’s written tonight, the Board of Health is in at the moment reviewing its local regulations and they will insert a
standard for this particular accessory bylaw.

I urge you not to vote for this amendment.

MR. POTAMIS: Mr. Moderator, through you.

THE MODERATOR: Okay, Mr. Potamis, then Ms. Valiela.

MR. POTAMIS: I’m glad you agree with me, John, that the term “enhanced” doesn’t mean anything. So we can remove it. Because you said enhanced and nitrogen removal legally don’t make any difference.

I am a regulator. I’m on the Zoning Board of Appeals, and we have seen when you put the wrong words in a bylaw, you give money to lawyers. And I agree and I hope the Board of Health, and working with the Water Quality Committee, put definitional limits on what is required.

Thank you.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: Virginal Valiela, Precinct 5 and a member of the Water Quality Management Committee.
I was also on the Town Manager’s working group that was listed by Mrs. Kerfoot. There were eight of us. We held a special meeting at the end of the process of going through all of these amendments to discuss Mr. Potamis’s concerns and his desire to have the word “enhanced” removed. The entire committee disagreed with Mr. Potamis.

"Enhanced" is in the original bylaw that you voted in 2017. It’s not something new. It was there. And he wants to remove it.

He’s made several points that the Board of Health needs to work on in terms of definition, standards, and they are working on that. So, working on it in parallel with what the Planning Board has done to improve this accessory bylaw.

I would ask you to vote down this amendment, leave the language as it is now. It is not as dire a situation as he has painted, but I don’t really want to go into all those details. The point is, this word has been there since the first time you voted this bylaw.

MR. POTAMIS: Mr. Chairman, I’d like
to correct --

THE MODERATOR: Okay, no, no, hold on.

Ms. Tobey, on the amendment? You’re on the original speaking list, but you want to speak on the amendment?

MS. TOBEY: [No mic:] No.

THE MODERATOR: Okay. We’re just on the amendment, now, removing the word “enhanced”. Yes, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator, Richard Latimer, Precinct one.

Again, I’m going to be addressing this body as a lawyer, from that perspective, and I would want to know if there is anywhere in any statute or Town bylaw a specific definition of the term “enhanced”. Because, if there is not, then Mr. Potamis is correct; it’s a field day for lawyers. They can come in and say it’s vague. If they -- you know, they can come in with something that’s a little better than an ordinary system and say, “Well, this is an enhanced system”.

If there is something that is specific that gets right to what this – this bylaw is
intended to do, well then, that’s fine. I’d want to know that. If there is not, then I see that there is merit in Mr. Potamis’s presentation which simply defines “enhanced” as, say, this is what it means. Otherwise, like he says, you’re just inviting lawyers to come in and screw it up.

Thank you.

MR. POTAMIS: May I clarify something?

THE MODERATOR: Okay, you know you only get, unless it’s a direct question to answer, you only get to speak twice after the presentation.

MR. LATIMER: It is a question. It was a question. Is there something in the bylaw or is something --

THE MODERATOR: Okay, so if you just answer that, then it doesn’t count against you.

MR. POTAMIS: I’m not answering that.

THE MODERATOR: Okay, you’re not --

MR. POTAMIS: It’s up the Board of Health. But --

THE MODERATOR: - okay. So, if you want to speak, this is the last time you get to speak, because you only get twice.

MR. POTAMIS: Okay. You know, no,
because it was brought up on the history. And I think, you know, history is in the eye of the beholder.

When there was a joint meeting between the Planning Board and the Zoning Board of Appeals, the consensus was to remove it. And I think, Pat, you were there. And I know my fellow Zoning Board of Appeals members were there.

Yes, it did go back to the Working Group and I think there was some confusion, and yes, they didn’t agree with me. But it wasn’t unanimous. The chair of the Board of Health did not vote because I think she was far more of a lady than I am of a gentleman. She didn’t want to upset the bailiwick or, you know. If she didn’t – you know.

But she at the joint meeting and at that meeting essentially agreed with me that, you know, enhanced may be the improper term.

Thank you and I guess I sit down.

THE MODERATOR: Okay. On the amendment, removing enhanced? Okay. And then we’re going to vote as to whether or not to
2-70

remove that one word.

Mr. Latimer: Thank you, Mr. Moderator.

Again, my question is is there some standard legal or even industry definition of the term enhanced? That is a question not just to Mr. Potamis, it’s the question to the proponents of the article or to members of the Board of Health. Is there a definition that says that enhanced means nitrogen removing? Because if there is not, then it is a vague term. And if it’s a vague term, it means that the bylaw runs into problems.

That’s a simple question: is there a definition that we know that it is - enhanced means nitrogen removing?

The Moderator: Okay, is there someone that can answer that question?

[Pause.]

The Moderator: That’s your answer, Mr. Latimer.

[Laughter.]

The Moderator: The question will come on the amendment to remove the word “enhanced”.

All those in favor, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the no’s have it by a majority. We’re going to go back to the --

MR. POTAMIS: [No mic:] Can I have a roll call?

THE MODERATOR: Requesting a roll call. Are there seven people that want to count that one?

Okay, we got seven. Let’s cue up a slide.

We’re going to be voting with the electronic device on the amendment to remove the word enhanced. A yes vote removes the word. A no vote does not remove the word.

MR. DONALD: Is this a roll call vote?

FROM THE FLOOR: No. No.

THE MODERATOR: Did you want a – you said counted vote, right?

MR. POTAMIS: I’ll leave it up to you, Mr. Moderator.

THE MODERATOR: Ha. You asked for
counted, so it’s counted. It’s not a roll call.

FROM THE FLOOR: It’s too late.

THE MODERATOR: Do we have the slide ready?

[General talking.]

THE MODERATOR: Do we have the slide ready? Yes.

Okay, the slide is now open on the amendment. A yes vote to remove the word enhanced; a no vote to leave the word in there.

1A for yes, 2B for no.

[Pause while electronic vote scrolling.]

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Is it just not flashing on your handset? You’re getting a red light.

Okay, let’s stop the roll call device.

And what happens when the red light flashes?

[General talking. Inaudible.]

THE MODERATOR: No, no, I’m saying what’s happening on the laptop when your light goes red? That’s what I want to know.

[Inaudible.]

THE MODERATOR: Okay, because his wasn’t registering before, but it was on the
computer, that’s what I want to check.

Andy Dufresne, you were right. [Laughs.]

It was bound to happen.

MR. BANWARTH: [No mic: inaudible.]

THE MODERATOR: But a flashing red light means it’s not working, correct?

MR. BANWARTH: [No mic: inaudible] And there’s a flashing red light?

THE MODERATOR: Yes.

MR. BANWARTH: Oh.

THE MODERATOR: Yes. And I saw red lights flashing. They showed it. They had it out there, all flashing red.

CLERK PALMER: On your slide, were there two answers to be given, or just one answer?

THE MODERATOR: Did you use the quorum slide?

MR. BANWARTH: [No mic: inaudible.]

THE MODERATOR: Yeah, replication of the quorum slide only allows a yes vote. Okay.

No problem. This is your first time doing this. Totally understand that.

[Talking and laughter.]
THE MODERATOR: No problem. You’re going to be an expert by the next one. Otherwise Andy’s going to come back and start counting again [laughs].

Okay, are we ready to do this one?

Okay. The roll call device has been activated. This is the amendment to remove the word enhanced. Press one to remove the word. Press two to not remove the word.

I just got a text from somebody at home watching this, and said somebody probably hacked the system; must be the Russians.

[Laughter.]

THE MODERATOR: The Russians are now influencing the Falmouth Town Meeting. [Laughs.]

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, 15 seconds left in the polling.

By a counted vote of 89 in favor and 108 opposed, the ruling of the Chair stands.

Go back to the main motion. My next speaker was Mr. Dynan.

MR. DYNAN: Thank you, Bill Dynan, Precinct 5, New Silver Beach.
A question on lot size consideration for sewered homes. New Silver has 210 and I know there’s another – Little Pond has 1400. Most of those lots, not that they’re going to put accessory apartments there, are below the 7500 feet, which you mentioned was consideration for additional sewerage – I mean, additional septic systems. Was that consideration taken into effect?

MS. KERFOOT: There was actually – there were two reasons. One would be if you’re on a septic system, you’re required to have a reserve, so far as I know. The other one is parking. And it’s already pretty tight to park everything on the lot when you have a very small lot. And some of those lots are 4,000 and 5,000 square feet. You’d be hard-pressed to get a reserve septic system on those. You’d be hard-pressed to have enough parking with an accessory apartment.

And what the concern was, we originally said, no, we weren’t going to have any limit. If you could figure out how to do it, you could have an accessory apartment. The Zoning Board
and others really wanted to have a minimal lot size. They would have preferred 10,000 to 15,000 square feet, but they said, okay, we’ll start at 7500. And, as I pointed out, 7500 isn’t even sometimes going to be sufficient to accommodate an accessory apartment, because of its configuration.

MR. DYNAN: The question – some of them are double lots, in a lot of the beach areas, which would be 11,000 square feet, but you mentioned a back-up system. It’s 100 percent sewerage. We already paid our $30,000 to hook up.

MS. KERFOOT: If you’ve got a sewer, no, you don’t have the problem.

MR. DYNAN: Correct.

MS. KERFOOT: Uh-huh.

MR. Dynan: So it’s still, with a sewerage, 7500 square feet?

MS. KERFOOT: That’s what is in the bylaw that we’re voting on.

MR. DYNAN: But there was no consideration – I don’t think consideration wasn’t taking the place, here, for a house that
has 11,000 square feet meets the criteria. Less than 11,000 or 7500 square feet that meets that, that has parking.

MS. KERFOOT: Well, you say there are two lots. Are they combined?

MR. DYNAN: Some of them are. Some of them aren't, though.

MS. KERFOOT: Then you’ve got no problem, if it’s 11,000 square feet.

MR. DYNAN: Right. And the lot size that’s 6,000 square feet that has sewerage, it has parking?

MS. KERFOOT: You know, my guess is if you feel it’s - it’s okay, you can appeal it.

MR. DYNAN: Okay, that’s the criteria. Okay.

MS. KERFOOT: We do have an appeal system, if you want to do that.

MR. DYNAN: I don’t think you’re going to see many of those in the beach areas, but --

MS. KERFOOT: No.

MR. DYNAN: - I just question that.

MS. KERFOOT: The other - I’d like to comment on something, too, not specifically your
question. But it seems that there is a lot of background thought about, “Well, this is going to be too expensive to put a septic system in”, “It’s going to be too expensive to build an accessory apartment”. But I really do want to point out that unless you’re doing it for say parents or children, that you don’t want to charge them, you are going to be getting a rental on these, and hopefully be making some money on them to pay back whatever you have to borrow to put it in or to pay your own savings account back.

So, I feel it’s necessary to point this out, too. These aren’t just giveaways to people. They are to help the people in the community who do need to have less expensive living arrangements.

MR. DYNAN: Thank you.

MS. KERFOOT: Uh-huh.

THE MODERATOR: Okay, Ms. Tobey.

Ms. Siegel, you’re on the original list already, yeah.

Ms. Tobey.

MS. TOBEY: Linda Tobey, Precinct 4.
I think that this is a good idea to build small accessory apartments for older people or for children to be able to stay on the Cape - to stay in Falmouth.

What I don’t - what I have a question about is how you would monitor them. Especially like (3)d), where it says, “Either the principal dwelling or accessory apartment may be rented, but not both”? No idea how you’d monitor that. “The owner-occupied dwelling cannot be rented while owner is absent.” And it goes on about rental periods and all. Who or how would any monitoring happen in these apartments?

MS. KERFOOT: Well, you do have to provide a certificate to the Building Commissioner every year, certifying. That means you’ve got to sign your name to a report, and that has some legal standing there.

But, like everything else in Falmouth, it’s always been a complaint with people, “Well, why doesn’t somebody check that out?” Well, people only check out somebody who’s not playing according to the rules when it’s reported. And I’m assuming that’s going to be the same here,
too.

Unless you decide to put somebody in who monitors this, who goes around and knocks on doors, too. And we’ve never hired somebody who will do that kind of thing.

So it would be up to, let’s say you have an apartment, an accessory apartment and you have a primary house and you’re renting both of them while you’re off playing in France. Your neighbors would have to rat you out or it’s not going to be found out.

MS. TOBEY: I just think that maybe that issue should be re-visited before it becomes a problem. I just think that’d be a good thing to look into.

MS. KERFOOT: Thank you for your comments.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves, Precinct 9.

I have a question to clarify actually the point that was just made for section d), where it talks about renting one apartment but not both. But, concerning is something that
came up in our precinct meeting and I’m not sure if it’s been answered, but I know there were members of the Planning Board there.

If you look at c), just above that, it says it must be owner-occupied for a period of seven months in every calendar year or owned by a non-profit organization or government authority. So, to me, it looks like staging a business opportunity for someone who wants to have this and then rent out two apartments. But how does that wash with d), that says the owner must occupy one of the units seven months out of the year, if it’s owned by a non-profit organization?

MS. KERFOOT: I don’t know how it squares, honestly.

MR. HARGRAVES: Yeah, I would vote against it if that isn’t clarified.

THE MODERATOR: Okay. All right.

MS. KERFOOT: I don’t know how to clarify that. That was in the original that you voted in 2017, and a non-profit organization or government authority would be one that whose goal is to provide affordable housing.

And we put that in, to the best of my
failing memory, when we wrote this, feeling that if a non-profit agency owned a house and built an accessory apartment, both could be rented for an affordable rate.

That is the only thing I can say with that.

THE MODERATOR: So, do you have a direct answer to that question? You’re on the speaker’s list, but do you have the answer to that question?

FROM THE FLOOR: Yes. Falmouth Housing --

THE MODERATOR: No, no, let’s do the microphone.

MR. HARGRAVES: Am I done?

THE MODERATOR: Well, we’re trying to get an answer to your question.

MR. HARGRAVES: Oh.

THE MODERATOR: She made some comments, but she said she couldn’t answer it.

MR. HARGRAVES: Thank you.

FROM THE FLOOR: The Falmouth Housing Authority owns a large number of raised ranches and other such houses in neighborhoods. You
know, one here, one there. And if the Housing Authority wanted to break a raised ranch into an accessory apartment type arrangement, well, no one from the Housing Authority’s going to live in that primary apartment.

THE MODERATOR: Okay, but the question is: this bylaw says they have to. And so where is the --

FROM THE FLOOR: No --

MS. KERFOOT: No --

THE MODERATOR: It doesn’t?

MS. KERFOOT: - it says “or owned by”.

FROM THE FLOOR: “Or owned by”.

MS. KERFOOT: “A non-profit organization or government authority”. And they’re exempt.

THE MODERATOR: So, yeah, it’s a separate section, though, that says owner occupied.

MR. HARGRAVES: We did bring it up at the Precinct meeting and my concern is I definitely support the spirit and the intent of the accessory apartment bylaw for aging people to stay in place and get some financial help by
renting out part of their house, but when you
provide an opportunity to monetize the way that
this is written, who’s responsible?

It’s different if the homeowner’s on
site and is responsible, but if it’s some
organization with offices in New Jersey and they
have two units that they’re renting out, what are
the neighbors to do?

THE MODERATOR: Okay. So, Ms. Kerfoot, in section c) --

MS. KERFOOT: Uh-huh.

THE MODERATOR: – because he was cross-
referencing d) to c) --

MS. KERFOOT: Right.

THE MODERATOR: – the language “or
owned by a non-profit organization or government
authority whose purpose is to provide affordable
housing” is a separate classification than a
principal dwelling or accessory apartment in the
first part of that sentence, correct?

MS. KERFOOT: Correct.

THE MODERATOR: So the reference is
section d) to an owner-occupied dwelling
references the first part of section c) and not
the second part of section c).

MS. KERFOOT: That is correct.

THE MODERATOR: So the answer is: the exemption is within the grammatical language of the sentence in section c). You’re either owner-occupied -- and then, if that’s the case, you have to live there and do all that -- Or you are owned by a non-profit organization or government entity.

So the exemption is within the language of section c), meaning that section d) doesn’t apply to owned, non-profit or government authorities, only to the first part of it, owner-occupied.

Do you see what I’m saying? Otherwise, otherwise, they would have put all of that at the beginning of the sentence — those are called predicate nouns — and you would have had the sentence start there and then everything in d) would apply to everything in c). Right?

MS. KERFOOT: I told you, I was relying on a memory that went back a number of years, and so he just said, “Yeah”, that’s what it is. If the Housing Authority owns it and wants to put an
accessory apartment in, it’s exempted.

THE MODERATOR: Yes, Mr. Hargraves.

MR. HARGRAVES: You said what you said.

I am not a legislator, but I will just say this:

I wanted to bring it to the attention of my

colleagues and one of the local attorneys who has

several articles in this warrant has said to me,

“Ambiguity goes to the plaintiff, and in this

case, if there’s sufficient ambiguity, it’s done,

it’s over and we’re cooked.” So.

THE MODERATOR: Okay. Yeah, no, no,
it is in the bylaw.

So, I could add you all to the list,
because this is a really long list and we’ve been
doing this for almost an hour. So, yeah, I’ll

add you to the list.

Okay, Mr. Kasparian was next on the

list.

MR. KASPARIAN: Thank you. Michael

Kasparian, Precinct 5.

I’m standing up to speak in favor of

this article. I think it’s very well thought

out. I really don’t think there’s anything

onerous about it.
We do have a serious problem, here, and I think it’s confusing going back and trying to remember from spring of 2017. A lot of the issues I think we’re talking about have already been decided. And, again, as far as size, et cetera, like you, I raised my family in a 900 square foot apartment in a two family house before we moved to Falmouth.

What I like about it is that it does give specifics on how you measure, which I think are in line with what real estate appraisers use to measure in terms of banks and lending. And it’s nice, because there’s no ambiguity there.

The other part I like about it is the architectural component. Because I’d have no problem with somebody in my neighborhood doing something like this for their children or their parents, or I may choose to do it, but certainly would want to make sure that it was done in a tasteful manner and I think that the things that you’ve proposed will ensure that that will happen.

Again, I don’t think there’s anything onerous, here. Anything that we can do to
enhance these type of accessory apartments and encourage people to do them, because, as we know, Falmouth is very rapidly turning into a very high-priced retirement community, and people who work here are having a very difficult time living here, and we have to work together in order to remedy that.

So, again, I ask you to vote in favor for this article. I think it’s very well thought out and the fact that I’m sure as we move on there’s going to be other things gonna come up that you’re gonna find that need to be addressed in order to make sure that everyone’s playing fair and square.

Thank you.

THE MODERATOR: Okay, Ms. Siegel.

MS. SIEGEL: Debra Siegel, Precinct 6.

From everything that I can tell, this working group that was pulled together comprises a huge amount of expertise from different town committees and boards and I think they’ve done a very comprehensive job.

I would like to remind Town Meeting that if it does turn out that they have missed
something, this can be amended later. And I urge us – urge us to vote yes for this.

Thank you.

FROM THE FLOOR:   Question, question.


Mr. Potamis.

MR. POTAMIS:   I’d like to make an amendment.

Gerry Potamis, Precinct 2. I won one yesterday, I lost one tonight. Hopefully this might be – it can’t be a draw. But could you bring up the second – my second amendment?

This is one of good governance and efficiency on how we go through the process. I’d like to eliminate the terms “an accessory apartment built within or as an accessory structure not attached to a single family”, and replace it with “in addition to site plan review requirements above, an accessory apartment shall require a special” – and that should be “permit from the Zoning Board of Appeals installed” – oh, and I put there from a special – “shall require a special permit from the Zoning Board”, period.

I’m sorry, I did this late last night
and some finger-graphical errors.

Essentially what this says, before you had to go to the Planning Board for one type of property, and the Zoning Board of Appeals for another type of property. Which, to me, is not efficient in government.

Next slide, please.

It’s a more efficient process to allow the special permit to be issued by one board. The Zoning Board of Appeals is the Town’s subject matter expert on special permits. Last year, the Zoning Board of Appeals issued somewhere in the neighborhood of 80 Special permits, in addition to variances.

Zoning is not a nice subject to talk about. Most people’s eyes close and attorneys make a lot of money coming in front of us.

The second one is “the Zoning Board of Appeals must issue a special permit for a property that’s not conforming”. So if you have a small house and you want to put the accessory apartment in a garage detached -- okay? – you have to come in front of the Zoning Board of Appeals.
So, it’s nothing against the Planning Board. I think the Zoning Board of Appeals probably is in a better position to administrate this. Yes, the people will still have to do site plan review, but you go to one board for your special permit.

Thank you.

THE MODERATOR: Okay, discussion on the amendment. Mr. Fox.

CHAIRMAN FOX: When we passed this, we deliberately made it, if it was by the bylaw and within the structure, it’s by right. So, it was trying to streamline the process and not make it a special permit. And this will be taking us backwards of what we tried to do last time, and turn it into a special permit.

That was the whole intent of what we passed last year. And now it seems like we’re going backwards and re-doing everything. The big argument was that most of these things could be built within the structure and be a by-right use, and not a special permit.

It’s changing the whole by-law with this.
THE MODERATOR: Further discussion on the amendment?

Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

I would agree we went – we approved the original bylaw to streamline the process to make it less of an expense, headache, especially for a lot of our older residents who don’t have a lot of extra income. They’re trying to do this for their kids, they’re trying to do this for themselves to have a retirement place. To have a place for their kids to afford to live. The whole purpose was to make it easier and less costly.

Now, I know people on both boards and neither one are going to like what I have to say, but this has become an argumentative process between two boards who do not want to get along at the moment.

So please vote this down.

THE MODERATOR: Okay, the question will come on the amendment as presented on the slide above, striking 5(b) and inserting the bold
underlined language.

All those in favor, signify by saying aye.

[No response.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the nos have it by a majority.

The question will now come on the main motion.

Mr. Latimer, do you have something new on the underlying main motion? Okay, Mr. Latimer.

MR. LATIMER: Thank you, Richard Latimer, Precinct one.

On the main motion, I think this is a well-reasoned article as far as it goes. It is based on a real need and the Planning Board is addressing it properly.

The 7500 square foot restriction is reasonably calculated to make sure that the units remain affordable where real estate will be priced according to square footage.

I think there is - will be needs for
amendments to this article, however, which can
come later, but I just want to put one out there,
which is the situation of an older couple, their
kids are gone, they’re out in California, they’re
wherever. They have one of these apartments; it
helps their income.

First the old man dies. Then the old
lady has to go in the nursing home. What
happens there? There’s no longer an owner to
occupy it. I think that’s a situation where the
heirs should be able to maintain that additional
unit to rent it, but restrict it to affordable
rental. Which will be consistent with the
purpose of the bylaw.

THE MODERATOR: Dead people can’t own
property, so somebody’s going to own it after
they both die.

MR. LATIMER: The heirs.

THE MODERATOR: Yeah. So they’re the
owners. They gotta occupy it.

MR. LATIMER: Yes, but I’m – my parent
has died; I’m out in San Francisco. I’m working
at a major corporation; I’m going to be there for
20 years. I own this property, now.
Now, my options are I’m either going to sell it, and the buyer’s not going to want to buy it with an affordable unit. He’s going to tear down the affordable unit or expand his building.

So, I think that’s something that needs to be addressed in the future. That’s all I wanted to say.

THE MODERATOR: Okay, okay. We’re not going to talk about future amendments, though, because we only have two amendments. We already had them; they both failed. We’re on the main motion.

Mr. Finneran, something new and then we’re voting on this.

MR. FINNERAN: Yeah, I think this is a great article. I think it’s a win-win for the people in the houses that want to stay here as well as who may be renting that wants to stay here, as well.

I’m not sure about this and there may be somebody here from the Assessing Department or whatever, but aren’t the homes that Kinchla built and others on Maravista, aren’t they 7200 square feet, a lot of those lots? And they’re on the
sewer?

I know we’ve been through the amendments, but wouldn’t it make sense if one of those house – because, it pretty much locks out all the houses on Maravista. If somebody was on the sewer and had 7200 square feet, which a lot of those lots are, shouldn’t they be allowed on this?

Have we used the - the amendments failed. Have we already gone through the two?

THE MODERATOR: Yeah, we’ve already used two amendments, so we can’t do it tonight.

MR. FINNERAN: Well, it kind of locks everybody out on Maravista, doesn’t it? And they’re sewered and --

THE MODERATOR: Okay.

MR. FINNERAN: – it eliminates all the –

THE MODERATOR: Something to consider for the next Town Meeting, a new article.

Yeah, Mr. Fox, you want to address that?

CHAIRMAN FOX: Yes.

Real quickly, you know, this was a negotiated point. We never wanted a limit on
it, but the Zoning Board of Appeals wanted to make it 10,000 square feet and we compromised down to this level. So, if you’re looking for reasons, it was simple negotiation with the Zoning Board of Appeals to move it forward. And we thought it was a reasonable thing to move the deal forward.

So, a lot of things you have to do to get this through, and we’re the – you know, we negotiated a lot of things to do it, and that was just to satisfy the Zoning Board of Appeals because they were demanding 10,000 feet and we won by making it 75. And that’s the way we looked at it.

THE MODERATOR: Okay, the question will come on the main motion as presented by the Planning Board.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds majority and I so declare.
Article 15, Madame – the Planning Board for the main motion.

Planning Board, Article 15, main motion.

[Pause.]

CHAIRMAN FOX: This is a petitioner article.

Mr. Moderator, we move the article as printed.

THE MODERATOR: As printed?

Okay, who’s going to present on this? We have someone to present?

CHAIRMAN FOX: He’s supposed to be here.

THE MODERATOR: Yes, is there someone to present on this on behalf of the petitioner?

CHAIRMAN FOX: Here he is.

THE MODERATOR: Mr. Ament.

This is vote to amend Article 6, General Residence Districts of Chapter 240 Zoning Code of Falmouth for accessory apartments.

MR. AMENT: Thank you, Mr. Moderator.

I’m Bob Ament of Precinct one, a Falmouth attorney who’s speaking for Kevin Klauer, the petitioner who is my law firm partner.
There’s been a lot of discussion just now about accessory apartments. Last Town Meeting a similar article sponsored by the Planning Board requested the inclusion of the General Residence District in those areas of town where you could have an accessory apartment. Just like all other Residential districts and Agricultural Districts, so almost all of town.

The General Residence District was historically not included because there was no need in the General Residence District to have accessory apartment regulation because two family units were permitted by right.

When the accessory apartment bylaw was amended in 2017 to allow detached accessory apartments, that changed the situation, because that meant there was a creation of two dwellings on a single lot, a dwelling in each of them. That situation is not allowed in the General Residence District, even though you can have a triplex by right, if one of the units is affordable.

In any case, at the last Town Meeting, the action on the proposal to include the General
Residence District was put off because of the feeling that there should be the opportunity for the ad hoc Committee to review the bylaw and make recommendations. That’s now been done. We have new restrictions.

We also have, because Article 6 passed yesterday, a new map of the recharge areas in Town that would subject more properties for which an accessory apartment is being sought to that bylaw and those restrictions.

So, at this point, I would hope that the Town Meeting will follow the recommendation of the Planning Board, really for the second Town Meeting in a row, to include General Residence Districts in those areas that can have accessory apartments. Because they would be — we’re talking about, really, detached accessory apartments, because, again, duplexes are permitted by right; every case that this would apply would involve a special permit from the Board of Appeals, as well as site plan review from the Planning Board.

Thank you.

THE MODERATOR: Okay, any discussion on
the main motion as printed?

Ms. Shepard.

MS. SHEPARD: Susan Shepard, Precinct one.

I’m a little surprised by the vagueness of this article. How much of town is General Residence? Is this article being submitted on behalf of a single property owner? I’m asking because I’ve had a number of phone calls and emails -- I admittedly know nothing about this -- from people who live in the General Residence District who are very concerned about this bylaw.

That’s all. So, is it on behalf --

THE MODERATOR: Mr. Ament.

MR. AMENT: Thank you.

My office does represent somebody who would like to have an accessory apartment that already exists, legalized. I believe there are many second dwelling units in the General Residence District, for the most part the older part of town, near - near downtown. There are small pockets of General Residence District in Waquoit, in North Falmouth; these are very small areas. Also in Woods Hole.
I believe that the Town Meeting can see a map of all the General Residence Districts in Town, if you would like.

There are many grandfathered duplexes and triplexes and second dwelling units in the General Residence District. It really seems odd to me that a bylaw which allows these accessory apartments applies in all Residential Districts in Town, all Agricultural Districts in town. That’s probably 92 or 93 percent of the town.

The rest of the town is some Industrial, some Business, and some Marine, a very little bit, and some relatively small area of General Residence District.

We allow this all over town. General Residence Districts are the areas that are close to village centers, intended as a buffer between Business zones and Residential zones. Generally near public transportation. This is exactly where one would expect to be able to have an accessory apartment and, in this case, because of the bylaw, we’re talking about a use that’s only allowed by special permit and site plan review in a district that allows duplexes by right and
allows triplexes by right if one of the units is affordable.

In a triplex, it’s really broader than that. It’s multi-family use that’s allowed, which means you can have three separate dwelling units, three separate dwellings in the General Residence District under our bylaw. You can have three, but you can’t have two. It doesn’t make any sense.

Thank you.

THE MODERATOR: Okay, you got something? Yeah, Ms. Peterson.

MS. PETERSON: [No mic:] I move the question.

THE MODERATOR: Oh, we have a motion to move the question. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

The question is going to come on Article 15 as printed.
All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the ayes have it by a two-thirds. We’ll do Article 19. This is going to be a quick one.

Madame Chairman for the Board of Selectmen.

CHAIRMAN MORAN: Mr. Moderator, the motion is to indefinitely postpone.

THE MODERATOR: Okay, we can’t take any action on this article because of a posting requirement. So the recommendation is and the main motion is indefinite postponement.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and we’ll stand in recess for 15
Whereupon, recess held.

THE MODERATOR: Okay, let’s go, Folks, come on forward. Or we’ll all be here four nights. Let’s go.

I’m going to recognize the Chairman of the Board of Selectmen to make an announcement relative to the Senior Center project.

Madame Chairman.

CHAIRWOMAN MORAN: Thank you, Mr. Moderator. On behalf of the Board of Selectmen, the Senior Center Building Committee and Town staff, I wanted to let everyone know that there has been an award of the project. The contract will be GVW, Inc.

So, good progress and thank you for everyone who worked very diligently on that.

[Applause.]

THE MODERATOR: Okay, we have a quorum slide up, so all Town Meeting Members present please press 1A for the establishment of a quorum.

[Pause while electronic vote scrolling.]

THE MODERATOR: I almost forgot to
vote. I only get to vote in the quorum call.

By a counted vote of 178 we have a quorum, and I call the Annual Town Meeting back into session.

**Article 22.** Madame Chairman for the main motion.

CHAIRWOMAN MORAN: Article 22. Recommend as printed with the following change: strike the words, quote, by standing vote, end quote, from the last line in paragraph numbered 1) on page 21 of your warrant.

THE MODERATOR: Okay, that’s the main motion: as printed, but striking the words “or standing vote”.

Mr. Donald.

MR. DONALD: Thank you. Malcolm Donald, Precinct 6. I’m the petitioner of this article.

This deals with electronic voting here in Town Meeting. You’re striking – I’m showing you the by standing vote that’s in your warrant book. It’s the third line from the bottom of the article.

Okay, what Article 22 does. It makes
every electronic vote a roll call vote. In other words, Town Meeting members’ detailed vote will be saved.

Why do we need it? Because we need accountability for the electorate to know Town Meeting members’ attendance and voting record.

Under current rules - or, we’re going to talk about - I’d like to talk about attendance, right now. Under current rules, attendance is only captured at sign-in. After that, Town Meeting Members are free to leave at any time with no affect on their attendance record.

Under current rules, currently there’s no assurance a Town Meeting Member is still present to vote on articles that are contested with an electronic vote. And the attendance figures only reflect, obviously, those who signed in at the beginning of the meeting, and not those who are present for electronic votes on any contested issues in which there are electronic votes.

So, the data that’s published in the Enterprise is suspect, somewhat.

Okay, let’s take a look at an example.
We like – I’d like you to consider April Town Meeting Night Two. The sign-in attendance for Town Meeting was 177. Towards the end of the night, on Article 36, we had an electronic vote, and there were 134 votes in favor and 25 opposed. Therefore, we can deduce that there were 159 Town Meeting Members remaining. In other words, 134 plus 25 equals 159.

FROM THE FLOOR: [General talking. Inaudible.]

MR. DONALD: Now –

THE MODERATOR: Okay, let the petitioner continue, but people can abstain and they don’t come up in the record, that’s correct.

MR. DONALD: So, 17 Town Meeting Members apparently had left, which is more than ten percent of those that signed in at the beginning of the meeting. And it’s pretty much – I had thought about putting in a slide at Town Meeting, you can see it’s rather – it’s a lot more sparse in the beginning of the meeting, so.

With Article 22, attendance voting detail is saved. People will know, you know, whether any particular Town Meeting Member has
voted on an electronic voting vote on a contested article and we’ve solved the problem.

Okay. Onto voting, which is the second main issue that this article addresses. Let’s talk about how things were in the old days before we had electronic voting. We had a standing vote, and Andy Dufresne would count the members who were standing for in favor and then count the members in his section that were opposed. People watching on television had some sort of an inkling about well, they could see some of the Town Meeting Members and who voted for and who voted against.

Or, you could go back on the video that’s on the FCTV’s website and see for yourself and look at it again and you can see some of the Town Meeting Members so – and how they voted. It wasn’t ideal, but it was a lot better than what we have now. We – when we have an electronic vote, people are seated and they vote silently with their clickers. Nobody gets to see how anybody votes.

The Town on the electronic vote, then, how it works is, after all the votes are in, the
Town Clerk only saves the totals of the vote count. In other words, how many votes were for and how many votes were against. The detail is then - the voting details of every Town Meeting Member, which the computer has, are then purged. So all you know - and you look in the minutes and you can see how many ayes and how many nays, and I showed you on that attendance example.

So, with electronic voting, we have less accountability and less transparency. It’s worse that what we had before we had the electronic votes. When we had the standing vote, at least we had some idea of who’s voting for what, and how they’re voting.

Okay. So, with Article 22, Town Meeting’s going to - would commit to good governance and transparency. Because we’re going to be saving - we would save the voting detail. And, as a result, the electorate would be better informed about how to vote for a Town Meeting Member, whether they like the way they vote, did they stay for entire Town Meeting, or, you know, what kind of job are they doing.

And, the results of the voting would be
available on the website for everybody to see.

So, to summarize, Article 22 is going to make every electronic vote a roll call vote.

Now, there is a provision in there that provides for an override should a secret vote come up. And we had an instance with my walking buddy, the Chief of Police, when he wanted to work – to extend his career another five years and people were uncomfortable having a roll call vote and having their vote registered. There is a provision there that we can vote prior to taking the electronic vote and dump – and vote to dump the detail if that’s what the – two-thirds of the Town Meeting wants to do.

So, now the electorate is going to know how Town Meeting Members, their each particular Town Meeting Member, whether – their attendance record and their voting record.

Now, what the article does not do, it does not alter the number of electronic votes. So we’re still going to have the same number of electronic votes when the moderator can’t determine the yeas from the – who has the majority, the yeas from the nays, and calls for
an electronic vote; we’ll have an electronic vote. Or if seven people want to have an electronic vote, they can stand up and request that.

And then the second big thing is it does not slow down Town Meeting whatsoever. It’s just – the only – yeah, I mean, it doesn’t involve, really involve Town Meeting at all. All it is is a computer operator that is running the machine.

So, without Article 22, how is the electorate going to know how to vote for a Town Meeting Member? And they won’t, because they don’t know the attendance record or the voting record.

A yes vote for Article 22 is a vote for accountability and transparency. So, doesn’t it make sense to vote yes on this article?

Thank you very much.

THE MODERATOR: Okay, before we open up discussion, I just want to let Town Meeting Members to know that the Rules Committee did meet with the petitioner, discussed the article. Actually made the recommendation that that “by
standing vote" language be removed. Just to
make it compatible with other provisions. And
then took a tie vote of 3 in favor and 3 opposed,
and I abstained as Chair, which I always do with
the Rules Committee so that I can be impartial at
Town Meeting to run the article on behalf of the
meeting.

So, the Rules Committee did not have a
definitive recommendation, yes or no. It was a
3-3 tie at the Rules Committee.

So, discussion is now open on Article
22.

Mr. Keefe.

MR. KEEFE: Brian Keefe, Precinct 4,
Rules and Procedures Committee, Electronic Voting
Subcommittee.

So, where do I start? So, as the
moderator just pointed out, the Rules and
Procedures Committee did meet, discuss and listen
to Mr. Donald’s presentation.

Unfortunately, I was not able to attend,
as were a couple of other members of the Rules
and Procedures Committee meeting. So there were
a couple of votes that were not represented that
may have broken that tie. Myself being one of them.

So, not being present for that debate, my vote doesn’t count, but I would have voted in opposition during that meeting, had I been present.

The next piece is, I would just want to remind this body that the Electronic Voting Subcommittee spent a significant amount of time, almost a total of two years in terms of researching our options, researching the Charter changes, the bylaw changes that needed to be implemented in order to support the system. We threw a lot of creativity and conversation at those different scenarios to make sure that they were all covered.

As Mr. Donald did represent, that there was one particular vote that was — that was sensitive in nature, that was a scenario that the Committee hadn’t considered. And, when we listened to this at the previous Town Meeting, I spoke in opposition to it at that point, because I felt as though this body wasn’t yet ready to consider — we didn’t have the experience, we
didn’t have the different scenarios run through the system often enough to fully understand the implications. I think we are still there. And I think that is evidenced by a couple of issues that we just had that were non-technical in nature, sort of working with the presenters and those that were having an issue.

The two issues that we have, there was a misunderstanding in terms of the color coding on the screen. So, as a reminder, your name will always appear in black until a vote is received. At that point, your name flips to green. That had to be re-covered with a couple of different users.

In addition, we also - it was an honest mistake, but the wrong slide was presented. Only a quorum vote was available when we needed a binary decision.

So, I think that it’s - we remain premature to consider this motion at this time. That being said, I am generally opposed to flipping - flipping this electronic vote to a full roll call vote at every opportunity. There are a few different reasons for that. Number
one, that creates a data stream. As a data analyst, I can say that this creates an analytics opportunity for those who wish to target individuals within this body to sway their vote.

That’s a little bit easier than it sounds. Though it’s above a certain threshold.

So I do want to make sure that we are very thoughtful as we consider this vote, because if down the road we want to reverse that it’s, again, quite a bit of work to reverse that.

And we’re a volunteer body, at the end of the day. Yes, we are representative. We represent our precincts. However, we do have precincts that are under-represented. So now, with that 100 percent transparency – and I’m not opposed to transparency, don’t misinterpret that statement, but once we move to a 100 percent transparency model, the opportunity or the encouragement for volunteers to step forward and get involved, I think that undermines that – that encouragement. It questions, “Do I want to get involved and constantly be questioned because I voted against Article X or Article Y?”

So, I just – I encourage this body to be
thoughtful and be considerate and, again, I vote
in opposition to this article.

Thank you very much.

THE MODERATOR: Mr. Hunt.

MR. HUNT: Carter Hunt, Precinct 7.

I’d like to answer Mr. Donald’s
question. Anybody in my precinct that wants to
know how I vote can ask me. I don’t need to
answer questions from people from Precinct one,
two, three, four, five, six, eight and nine.

Only Precinct 7.

So, this is a little bit over the top as
far as I’m concerned. It is a volunteer body.

I agree with what was just the last speaker.

There are many occasions where a vote, an
anonymous vote, is a way to vote. There’s
nothing wrong with that. And we should continue
that.

I oppose this article.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I’d like to explain why I voted against
this. I’m basically against this electronic
voting. I’ve been that way since day one and
nothing’s ever going to change my mind about it.

First and foremost: I spoke before you as a member of the Rules Committee when we presented this to you, and someone stood up and said, “I ask the question is our vote going to be recorded?” And the answer to that question was no. I’m not going to vote for something and go against what I told you just two years ago.

Those that want this said, “Joe, we’re using it, it’s worked out fine.” Well, it doesn’t work out that fine, as what we just saw tonight. It’s technology. Does your cellphone work all the time? Does your computer never crash?

But what really bothers me and why I will never be for this, is because we had the most basic, simple system. A person stood up for what they believed in. What is more transparent than that?

The previous speaker just took the words what I was going to ask you, or mention to you again. The people from Precinct 9 know how I vote. They have no problem with that. I do realize I’m one of the ones that gets up to the
microphone. Fine. I’m going to say what I feel.

I would like – after tonight, I’d like to write an article to do away with this. Really, honestly. This is the second time, now, we’ve had something like this in front of us at Town Meeting because one article, three years ago – and I’m one of the counters – passed by one vote. And somebody said they want a recount. And the moderator said, “No, there’s no reason for a recount”. Because one, the recount was saying those of us that counted didn’t count right. Or two – and this was what would probably happen – once some people see how the vote goes, they get on the winning side.

So, transparency? What’s more transparent than you as a Town Meeting Member standing up and showing how you voted? You can’t beat that.

Thank you.

THE MODERATOR: Okay, Mr. Dynan.

MR. DYNAN: Thank you, Mr. Moderator.

I’m in favor of this article. I had an opportunity to sit with Mr. McDonald at a
Precinct meeting. I came from a town with open town meeting. They would fill a Town Meeting hall with special interests during special articles. This Town Meeting and Town Meeting Members are very, very knowledgeable. I think accountability is the key word, here.

Plus, enhancements. There’s going to be more enhancements to this system going down the road.

If you’re elected as the dog catcher, Selectmen, Board of Health or Town Meeting Member, you’re elected by a body of people and you represent them. Anybody can ask you at any time how you voted and you should be able to give an answer. But I think accountability and recording accountability, you shouldn’t be afraid.

As far as being targeted, fine.

I think, the House of Representatives, everything you do is recorded. And you should be recorded so you can go back to your constituents and show them what you did and why you did it.

So I think this is a great enhancement.
I think it’s something that’s coming and something that’s going to have additional enhancements, probably down the road, and we should use it.

Thank you.

THE MODERATOR: Okay, Ms. Schneider.

MS. SCHNEIDER: Barb Schneider, Precinct 4.

I’m against this, also. As a former English teacher and journalist, I sat here trying to wordsmith how I was going to say this, and I have to say that, listening to you suggest that people replay tapes and try to see who’s voting how gives me the creeps. And I’m being honest here, because it’s hard enough to get people to fill all the slots in all the precincts to run for Town Meeting.

I think when people go to the polls and vote for me, they vote because they know I do my homework, they know I care about this town, and they know I care about Precinct 4. And that’s why they’re voting for me. Not to keep tally on every vote that I take, but to know, if I’m voting, I’m doing it thoughtfully and because I
care about the big picture.

And I’m really sad that we’ve come to this level of scepticism.

I understand that there are people in this room -- and we just talked about it at the break, it is very difficult at 10:25 at night to have very technical discussions and to have everybody awake and thoughtful and making good decisions. That’s something I hope that will be discussed, because we’ve gotten to be a very technical Town Meeting. Not like we used to be, just deciding about lifeguard salaries and so on.

So, I’m hoping that people will realize that this is not the answer. The answer is that we all come here, doing the best we can, and that’s what matters. Not this accountability where people can keep targeting who’s voting how.

That’s not what this is about.

THE MODERATOR: Okay, Ms. Lichtenstein.

Got you on the list.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 8.

I’m ambivalent about this, but if we did vote this, I believe that it should have a yes,
no, and an abstain, which is what they do at the State House, I believe.

THE MODERATOR: No, we don’t have that on our –

MS. LICHTENSTEIN: You don’t have –

THE MODERATOR: No. And in Town Meetings in Massachusetts, an abstention has no legal weight. It’s those present and voting determine all questions.

MS. LICHTENSTEIN: Okay. I’m ambivalent. I don’t feel either way. I just feel that there are a number of people who might feel pressured to vote maybe against their conscience and against the conscience of the people in their precincts if they knew it was being recorded. That’s just my feeling.

THE MODERATOR: And, Ms. Lichtenstein, the Rules Committee, just technically, the Rules Committee could have that discussion to ask that a number three be activated in a slide, and so that option could be made available. It will just have no legal weight.

And when you do a two-thirds vote, it’s those present and voting. So those – if you were
to use number three, they don’t count in the two-thirds and they don’t in the majority. Okay.

They would have no legal weight in the decision being made, but you could –

MS. LICHTENSTEIN: [No mic:] It would be recorded as not [inaudible.]

THE MODERATOR: Yeah, as you were present in the room. Mr. Donald mentioned attendance. So that you could say, “Hey, I’m here. I just didn’t vote.” But it doesn’t count.

Whereas an abstention, if there is an abstention in some cases, in other bodies, the abstention counts towards the final decision. Not in Town Meeting.

MS. LICHTENSTEIN: Thank you.

THE MODERATOR: Okay. Let’s see, Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator.

I am going to vote yes on this. I think it’s a good idea. I’m from Precinct 3, Grant Walker.

When I’m here, I – I think of the whole town, actually. I don’t think that – maybe I
should, but I don’t think of my precinct so specifically. I think my responsibility is to the whole town, even though I’m elected by my Precinct. And I agree with the idea of transparency and accountability.

I think of myself, at some small level, here, as one of the officials of this Town’s government, by virtue of being a Town Meeting representative. And therefore I feel that it is my responsibility to be accountable and transparent. So I’m voting in favor.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct one.

I’m kind of on the fence on this one. I don’t like the idea that anyone can just ask for an electronic vote. I think that is unnecessary. I do feel that when an electronic vote is called by the moderator, it’s on something that is so close that there is almost an evenly divided opinion or it’s very close, whether it’s a two-thirds it’s – those are usually very important articles. By definition.

And I notice, on this devise I have
here, it has my name on it. And I know that when I click this, my name gets recorded on a public record. And it bothers me that that public record of information that the public has a right to know just gets discarded.

So, I do believe that when we make these – when we do make these recorded votes, that those should remain on the record and anybody should be able to look that up, just simply because it bothers me that stuff that is available, records that are available to the public are just being thrown away. I just think that’s wrong.

Thank you.

THE MODERATOR: Okay, so, Mr. Latimer, in essence, that’s what this proposal does. The language that the petitioner added about setting the method of voting prior to the vote is already parliamentary law. It’s in Town Meeting Time. And so it doesn’t need to be in here. You already can request the meeting to set the method of voting prior to the vote commencing.

My hierarchy is always: I do the voice vote. If I can’t determine it, I go to the
machine. Or if I do determine it and you all question me, then we go to the machine. So that, just so you know, that sentence is already available under Town Meeting Time; it’s just the petitioner added to the motion.

MR. LATIMER: Very well.

But my main point is that the reason that I am supporting this article is because I don’t like the fact that what’s happening is that a public record is being destroyed, essentially. Some information that the public has the right to know, maybe not everybody wants to know it, but anybody in the public that does want to know how any one of us voted should have the right to get that information.

And I just think that’s wrong that it’s being destroyed, that’s all.

THE MODERATOR: Can you just pass the mic up to Ms. Thorrold, please? Right in front, in front.


The two pieces of this article are talking a bit about attendance and our voting
records. I spent a long time running for Town Meeting: 13 years before I became part of this body. And one of the things I looked at very carefully was attendance. So I do agree that that is a key point of it, and I think there are various ways that we could be able to check attendance, not only at the beginning of the meeting, but when we come back for a second quorum. I do want full representation from my precinct.

The other piece, though, is about voting record, and the – in the presentation there was a lot of talk about contested questions. And I’m for transparency and I would be happy for people to see my full voting record. But we’re not always unanimous in our decisions. There are many times where there’s some portion of us voting yes or no on all sorts of different articles. And all we’re going to be giving by going through this type of procedure are those that are too close to hear by voice vote and there are those necessarily contested. And I think that’s probably what a lot of people are reacting to, is the cherry-picking of the voting
So, if there was a way to do a complete voting record, I think that that would give good information to our constituents. But as this is, I think we’re just getting a piece of the puzzle.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, Precinct 6.

And, for transparency, I had to be in Boston late this afternoon; I walked in at 8:20, so I wasn’t part of the quorum. But to - if we were to vote this, people would think that I didn’t care about the first three questions because I didn’t vote.

I always - I’ve been, like you, been here a long time and I felt very strongly that standing up and voicing the way that I feel about something was the way to do it. I think the electronic voting just helps to speed the process along and makes the vote more accurate. And so I would refer back to the Rules Committee to try to find some happy medium, here.

I certainly don’t have a problem with my attendance being shown, but I - again, I always
liked being able to stand up and not sit in my seat and do the vote. So, I would – I would vote against this. Thank you.

THE MODERATOR: Okay, Ms. Tobey.

MS. TOBEY: Linda Tobey, Precinct 4.

There’s something that I miss, now that we do this – we’ve been doing this vote electronically. I miss when we vote to look around and say, “Oh, do you know I didn’t know she was going to think that way.” Or, “Oh, he thinks the same way I do.” Because when I leave here, I was always taught: you don’t talk about certain subjects, and one is who you vote for. And so, I just kind of leave it here, unless somebody from the neighborhood wants to talk about a subject. But I really miss looking around and seeing the, you know, the different groups and the different neighborhoods. I think that’s a big piece of this.

And also, for the new item that came up about being more carefully scrutinized, I feel that we have a – people that voted for us to become Town Meeting Members, they trust us, and
they think we’re going to do a good job. Which we do. And I feel that, if we scrutinize too much, I feel that we’re losing that little piece of trust that’s handed to us when we become Town Meeting Members.

I also have a question, Mr. Moderator. I’m wondering – I didn’t pay attention to this before, but are we renting these units or did we buy them?

THE MODERATOR: We purchased them.

MS. TOBEY: So, if we were to decide this isn’t going to work for us, what happens?

THE MODERATOR: We could sell them, we could rent them. We could leave them in a closet. [Laughs.]

[Laughter.]

MS. TOBEY: Okay. All right. Was it a large amount we purchased them for?

THE MODERATOR: No, I think $15,000 was the appropriation, but it didn’t cost all of that, right?

MS. TOBEY: Okay, all right.

THE MODERATOR: The authorization was 15, but.
MS. TOBEY: All right.

Thank you.


So, I’ve written down a few things that have sort of been said already, but to piggyback on Mrs. Tobey’s: the people that elect us trust us. I’d like to think that I’m a trustworthy person. They – I’ve been elected twice, now, into Town Meeting, which I’m very proud of and I take it very seriously.

I do my homework. I pay attention throughout the year, not just the few nights that we’re here twice a year.

I don’t like the idea of having the data trail and being targeted. I play another role in this town and every move I make is watched and recorded and I am completely and 100 percent transparent, and if anyone has any question, whether it’s a precinct question, everyone is more than – like, I am more than happy to welcome questions, how I voted, why I voted that way.

But the thought of somebody or a group
targeting people, good people that want to
volunteer their time to the Town, which as
Barbara Schneider mentioned that we’re having a
tough enough time filling precinct seats, is a
little - it’s not very kind and it’s not - it -
it would happen.

So, Mr. Donald, I’m not really sure why
- maybe that’s not fair.

But, anyway, we’re volunteers. We’re
doing the best we can. Mr. Duffany was late for
legitimate reasons. People are late. People
have to leave early. Sometimes life happens and
they can’t be here, and that’s okay.

Thank you.

THE MODERATOR: Mr. Young.

MR. YOUNG: Mr. Moderator, fellow Town
Meeting Members, I was a member in East Falmouth
for about seven years and I’ve been from North
Falmouth for about 25 years and I’ve enjoyed it
thoroughly. And I don’t appreciate the
politicizing of this Town Meeting representative
that I enjoy being.

We already have an ability for a roll
call vote, I believe under the present system.
If you get 20 people to ask for it, we can do that. Why don’t we leave it the way it is? If he wants to have a roll call vote, raise his hand and get 20 members to agree to it. Otherwise, let’s just keep it the way it is.

Thank you.

THE MODERATOR: Okay, Mr. Clark, Dr. Clark.

Lynn, you’re on the list.

DR. CLARK: Peter Clark, Precinct one.

One comment I would make is that I’m not in favor of this.

I would ask the Rules Committee to consider having our cake and eating it, too. When we need this kind of vote, we stand up and click it, and then sit down.

[Laughter.]

DR. CLARK: And no’s stand up and click it, and sit down. And it wouldn’t take any more time and people who want to inspect the video can inspect the video.

My second thought about this is –

[Laughter and Applause.]

DR. CLARK: My second thought about
this is that I’m saddened that fear is so much of the conversation. There’s the suspicion that we may be sneaking out, a fear that we’re sneaking out. And there’s the fear that we’re going to get targeted. It’s just too bad that that’s where we are.

I would love to think that, if someone saw me stand up and click “no”, they can come and find me and say, “Peter, I want to have a good conversation with you. I want to talk to you about this.” That’s positive. And the targeting is not part of it.

Thank you.

THE MODERATOR: Okay, Ms. Whitehead.

MS. WHITEHEAD: Lynn Whitehead, Precinct one.

We already discussed this for a couple of years. We decided we’d do the electronic voting. I think we should go with it and I don’t like the - this feeling of an attitude and I can’t even put my finger on it, but it doesn’t feel good.

I think we should stick to what we decided. We voted on it and we should continue
that, and that’s it.

THE MODERATOR: Okay. Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, Precinct two.

For 48 years I’ve never been afraid to stand up, put my hand up or speak my mind on this floor, Town Meeting. It’s the greatest form of government going. As I get up in years, I’m still not afraid to express myself.

I run my business. I don’t care what people say. I vote in the best interest of the Town of Falmouth, not my – not so much just my precinct. I’ve had the honor and the privilege of representing the people of the Town of Falmouth.

However this vote goes tonight, I’m not going to be affected that much longer. And I ask you to really consider: is it necessary? It all started, as Mr. Netto said, two or three years ago by one vote. Which was questioned. And the moderator made the decision that the recount was not necessary. That’s the man that runs Town Meeting. You people run Town Meeting.

If we start relying on all these
electronics that are coming out, I’m going to
tell you right now: this form of government will
disappear.

And I urge you to vote this thing down.

It’s not necessary and I think it’s already
caused too many complications.

Thank you for listening to me and,
again, I’ve had the privilege of standing here
many times; never afraid to put my hand up. And
never afraid to stand up and be recognized. And
that’s what we’re here for.

Thank you.

THE MODERATOR: Okay, Mr. Keefe.

MR. KEEFE: Brian Keefe, Precinct four.

As a sign of good faith, as I’d like to
think that I might be leading the opposition for
this article, but as a sign of good faith, I
would like to put forward a motion and fix the
method of voting as a roll call vote for this
article.

Do I have supporters? I need –

THE MODERATOR: Okay, he’s asking you
to set the method of voting for this article, as
a recorded roll call vote. All those in favor
of utilizing a recorded roll call vote when we
vote on this article, please stand.

    One, two, three, four, five, six, seven,
eight, nine, ten, eleven – yeah, we’ve got 20.
So –

    So, Greg, when we do this – this is your
maiden voyage on a recorded roll call vote.
We’re going to do this one and then we’re going
to retain the record of the –

MR. DONALD: Mr. Moderator –

THE MODERATOR: – of the main motion.
Yes.

MR. DONALD: May I address some of
these points that have been made?

THE MODERATOR: I can put you on the
list, yeah.

MR. DONALD: Okay, great.

THE MODERATOR: Yeah. Let me do –

I’ve got one more, here.

Mr. Dynan. Mr. Dynan.

MR. DYNAN: Here.

THE MODERATOR: You had your hand up?

MR. DYNAN: I did.

I’m a little taken aback – Bill Dynan,
Precinct five, New Silver Beach.

I’m a little taken aback by the response. Most of the Town Meeting Members here are I’d say over 40 years old, and technology’s come a long way, and we’re all challenged with it.

I hate to speak against Andy, since he cuts my hair and has a knife to my throat every so often.

[Laughter.]

THE MODERATOR: Maybe you’d ought to have Billy do the next one.

[Laughter.]

MR. DYNAN: But we should not vote against this article for fear. We’re all American citizens. We’re elected by the people of the Town, within the precincts. We represent the precinct and the whole town. Out of fear we should not vote against this article.

We’re elected and we should do our duty. We’re volunteers of the church, we volunteer as the church. You’re an elected official of the town, whether you like it or not. If you don’t want to be elected, and you’re afraid that
somebody’s going to come after you because you vote against something, well then there’s a problem there and it can be addressed.

Thank you.

THE MODERATOR:  Okay.  Mr. Donald.

MR. DONALD:  Okay.  I’d like to address some issues, here, that have been raised.

First of all, the technical problems with the electronic voting system are - are beyond the scope of this article.  They’re really - it’s irrelevant to what I’m asking for.

If you vote this article tonight, and it turns out you don’t like it, it’s as easy as my petition, getting a petition that I put together, to change it.  So, I mean, it’s not a big deal.

People ask me how I voted.  Well, how many people could you stand asking you to vote? How you voted.  I mean, ten?  Twenty?  How many people live in your precinct?  What if a hundred people wanted to know how you voted?

You wouldn’t be doing anything else.

Well, this is gonna just let everybody know how you voted.

All right, you know, somebody raised the
issue how do you know how you vote? The people know how you vote. Well, you can get up – it’s possible to get up and speak one way and vote another. It’s possible to stand and say “yea” and hit the number two and vote no.

Why do we have – why does FCTV put the videos on their website? What’s the point? Why are they wasting their time? Well, the public wants to know. Maybe they had an engagement this evening and they can’t hear this discussion, and they want to come back and they want to hear about who wants – who wants accountability and who doesn’t. They want to know.

Someone over here said, “Everybody knows how I vote”. Well, yeah, there’s some very prominent people here and yeah, everybody knows how you vote. But there’s a lot of people sitting around – a lot of Town Meeting Members sitting around you that don’t get up and say anything. So how do we know how they vote?


THE MODERATOR: He’s got his four
minutes. Let him finish up and then we’re going to vote on it.

MR. DONALD: All right. Before I became a Town Meeting Member, when I went into the voting booth, most of the people other than Chuck Eastman and Bob Antonucci, I didn’t know who the heck my precinct, you know, representatives were. How did I vote for – how did I know how to vote for them? But it would be really nice, on votes that I was interested like the Planning Board, that the Planning Board spends all this time putting together these articles and I’d like to know who supports the Planning Board. It would be really nice, and I think I’d vote for precinct members that did for the – you know, that’s the way I’d look at things and I’d like to know who did.

And then, as far as, you know Andy wants – has no problem standing up and letting people know how he votes. Well, Andy, you don’t stand up anymore because you click the clicker. Nobody sees you standing. And that’s the problem.

Thanks.

Tinkham Reporting
THE MODERATOR: Okay. The question will come on the main motion. All those in favor, signify by saying Aye - or, no. We have the slide, that’s right.

[Laughter.]

THE MODERATOR: We fixed method of voting. So let’s activate the vote.

All those in favor, signify by pressing 1A. All those opposed, 2B.

[Pause while electronic vote scrolling.]

THE MODERATOR: And if you want to stretch your legs, you can stand, but we won’t know how you voted.

[Laughter.]

THE MODERATOR: By a counted vote of 72 in favor and 117 opposed, the article fails.

Article 23. The recommendation is indefinite postponement.

Mr. Donald for a main motion.

MR. DONALD: I move the article as displayed up on the screen and on these handouts.

Did anybody not get a handout? Or an email from - from me? We have additional copies up here.

THE MODERATOR: Okay, Mr. Donald, the
changes are substantial not only in form but in
substance from what was in the warrant, so I need
you to read the motion, the main motion.

MR. DONALD: Say again?

THE MODERATOR: I need you to read the
main motion so everybody can see it.

MR. DONALD: Okay.

THE MODERATOR: Because I notice you
don’t have just little highlighted sections.

This is four pages, so.

MR. DONALD: Okay. Okay.

To see if the Town will vote to amend
the General Bylaws by inserting the following
section regarding the prohibition of expanded
polystyrene foam.

Article 4, the purpose and intent. The
production and use of expanded polystyrene (EPS)
foam, also know as Styrofoam, has significant
impacts on the marine and land environment of all
coastal communities, including but not limited to
contributing to the potential death of marine and
terrestrial animals through ingestion,
contributing to pollution of the land and coastal
environment, clogging storm drain systems,
creating a burden to the solid waste collection
by acting as a major contaminant in curbside
recycling, and requiring the use of millions of
barrels of non-renewable fossil fuel for
manufacture.

With the goal of protecting the health
of its citizens and the unique natural beauty and
irreplaceable natural resources of the Town of
Falmouth, and given that inexpensive, safe
alternatives to expanded polystyrene (EPS) foam
are easily obtained, the Town will phase out the
use of expanded polystyrene foam over a period of
six months from the effective date of this bylaw
in order to allow time for establishments to use
their existing inventory and to convert to
alternative materials.

Definitions. Expanded polystyrene foam
shall mean blown polystyrene, styrene that has
been expanded or blown using a gaseous blowing
agent into a solid form, sometimes called
Styrofoam, a Dow Chemical trademark, which is a
thermal plastic petrochemical material utilizing
a styrene monomer and processed by any number of
techniques.

Tinkham Reporting
Expanded polystyrene (EPS) foam disposable food service containers shall mean single use, disposable products for serving or transporting food or beverages, including, with limitation: take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes but is not limited to: plates, cups, bowls, trays and hinged or lidded containers.

Food establishments shall mean any operations, including without limitation: restaurants, convenience stores, grocery stores, delicatessens, food trucks, schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the state food code 105 CMR 590.000, et seq., shall be considered food establishments for the purpose of this bylaw.

Retail establishments shall mean any commercial business facility that sells goods directly to consumers, including but not limited to grocery stores, pharmacies, liquor stores,
convenience stores, retail stores and vendors
selling clothing, food, personal items, dry
cleaning services, theaters and all other food
service establishments.

I guess we gotta advance the slide. Um, yeah, here we go. All right. Let me see, where is –

THE MODERATOR: Public venues?
MR. DONALD: Oh, yeah. Use regulations.

THE MODERATOR: Public venues.
MR. DONALD: Oh, public venues. And there’s a change, here. It was pointed out to me and I feel it’s an oversight on my part, we’re going to strike the word “churches” and we’re going to make that “religious institutions”.
So, in that second line under public venues, make that religious institutions.

Public venues shall mean operations including but not limited to meeting halls, religious institutions, town offices, the Senior Center, Recreation Department, library and Falmouth Public Schools.

Use regulations. Expanded polystyrene
foam, disposable food service containers and new polystyrene loose fill packaging shall not be used or sold by food establishments, retail establishments, and/or public venues within the Town of Falmouth on or after a period of six months from the effective date of this bylaw. Any stock remaining after six months from the effective date of this bylaw shall be accepted for disposal free of charge at the Falmouth Solid Waste Management Facility.

This bylaw shall not apply to loose-fill polystyrene foam packaging re-used from shipments originating outside of Falmouth. Number two: items in original manufacturer’s packaging. And three, Styrofoam freezer chests.

Administration and enforcement. This bylaw may be enforced by any Town police officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to: non-criminal disposition pursuant to G.L. c. 40, Section 21D, which is a Massachusetts General Law, and the appropriate chapter of the General Bylaws of the Town of Falmouth.
If non-criminal disposition is elected, then any establishment which violates any provision of this bylaw shall be subject to the following penalties: first offense, $50 fine; second offense, $100 fine; third offense, $200 fine. Offenses occurring with two years of the date of prior reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, again Massachusetts General Law, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

191-35, Severability. If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby.

The end of the article.

THE MODERATOR: Okay, Mr. Donald, your reference in that last paragraph to 105 CMR being a General Law; it is not a General Law; it’s a CMR.
MR. DONALD: Okay.

THE MODERATOR: So will you –

MR. DONALD: All right, strike that.

THE MODERATOR: – remove that in parenthesis note from your main motion?

MR. DONALD: Yes, I’ll remove that note and the previous note, on page 2, on the bottom.

THE MODERATOR: You can, but the previous one is a General Law.

MR. DONALD: Well, that was for the information of the body.

THE MODERATOR: Okay. So we’ll remove both of those notes. Okay. That’s the main motion.

Mr. Donald.

MR. DONALD: Okay, I would like to introduce Alan Robinson, who will be giving a presentation on this article.

Alan.

MR. ROBINSON: Thank you, Malcolm. And I think by you having just read this, you really got all of the points that we wanted to make, that Styrofoam is non-biodegradable, it really lasts forever. It may break up. A cup
may break up into smaller pieces, but those
smaller pieces live on. They can harm fish,
birds, and our oceans. They are a major
contaminant within the Town recycling stream.
They are not recyclable, yet people are putting
them into their recyclables on curbside or on
Main Street, and that is a problem in this day
and age when recycling must really be pristine
and only include the appropriate materials in
recycling.

And there are proven alternatives. I
think we saw that downstairs. Those of you who
went downstairs for coffee or for a piece of
cake: those cups were paper. And did they work
okay? I think they did.

There are alternatives to Styrofoam.

As Malcolm related from the article
itself, the disposal -- the ban is for banning
disposable Styrofoam food service containers.

MR. DONALD: Here, want me to bring up
the next slide?

MR. ROBINSON: Oh, thanks.

[Pause.]
why don’t you continue to do that.

Styrofoam peanuts. Materials can be shipped to us. We’re not prohibiting people from outside shipping packages with Styrofoam, but we are asking that Styrofoam not be sold within Falmouth.

And that the ban will not take place immediately. It’ll take place six months after the effective date so that businesses have the time to get alternatives. And there are, of course, alternatives.

And of course we included some photographs of – of – from just a few days ago, of two of these items contaminating the area near our waterways.

This really is a third step in Falmouth, in sort of an organized approach to reducing plastic litter. The first happened here four years ago, when you all – those of you who were here four years ago, and I think many of you were – voted to ban plastic bags within the town.

The second element was – is initiated this year by the Falmouth Water Stewards and the refill water stations with the messaging to
reduce use of single use plastic bottles. And use refillable plastic bottles. Because many of those bottles, when they’re used outside, become litter.

And the third element is one we can take tonight, and that is to vote to ban Styrofoam here in Falmouth.

We’ve already covered the revised warrant and that the revised warrant is focused on expanded polystyrene, only, not all polystyrene.

The article as developed since the time it was issued – initiated in the warrant benefitted by conversations, by meetings with the Board of Selectmen, the Health Agent, the Board of Health, the Solid Waste Advisory Committee, reviewing the bylaws of other communities and talking with interested citizens and input from interested citizens.

And of course, as we said, it bans Styrofoam only. The bylaw does not ban loose fill polystyrene packing from packages shipped from outside of Falmouth, re-use of that same packaging by those of us in Falmouth, original
manufacturer’s packaging and Styrofoam fishing – 
freezer chests.

When was the last time you saw single 
use plastic bags littering our town? It is 
remarkable to me, having moved here a year and a 
half ago from a community that has not banned 
single use plastic bags, the difference. When 
you walk around the roadsides here, we do – I see 
litter, and we do have a litter problem, but 
plastic bags are not part of that. We’ve made a 
difference in our community, and it shows.

We can take the next step to reduce 
litter in town, recognizing that there will still 
be paper litter. Paper cups are litter, but 
they – they degrade very quickly. The plastic 
ones, the Styrofoam ones, do not degrade.

So we ask that you vote yes on this 
revised article and really respond to the 
question: where does change begin? And that 
change can be right here in Falmouth Town 
Meeting.

So thank you, and we hope that you’ll 
vote for the article.

THE MODERATOR: Okay, discussion’s open
on the article. Yeah, Mr. Rowitz.

MR. ROWITZ: Thank you, Mr. Moderator.

Ray Rowitz, Precinct five.

I own a store in North Falmouth and we have coffee and a deli. We sell soup. We sell a lot of things that – food that people can take home. This article will not affect me one bit. Because we use cardboard, the paper cups. We use the sleeves for ‘em. We use containers for the soup that are paper.

So, please vote this article. It really makes sense.

Thank you.

THE MODERATOR: Mr. Stecher.

MR. STECHER: Bernie Stecher, Precinct three.

From what you said before, I got the impression that Nantucket and is it Dennis, I think, that already have this ban? Or am I wrong?

MR. ROBINSON: They do have this ban.

MR. STECHER: So it’s not a precedent that we’re the first town to do this. So I just wanted to make sure of that.
MR. ROBINSON: Yeah. Nantucket did it in 1990. 1990. It’s been around – other communities have had it for a while. Some recently, some for a while.

MR. STECHER: Thank you. So, we’re just joining the rest.

THE MODERATOR: Okay, Mr. Herbst.

Up in the front, here. If you can stand just so they can see. Yes, thanks.

Oh, it’s a race.

[Laughter.]

THE MODERATOR: I’ll place my bets on her, next time.

[Laughter.]

MR. HERBST: Ralph Herbst, Precinct 8.

There was a slide up there a moment ago that talked about who you consulted with.

MR. ROBINSON: Yes.

MR. Herbst: And I’d like to see whether or not you could put that slide back up there, because under the explanation that says that the Board of Selectmen said that you did not consult with the Solid Waste Advisory Committee or the Board of Health.
So you said Board of Health twice and Solid Waste Advisory Committee. So there seems to be some – an error in that.

The other point is –

THE MODERATOR: Mr. Herbst, I’m being informed by the Board of Selectmen that those meetings occurred after the publication that they hadn’t met with them.

MR. HERBST: Thank you for that clarification. I’m sure that makes them feel better, too.

I believe that the Town of Falmouth either has a policy or something that outlaws plastic straws. We’ve done that already, and –

FROM THE FLOOR: No, no.

THE MODERATOR: Not in Falmouth.

MR. HERBST: No? I thought –

FROM THE FLOOR: Not yet.

MR. HERBST: Okay. Excuse me, I thought that applied to – it applies to me when I go to a restaurant in Falmouth, anyway.

MR. ROBINSON: Good.

MR. HERBST: And then, also, it’s public pressure that makes these changes happen.
And an example of that would be how McDonald’s had to get away from using Styrofoam, and now I think also other fast food restaurants have had to switch over to paper when they dispense food. And it’s just - it just makes me proud to be part of a town that would take on something like this. Thank you.

I vote in favor of this.

THE MODERATOR: Okay, Mr. Patel.

MR. PATEL: Sarav Patel, Precinct 7.

I just would like to have a clarification about the freezer chest. I own a 7-11 and these are the coolers, Styrofoam coolers, which, you know, in summer, a lot of customers, you know, lot of tourists, even the locals when they go out fishing, they buy the coolers. But that is different than a freezer chest. So, does that include in there or not?

MR. DONALD: Yeah, the Styrofoam coolers are excluded from this article.

MR. PATEL: Okay, thank you.

MR. ROBINSON: If we need to correct the terminology, you’re certainly welcome to make that - help make that clear.
MR. PATEL: Okay.

THE MODERATOR: Okay, Mr. Smolowitz.

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

I’m against this article. I understand that plastics in the ocean is a major problem. I’ve been doing a lot of work with that for several decades. I’m sure there’s a lot of people in here that work with the problem of plastics in the ocean. There’s no doubt it’s a significant problem.

But Town Meeting is not the place to be dealing with this. We could probably spend three hours – I mean, I’ve been to two day workshops talking about this subject, to get enough information. And it’s the problem is what is the reaction: we’re banning Styrofoam?

I just, before I came to the meeting, I just downloaded from the Ocean Conservancy the top ten plastic waste products. And number ten on the list is foam take-out containers. The number one is cigarette filters. The problem is, is that if you ban Styrofoam take-out containers, there’s a good chance they’re going
to be replaced with another plastic. The wrappers. It just – it’s – it’s not something – it’s a feel-good thing, but the consequences could be a lot worse.

Town Meeting is not the place to be dealing with this plastics issue. This is – has to be dealt with at a much higher level. It’s important for us to let our representatives at the state and at the federal level understand the issue, to deal with it. But we’re going to be: what’s the next thing? We’re going to have next April somebody’s gonna ban balloons, which are a much bigger problem?

Look, while we had a coffee break, these plastic stirrers, is that going to be in next fall’s Town Meeting? These individual service creamers, is that going to be in the April Town Meeting, we’re going to have two hour discussions of each, the consequences of that? Town Meeting is not the place to be dealing with this type of important issue.

I – I’m just – I’m concerned that we’re – we’re going to be having three and four day meetings. I mean, I’m not – this is too – it’s
not the place to be doing this.

THE MODERATOR: Okay, Mr. Dyer.

Mr. Swain, you’re on my list, so you can have a seat.

MR. DYER: Ron Dyer, Precinct 8.

In doing your research, what did the supermarkets say to you?

MR. DONALD: Um, I guess –

THE MODERATOR: Mr. Donald.

MR. ROBINSON: We didn’t – well –

THE MODERATOR: Mr. Robinson.

MR. ROBINSON: – in the various conversations we had, we did not go specifically to supermarkets.

We did stop, for example, at the Market in Woods Hole, and learned what they’re doing. And just like the gentleman who spoke – the gentleman there who spoke first, they – they are not using anything with Styrofoam. All of their service materials that they’re using for food can be – actually theirs can be composted.

MR. DYER: So the Woods Hole Market that you just talked about is a tiny organization. The reason I asked you about
supermarkets is that’s where a great deal of packaging materials are issued to each one of us, whether that be for meat substances or other capabilities that are packed in-store and then issued to us consumers.

So, what did they say? If you didn’t do that, that’s not part of the research that I would have expected you to have not done.

MR. DONALD: Okay, what we did do is we talked with the Chamber of Commerce and gave them this article, with plenty of time to get it out to their membership.

Now, I don’t know whether the Stop & Shop is a member of the Chamber of Commerce, but the Chamber of Commerce is a group of all – pretty much all these retailers in town, and restaurants and so, I mean, they had notification of it, so apparently there isn’t a problem.

And then –

MR. DYER: So, let me ask another question, then. You just said you went to the Chamber of Commerce.

MR. DONALD: Yes.

MR. DYER: Did you – how did you do
that? Did you go to one of their meetings? Or did you just hand them a set of materials?

MR. DONALD: I sent things –

MR. DYER: So you didn’t have a meeting with them directly?

MR. DONALD: I sent the Executive Director this article for –

MR. DYER: So you didn’t talk to them –

MR. DONALD: – for his review.

MR. DYER: So you didn’t talk to them and you didn’t talk to any one of the managers at supermarkets?

MR. DONALD: I did talk to –

THE MODERATOR: Okay, okay, whoa, whoa. Whoa. We’re done.

MR. DYER: Thank you.

THE MODERATOR: Ms. Siegel.


MS. SIEGEL: I call the question.

THE MODERATOR: Okay, the question comes on closing discussion. All those in favor, signify by saying Aye.

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

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds majority and the question will come on the main motion as presented on the slides in red.

MR. DONALD: Can we get a roll call vote on this?

THE MODERATOR: Okay. Do you want a recorded roll call vote? We’ve closed discussion; we haven’t fixed the method of voting.

Stand if you want a recorded roll call vote on this. One, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. Yeah. We’re just under the – just at the 20.

So, let’s do a slide for a recorded roll call vote.

Okay, all those in favor of the bylaw, press 1A; all those opposed, 2B.

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, by a counted vote of 126 in favor and 61 opposed, the article
Article 24, the recommendation of the Board of Selectmen is indefinite postponement.

Mr. Donald for a main motion. And do you have your – I understand there’s a main motion different than as printed; do you have a copy of that for the Clerk and I?

Mr. Donald: Mr. Moderator, you know, I submitted this article which I believe is a very important way of voting for – for us. We really should take a look at it, but there’s been really no – no support on it and I’d like to withdraw – draw the motion.

[Applause and cheers.]

THE MODERATOR: Okay, at this time I’d recognize the Chairman of the Board of Selectmen for a main motion.

Chairwoman Moran: As recommended.

THE MODERATOR: And the recommendation is indefinite postponement.

All those in favor of indefinite postponement, signify by saying Aye.
[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and the article’s indefinitely postponed.

Article 25. Article 25, Planning Board for the main motion.

Someone from the Planning Board to make the main motion?

[Pause.]

THE MODERATOR: Bueller? Bueller?

[Laughter.]

FROM THE FLOOR: I’m surprised I’m the only one left. I recommend that as printed.

THE MODERATOR: Okay. As printed.

Article 25. This is to vote to amend the official Zoning Map of the Town of Falmouth to extend the Business 3 District. This was a petition article.

Mr. Ament, presentation?

MR. AMENT: Thank you again, Mr. Moderator. I’m again Bob Ament, Attorney, and I represent the owner of the property who seeks the
extension of the Business 3 zoning to include the entire lot.

The property is shown on the screen above you. I don’t know if you can point it out, but it is in your - let’s see if this works. No.


MR. AMENT: I’m screwing things up.

Your warrant book, of course, has a map that shows the property in question.

The proposal is to expand the Business 3 District to include all of the two-thirds acre property that’s two doors away from the intersection of Old Main Road and County Road in North Falmouth. So we’re dealing with an existing business property, business next door, business across the street. And even one of the Residentially zoned properties that fronts on County Road and touches this property is the site of business offices.

The total of two-thirds of an acre would allow four residential units, multi-family housing with four units, two-thirds of an acre. Six units per acre is allowed by special permit.
Two-thirds of an acre would allow four.

There’s an existing house in the front of the property. It’s in an Historic District. Like to keep and rehabilitate that house. So we’re talking about a rezoning that would allow three multi-family units in the back of the property.

Now, the density of multi-family housing is based on the area of the lot, even if only a portion of the lot is zoned for business. Someone could have four units on the lot, as is. As of now, if – you could have three of them in the front of the property and one, a single family residence, would be allowed in the back, total of the four units. That could be done now.

By rezoning the entire property to Business 3 District, it allows more flexibility in the layout of the units and probably allows for a more appropriate rehabilitation of the historic structure in the front of the property. We have filed with the Town Manager’s Office a covenant that’s referred to in the Planning Board’s recommendation. A covenant
that says that if the property is rezoned to Business 3 District, the only new use that would be allowed would be residential use. That’s been signed, notarized, filed with the Town so that it would be recorded at the Registry of Deeds if Town Meeting passes this article.

This is a good site for denser residential development. Of course, the density, as I said, would already be allowed on the Business portion of the property. But it is close to a village center, close to the bike path, easy access to highways and so on. It’s an appropriate use of the property and I hope that you’ll be able to support it.

Thank you.

THE MODERATOR: Discussion on Article 25.

Ms. Valiela.

MS. VALIELA: Virginia Valiela, Precinct 5. Long-time resident of North Falmouth and I’m here to speak for many residents in North Falmouth who are very concerned about this proposal. I’m going to make a number of points.
If you could first go back to the other slide that was shown originally.

Let’s see if I’ve got my pointer, here.

Okay. This map does not accurately represent what the situation is in Falmouth, and that’s why we created this context map. There is actually a lot of B-3 zoning in North Falmouth. And I’m going to orient you, here.

This is the Old Main Road, and it continues on down to Curley Boulevard.

Over here, there is a bike path and then ultimately Route 28A.

Coming in from this side is Route 151.

What you see in red are B-3 zones.

This is ancient zoning from 1926, when the Town first adopted zoning. They created a strip along various portions of Old Main Road and County Road, which is what’s the extension from Route 151, where they thought business might occur in the future. The actual businesses that were on Old Main Road at the time in 1926, there were businesses here and there was the fire station down at Wild Harbor Road and Ray Rowitz’s country store on the south. But everything else
was a house. It was residential. And the
Business zoning was in anticipation that there
would be businesses developed in the future.

We're now going to fast forward to
merely a hundred years later. Those houses are
still there. This is a residential road.
There is business just at the four corners up
here. One house has been converted to a
hairstylist and very tastefully, and then the
next property north is this number 289 that is
now being asked to be rezoned.

Down here, at Wild Harbor Road, there is
the Old Country Store, there is the fire station,
but all of the other structures are residences.

In the 1980's, Town Meeting recognized
the historical nature of many sections of this
town, and created strips that preserved the look
of those villages. There is a Historical
District which is not shown in your map, that
runs the full extent of Old Main Road, this
entire stretch that is shown, here.

The Business 3 zoning is 100 feet deep.
It's not very deep. This historical strip is
150 feet deep. So, the development on this
parcel is really only that hundred - the Business section is only that 100 feet in the front of the property. And the map in your warrant booklet somewhat - I don’t know quite why - exaggerates that 100 foot.

This is a deep lot. It has lots of trees. It’s very - it fits with the character of the neighborhood. And I was rather surprised to hear the applicant say that they were going to preserve the house. The house is in very poor condition. It’s actually somewhat open to the weather. It has Caution tapes all the way around it. And there are windows falling and stairs drooping.

So, I very much doubt this house is going to be preserved. It’s going to be pulled down.

But if you have given them Business zoning for the entire lot, then what can be developed there is much more than what will be developed if we leave this - if you leave this parcel as it is. This is a residential road and we are looking for residential development to the degree that the community has input on it.
I want to point out one more thing. We have B-3 zoning where I just pointed on County Road; we have eight condos going in there. Directly across - not directly, but just up here, this section here, that is ten condos. There are at least a dozen planned for there. These are all B-3 zoning and each one has been developed, because of the B-3 zoning, to have just as many condos as they possibly could squeeze on.

These are not cheap. These are investments. They’re running from 500 to 600,000 dollars, and so they’re not helping with the character of the town and we just do not - we being the community in North Falmouth are very concerned to see that one parcel after another keeps getting picked off and then overly, overly developed.

I think lastly I would say that there are other parcels down here that are also deep lots, and so if you approve this B-3 to be this entire lot, sure as shooting we’re gonna have the next time that someone gets too old and dies or downsizes, you’ll be seeing some more lots
looking — that will be asking, “Well, they did it up there. Why can’t you do it down here?”

So, we really ask you to help us and not pass this article.

Thank you.

THE MODERATOR: Ms. Johnson. With a microphone, please.

MS. JOHNSON: Oh, here we go. Sorry.

I am Patricia Johnson —

MR. SWAIN: Point of order.

THE MODERATOR: Mr. Swain?

MR. SWAIN: [No mic:] Yes, I move that we go beyond eleven o’clock to finish this article.

THE MODERATOR: Okay. Motion to commence beyond 11:00 for this article. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it, and we’ll continue after 11:00.

Go ahead.

MS. JOHNSON: Okay?
THE MODERATOR: Yeah, go ahead.

MS. JOHNSON: All right. I’m going to make two essential points. To begin with, in the hearing process, the Planning Board did not follow their customary procedures in recommending this article, and this is not fair.

I attended the September 27th open meeting when the petition was presented and questioned and the public was heard and the hearing was closed. The Planning Board has had a long-established policy that once a hearing is closed, there will be no further comments from the public, whether for or against a proposal.

However, in this instant, at the next meeting, when the Planning Board discussed the petition and reached a decision, they did not follow their policy of not allowing additional input from the public. In this case, they recognized Attorney Klauer, who then reinforced his petition. A North Falmouth resident who was opposed to this had left the meeting believing that he would not be recognized. The Planning Board’s action on that night was not even-handed.

Second, I want to indicate why you
should vote no on this article. The North Falmouth community should not be stuck with a 95 year old Business strip zone. We suggest that the Planning Board and the Town Planner plan and propose zoning changes on Old Main Road and connecting roads as a whole, with a big picture and avoid the results of rezoning just one lot at a time.

Further, the explanation does not indicate that this is in an Historic District and it is in the Rand’s Canal Coastal Pond Overlay District. If you vote for this article, you will be establishing a precedent that will open the door to similar proposals that will have a negative impact in village centers throughout the town. This is not just about North Falmouth. Please vote no.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct one.

I used to be a delegate from North Falmouth, so I have a fondness for this area. I also used to be a member of the Planning Board,
and I think this is terrible planning.

I want to point out that I came to Falmouth in 1958 as I was going into high school. My parents and I drove down what was then Route 28, which is now Route 28A. That was the new highway that bypassed Old Main Road. Before they built Route 28, not 28A, Old Main Road was the way you came into Falmouth, back I guess in 1926, and then it made sense to have businesses on that road.

When Route 28 came in, well, okay that was the highway, so it still made sense maybe to have some businesses there and there were businesses. You know, pretty good businesses. There was an apothecary, a drug store, one of the local drug stores that now have disappeared from this town, where all people go now to the malls to the drugstores. Well, actually that was a drug store and that was the center of the village. It’s no longer there.

Then what happened was they built what is now Route 28, the dual highway. So Route 28A then became the secondary road. And that is the suitable place for new business development and
maybe new Business zoning, if needed in the North Falmouth area.

The Old Main Road is now -- what is there on that corner, there? Well, there’s the yoga shop, okay. There’s a bank, which is a convenience, I suppose. There’s a very good ice cream shop, the Holy Cow, which is one of my little minor sins. But it is not really a suitable area for business and it isn’t really a business area that would be contributing in any way to the town or to the people of North Falmouth.

So I urge everyone to vote against this article.

Thank you.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: This subject I probably have the least familiarity with, so I got a couple of simple questions. Can someone explain to me firstly why this would not be considered spot zoning?

THE MODERATOR: Because it’s an extension of the existing zone.

FROM THE FLOOR: Yes.
MR. FINNERAN: Okay.

And secondly, would this, as Mrs. Johnson indicated, would this set a precedent and start a cascade, I mean, from all the way down right through West Falmouth? Potentially?

FROM THE FLOOR: [Laughter.]

MR. FINNERAN: Kinda stinky, if you ask me.

THE MODERATOR: Mr. Netto.

MR. NETTO: [No mic:] Mr. Moderator, I move the question.

THE MODERATOR: Okay, we’ve got a motion to move the question. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two thirds majority; the question is closed. And the question will now come on the main motion as printed. This requires a two-thirds vote.

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

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that there’s a majority of nos and therefore there is no two-thirds majority.

And the meeting will stand adjourned until 7:00 p.m. tomorrow night.

[11:01 p.m., whereupon, the meeting adjourned for the night.]
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 Two of the Falmouth Annual Town Meeting, taken by me on Wednesday, November 14, 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 20th 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.