

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, MAY 6, 2024 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

Select Board Present: Edwin (Scott) P. Zylinski, II, Chair; Onjalé Scott Price; Douglas C. Brown; Robert P. Mascali.

Absent: Nancy Robbins Taylor.

Staff Present: Michael Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 6:30pm by Chair Zylinski.
2. Pledge of Allegiance
3. Proclamations:
 - a. Grace Catrambone – 100th Birthday
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1
 - b. Falmouth Chamber of Commerce 2024 Citizen of the Year
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1.

Troy B. Clarkson

- c. May 2024 National Cities, Towns, and Villages Month
Mr. Mascali read the proclamation as a motion. Ms. Scott Price seconded the motion.
Vote: Yes-4. No-0. Absent-1

4. Recognition
Mr. Mascali recognized the Falmouth School District for receiving the green ribbon award for environmentally sustainable practices.
5. Announcements
Mr. Brown announced a 3pm Zoom meeting tomorrow to be held on the Steamship Authority schedule.

Mr. Mascali announced a Military Civilian Council Public Meeting Wed May 8, 5:30pm, Military Civilian Counsel meeting, public meeting.

There is an Affordable Housing event on Thursday, 5/9 at 8:30 pm in the Select Board Meeting Room.

6. Public Comment

6:45 p.m. PUBLIC HEARINGS

1. Wetland/Dock Hearing – Andrew and Lara Dearman – application to rebuild existing licensed ramp and float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth

Ms. Scott Price reading the hearing notice.

Michael Borselli, Falmouth Engineering, was present representing the applicant. An aerial photo of the location was shared via computer. Chapter 91 License exists for the current dock, which is in disrepair. The plan is to remove the existing structure and make it entirely fixed with no floats. The elevated walkway will provide for public access beneath. The Conservation Commission issued an Order of

Conditions. The new structure represents an improvement over what is in place now, there will be no impacts to navigation, the new structure will not project over the water body more than 25%.

Mr. Mascali asked about enhanced public access, what is that referring to? Mr. Borselli explained that the beach area from mean high water forward is State owned, so structures must be built in a way to not to impair public access along the shoreline. This dock will no longer be prohibited and will allow for public access under it.

Public Comment:

Kristen Dardano, 84 Squibnocket, commented that she was struck that it was a fixed pier and made her worry more about parties on the dock. This is a rental property and very busy late at night. They cannot attach a boat there. Why would they not float it?

Mr. Borselli explained that a fixed structure is preferred, a boat can be tied on it, there is no inability to tie. No moving parts, no need to store floats on the upland, and the float will not ground out at low tide. This is a preferred method to rebuild the dock.

Mr. Brown said that if there is concern about noise, it would be treated as any other noise issue.

According to Mr. Borselli, there is a similar dock design next door that this application is modeled after. Potential environmental effects of a float that is decked is shading the bottom and it could bottom out at low tide. Benefit of a fixed structure include that it does not need to be hauled or stored yearly, nor will it bottom out at low tide. The Conservation Commission prefers fixed structures because of sunlight penetration and bottoming out at low tide.

Mr. Mascali made a motion to close the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Mascali made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Mascali made a motion to reopen the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Ms. Dardano, 84 Squibnocket, said the dock will be high and she is concerned about little kids falling off it. She noted it is four feet up and asked if it now requires a railing.

Mr. Borselli stated the deck is 30-36 inches above the water line with one elevated structure higher with a railing, and then back down. The boat that docks here is low.

Mr. Mascali made a motion to close the hearing. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Brown made a motion to approve the application of property owners Andrew and Lara Dearman to rebuild the existing licensed ramp ad float into an entirely fixed pier in Eel Pond, located at 41 Madeline Road, East Falmouth as presented. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

BUSINESS

1. Adopt Falmouth Affordable Housing Fund (FAHF) Board of Trustees' Funding Priorities and Board of Trustees' Funding Allocation Guidelines

Kim Fish, Housing Coordinator, requested adopting the guidelines as presented. She described the documents, revisions, and amount per unit increased \$25,000 each, if the project needs it; it is a project by project basis. Local preference was removed, they request that anyway. Many have moved from Falmouth and would love to return. The lack of qualified applicants has limited locals. It is still an option, it is

requested. The Affordable Housing Committee and Falmouth Affordable Housing working group have reviewed.

Mr. Mascali noted inclusive of land acquisition was included because it is important to have the land acquisition as well.

Mr. Johnson-Staub noted they want to know the full cost of the project, they do not typically fund acquisition, it is not routine, so the clarification in the guidelines, when acquisition and construction, if separated, they want to apply the total subsidy for the entire process.

Ms. Scott Price made a motion to approve as presented. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

2. Request from Cape Cod Guang Ping Tai Ji Quan Club for a waiver of the special event permit fee for the Tai Ji Practice at Marina Park on Saturday mornings from April – December 2024

Requesting full waiver of permit fees, it would be 750 total. Mr. Renshaw recommends waiving the fee.

Diane Marshall, President of the Club, reported the club has a membership fee of \$100 per year. You can attend this practice free for a month. On rainy days they are at the Gus Canty, they are also at 241 Fitness space Mon-Fri, and the Falmouth Senior Center one day per week.

Ms. Scott Price made a motion to approve waiver of the fee. Mr. Brown seconded the motion. Vote: Yes-4. No-1. Absent-1.

3. Request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Art Market at Marina Park on Tuesdays from 6/25/24 – 8/27/24 **(5 minutes)**

Mr. Renshaw stated that in accordance with the standard Select Board practice, it would be \$2000.00 fee. In the past there was a reduction of the permit fee. Mr. Renshaw recommends approving the request.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

4. Request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/7/24 – 9/1/24

Mr. Renshaw recommended a reduced permit fee of \$262.50 because a staff person must open and close the gate at this public facility.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

5. Request from the Waquoit Congregational Church for a waiver of the special event permit fee for the annual Summer Bazaar one-way on Parsons Lane – Friday, 7/12/24 and Saturday, 7/13/24 **(5 minutes)**

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

6. Request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/14, Saturday, 6/15 and Sunday, 6/16/24

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

7. License Renewals – 2024 Seasonal and Spring Annual

POOL TABLE LICENSE

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street

Ms. Scott Price made a motion to approve. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

CONSENT AGENDA

1. Licenses

- a. Approve application for a Special One-Day Wine & Malt Liquor License – Rise & Shine Productions LLC – Coast Fest – Band Shell, Marina Park – Saturday, 8/3/24 from 3:00 – 10:00 p.m.
- b. Approve application for a Special One-Day Wine & Malt Liquor License – Michael Clark – Livin’ the Dream Bago/Bean Bag Tournament – The Conference Table, 205 Worcester Court – Saturday, 5/11/24 from 11:00 a.m. – 7:00 p.m.
- c. Approve the application filed by Vineyard Caribbean Cuisine, Inc. for a Common Victualler License – 279 Main Street, Falmouth
- d. Approve the application filed by Sun Retreats Cape Cod for an Automatic Amusement Device License – 130 Thomas B. Landers Road, East Falmouth
- e. Approve the application filed by Inn on the Square, 40 North Main Street, Falmouth, for a Change of Manager of its Lodging House License

2. Administrative Orders

- a. Approve warrant for the annual town election on May 21, 2024
- b. Accept donation from Inman Tree Specialist in the amount of \$550.00 to the Falmouth Cultural Council donation account for the Music at the Table program
- c. Appoint Inspectors of Animals – Christopher Anglin, Molly Masson, Chloe Eressy
- d. Approve water main easement for 763 Main Street
- e. Approve a letter of support for Solar Array Project at Cape Cod Country Club

Held.

Kevin Lahey, 308 Menauhant Road, Cape Cod Country Club, hoping approval letter is not issued. This was written, but not supported due to the impact including the community. The letter is significant, there are a number of issues associated with this project that are not positive for the community. There are a large amount of people who play golf and are all impacted; this is a blue collar, fixed income area people can go play golf. The solar project and 500 homes to be built needs to be investigated more prior to issuing a letter of support. He is requesting more review, including EPA issues. This is private land, can be run in a profitable manner, there are many who work at the club for free. The plan is not in the interest of anyone in the long term. He feels this is a quality of life issue for many in the community.

Saxon has permission to build a housing project in the same area. Mr. Brown said that this is the plan that the solar array avoids.

Mr. Johnson-Staub said the proposal being brought forward by PureSky does not include any housing. It does include eliminating the club. This is privately owned land, owner decided not to operate a golf course, owner is not looking at a housing development, but a solar array project, which will have less environmental issues.

Mr. Renshaw attended the Advisory Committee meeting this morning, it was not until recently that the Falmouth Country Club started to turn a profit. Golf clubs are very expensive. He cannot

recommend supporting it as a public golf club. There is capital outlay, maintenance, and significant needs involved in running a public.

Mr. Brown reported receiving a letter from Bob Young, the current developer is not the same developer and he would like to know if the approval is in order as it should be.

Mr. Johnson-Staub said there is an LLC specific to this project, they applied to the Cape Cod Commission (CCC), withdrew, and are now reapplying with all the particulars on the table today. The fact the corporate name changed is not material; what is material is the proposal. The Town's interests include environmental, revenue potential, and benefits over the alternative housing development. This is a letter of support to the CCC, will undergo a review by the CCC, then the owner comes back to Town to negotiate the land transfer, which needs to go to Town Meeting, then a lease negotiation. This is a long road for this complicated project.

Mr. Brown noted they lost the piece of land that was going to be donated.

Mr. Mascali appreciated the information provided by the Town staff in a timely manner.

Mr. Renshaw recommend SB approve letter of support as drafted and presented tonight.

Mr. Brown asked if they gave letter of support to Amp Energy; Mr. Johnson-Staub did not recall, but thought it was a memorandum of understanding. In this letter they should note that the letter includes the Town's interest in land.

Mr. Brown motion to amend the letter.

Mr. Johnson-Staub stated this is time sensitive, the applicant hoped to get it a couple weeks ago. Land Use staff group met with the applicant, the applicant said the owner was choosing to retain the property originally planned to donate it. It is their land and they can decide what they sell or don't sell.

Ms. Scott Price noted the letter says it was considered it in this letter.

Mr. Johnson-Staub said there is land included in the parcel to be transferred to the Town as now supposed; with no conservation restriction and would be available for affordable housing. The Town is not paying anything to purchase this land. The highest investment use is housing, from an appraised value. This is a good time for golf, there have been ups and downs in golf interest. Golf courses across the country and in this region have gone out of business, but it is a good thing for the profitability of the other courses.

The property is being sold as land, not as a golf course.

To support the letter with amendment that the town expresses a strong preference to include the parcel that was previously included, but removed, re: the land previously granted to the town.

Mr. Brown made a motion that includes they consider including the land as previously agreed. Ms. Scott Price seconded the motion. Vote: Yes-3. No-1 (Mr. Zylinski). Absent-1.

The date will be updated to reflect 2024.

Ms. Scott Price made a motion to approve the consent agenda without item 2e. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Falmouth Municipal Light Plant, Mr. Renshaw sought information regarding the Town processes that would be required. He met with staff, put the information together, sent it on 4/25/24, and has received no reply.

Copy of flyer was provided to the Select Board. Town Planning Department launched two planning projects and are seeking community feedback; parking and wayfinding. Hosting an open house on Thursday, 5/16 10am-12pm and 5-7pm at the Hermann Room in the library.

SELECT BOARD REPORTS

Mr. Mascali

Attended Arbor Day Celebration.

Council on Aging meeting, they are revising some policies and procedures and will forward to Mr. Renshaw.

Appreciates the update of all departments and what they are doing from Mr. Renshaw.

Mr. Brown:

Beach Committee presentation on Surf Drive.

Zoom conference with company on short-term rentals.

Ms. Scott Price:

Fire Fighter Appreciation, there was a nice community turn out.

Mr. Mascali made a motion to adjourn at approximately 8 p.m. Ms. Scott Price seconded the motion. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves

Recording Secretary