

TOWN OF FALMOUTH
SELECT BOARD
Open Session Minutes
MONDAY, JUNE 3, 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.

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

6:30 p.m. - OPEN SESSION

Call to Order: By Chair Nancy Robbins Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Reorganization of the Select Board

Motion by Mr. Zylinski: To reappoint Nancy Robbins Taylor as Chair of the Select Board. Second: Mr. Mascali Roll Call Vote:

Zalinski: Aye

Brown: Aye

Mascali: Aye

Goldstone: Aye

Taylor: Aye

Motion by Chair Taylor: To reappoint Scott Zylinski as Vice Chair of the Select Board.

Discussion:

Mr. Brown suggested allowing Mr. Mascali to be Vice Chair, due to Mr. Zylinski's potential work conflicts. Mr. Zylinski stated that he has structured his work in order to handle the Vice Chair role.

Second: Mr. Zylinski Roll Call Vote:

Zalinski: Aye

Brown: Aye

Mascali: Aye

Goldstone: Aye

Taylor: Aye

Proclamations

- a. Proclamation declaring June 7-9, 2024, as Wear Orange Days in recognition of National Gun Violence Awareness Day and Weekend

Mr. Mascali read the proclamation into the record.

Motion by Mr. Mascali: That we: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone, of the Select Board of the Town of Falmouth do hereby proclaim June 7, 2024, to be Wear Orange Day, and the June 8th and 9th weekend to be Wear Orange Weekend in Falmouth MA, and witness whereof we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed this day Monday, June 3, 2024.

Second: Mr. Brown Vote: Yes – 5 No – 0

- b. Proclamation – Honoring the service of Rabbi Elias Lieberman

This item was tabled to a future meeting.

- c. Resolution congratulating The Woods Hole Golf Club on the occasion of its quasiquicentennial year

Mr. Mascali read the resolution into the record.

Motion by Mr. Mascali: That the Select Board of the Town of Falmouth congratulates the Woods Hole Golf Club of Falmouth MA for all of its good work and recognizes the historical and community value it holds for the Town of Falmouth and, be it further resolved that copies of this resolution suitably engrossed be transmitted to the leadership of the Woods Hole Golf Club in Falmouth MA, and witness whereof we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone.

Second: Mr. Zylinski Vote: Yes – 5 No – 0

Recognition – Presentation of citations to the Cape Cod Wheelchair Curlers: Mr. Renshaw introduced members of the Cape Cod Wheelchair Curlers and Senator Susan Moran presented citations to them.

Mr. Mascali recognized Mike Duffany, his family, and his business for hosting the free Memorial Day concert.

Mr. Brown recognized the Zoning Board of Appeals for all of their work on recent applications.

Mr. Zylinski recognized all of the volunteers at the Joe Q Veterans Center.

Announcements: Mr. Mascali stated that on Friday there will be a Soldier Ride at 9:30am starting in North Falmouth. On June 12th the Cape Cod Commission will hold a virtual hearing regarding the proposed YMCA facility.

Public Comment:

Tom Stone, Precinct 6 and Vice President of the Falmouth Gun Safety Coalition, thanked the Board, Mr. Renshaw, and the Police Chief for working to reduce the number of guns in Falmouth.

Matt Handley, Precinct 6, noted that he attended a recent ZBA meeting and echoed Mr. Brown's comments on the democratic process that was involved. He noted that the Town seems to be trying to increase transparency and listen to the residents' voices. He urged the Board to look into the new National Heritage Fish & Wildlife maps as they do not show some of the existing protected species. He would also like to see all boards in the Town return to open meetings.

COMMITTEE INTERVIEWS

Interview, vote and appoint committee members

1. Regulatory boards
 - a. Board of Health – Jed Goldstone

Ms. Goldstone recused herself from this item.

Motion by Mr. Zylinski: To reappoint Jed Goldstone to the Board of Health for a three-year term until June 30, 2027. Second: Mr. Brown Vote: Yes – 4 No – 0

Ms. Goldstone retook her seat.

- b. Historical Commission – Annie Dean, Johanna Reed, Mason Wilcox

It was noted that Annie Dean was not present at this time. The Board rescheduled her appointment to a future meeting.

Motion by Mr. Brown: To appoint Johanna Reed to the Historical Commission for a three-year term until June 30, 2027. Second: Mr. Zylinski Vote: Yes – 5 No – 0

Motion by Mr. Brown: To appoint Mason Wilcox to the Historical Commission for a three-year term until June 30, 2027. Second: Mr. Zylinski Vote: Yes – 5 No – 0

2. Committee reappointments (uncontested seats)

Motion by Chair Taylor: To reappoint Committee members, as listed in the packets. Second: Mr. Zylinski Vote: Yes – 5 No – 0

BUSINESS

Update – Cape and Islands District Attorney – Robert Galibois

Robert Galibois, Cape and Islands District Attorney explained that the DA has its first forward-facing website. He updated the Board on human trafficking, human rights/hate incidences, and community engagement. He explained that there are community engagement groups called ‘DA & Us’ which they are trying to expand to towns across the Cape. Regarding the DA’s budget, he requested stakeholders across the Cape and the Islands to justify a nearly 60% budget to have parity with the Northwest District.

Discuss and vote on reduction of Veterans Center lease payment

Mr. Renshaw explained that in September 2021 there was a competitive proposal process, after which the Town executed a lease agreement with Joe Q Veteran Coffee Break Incorporated for the former Senior Center. The initial term of that lease agreement was five years, expiring August 31, 2026. Under the terms of the lease, the Town is responsible for repair of the major systems of the building and Joe Q Veteran Coffee Break is responsible for maintenance and upkeep of the property. The lease includes a market rate of \$4,000 per year and allows the Town to recapture a portion of the cost to meet those maintenance/repair obligations. All of the work completed at the building has been funded by a combination of grants, donations, and in kind donations of labor. While there is not an accurate costing of the value of these improvements, the estimated is in excess of \$100,000. The value which has been added

to the property far exceeds any amount of lease that the Town would recover based upon the current terms of the lease agreement. The recommendation is to amend the existing lease, that the rent for 300 Dillingham Avenue to Joe Q Veteran Coffee Break be reduced from \$4,000 per year to \$1.00 per year.

Motion by Chair Taylor: To amend the existing lease, that the rent for 300 Dillingham Avenue to Joe Q Veteran Coffee Break be reduced from \$4,000 per year to \$1.00 per year.

Second: Mr. Brown Vote: Yes – 5 No – 0

Request from Falmouth Farmers Market, Inc. for a waiver/reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park on Thursdays from 5/30/24 – 10/17/24

Mr. Renshaw explained that, for the past seven years, the Select Board has voted to reduce the special event permit fee to the \$200 base fee plus an additional \$500 in-kind donation. The \$500 in-kind donation is used to take care of the garden area in front of the Harbor Masters Office.

Mr. Brown asked if the event is cancelled on rainy days. Lindsey Close, President of the Farmers Market Board of Directors, stated that the event is only cancelled on very stormy days but not for a light drizzle. Mr. Brown noted that there is a policy regarding responsibility for the grounds, if damaged.

Motion by Mr. Brown: To approve the reduction of the special event permit fee to a \$200 permit fee and \$500 in-kind donation for the care of the Harbor Master's Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from June 6 to October 17, 2024.

Second: Mr. Mascali Vote: Yes – 5 No – 0

Vote to authorize the extension of the special temporary outdoor seating approvals of 2023 to April 1, 2024, through April 1, 2025, to those restaurants which had approved temporary outdoor dining licenses on March 31, 2024

Mr. Renshaw explained that the Governor's Office submitted a memorandum regarding reducing the review and approval of such applications for outdoor alcoholic beverages table service so that they would no longer be performed by the Alcoholic Beverages Control Commission (ABCC). All other types of alterations of premises applications would continue to be submitted through the ABCC. The Act requires municipalities to take sole responsibility for the review and approval of these outdoor alcoholic beverage table service areas. A thorough review of the complex change to the procedures is recommended through Town Counsel's office and Town Counsel is currently recommending undergoing the review. An extension is available only to those existing license holders that were approved for the temporary outdoor seating back in 2023 and whose permit expired on March 31, 2024. The recommendation is to approve the request to authorize this extension of the special temporary outdoor seating approvals of 2023, spanning the period of coverage from April 1, 2024, through April 1, 2025, allowing a one-year extension to those restaurants that had temporary outdoor dining licenses approved through March 31st.

Mr. Mascali asked what happens for restaurants that were not previously approved that would like to have outdoor dining. Mr. Renshaw stated that staff is working with Town Counsel to create those procedures. Staff would like to be able to mirror the former process that was under ABCC.

Motion by Mr. Zylinski: To approve the request to authorize the extension of the special temporary outdoor seating approvals of 2023 to April 1, 2024, through April 1, 2025, to those restaurants which had approved temporary outdoor dining licenses on March 31, 2024.

Second: Mr. Mascali Vote: Yes – 5 No – 0

Discuss and vote to establish Taskforce 2026 for the Planning and Coordination of the Nation's 250th Anniversary

Karen Rinaldo, Falmouth Visual Historian, and Bob Ripley, 250th Anniversary Advisor, presented on the planning and coordination of the Nation's 250th Anniversary. The economic benefits to Falmouth from hosting a 250th celebration include increased tourism to Falmouth and Woods Hole, increased Falmouth Room and Meals Tax revenues, increased hotel and room rentals in Falmouth, increased revenue for businesses in Falmouth and Woods Hole, and encouraging new businesses to develop in Town. The proposed Working Group would be working to design a Town specific logo for this event, a comprehensive plan to celebrate the event, identifying funds, coordinate with the School District and local historical societies, and provide opportunities for local people to be involved. The Working Group would also like to consider reestablishment of the militia and a reenactment of the Battle of Falmouth.

Mr. Renshaw stated that many of the towns on Cape have already formed citizen committees or task force groups to begin the planning process for this event. He recommended the creation of a Task Force 2026 for the planning and coordination of the Nation's 250th Anniversary. He proposed this be comprised of a seven-member group of individuals appointed by the Select Board in accordance with the Board's existing Appointment Policy. The Task Force would be responsible for developing a comprehensive plan for the 250th Anniversary celebration, including identifying potential grant funding opportunities. This Task Force would have a specific start date and end date, with the start date proposed to be effective at the creation of the Task Force and an end date of July 15, 2026. He recommended quarterly or semi quarterly updates and reports to the Select Board from the Task Force. He also recommended that the Task Force draft a mission statement or charge in consultation with his office as its first order of business which would be brought back the Board for approval.

Mr. Mascali asked about staff involvement in the Task Force. Mr. Renshaw stated that he will try to minimize the amount staff is leaned on for the Task Force process.

Ms. Goldstone asked about the role of the Select Board in this process and the proposed end date for the Task Force. Mr. Renshaw stated that the Select Board's role will be to take periodic reports and recommendations from the Task Force. He stated that he sees the proposed Task Force end date as the zenith of the likely celebrations. Chair Taylor noted that the Task Force may request a different end date if it sees fit.

Mr. Brown asked about the recommendation of the Town Manager for a seven-person Task Force, when the presentation noted an 11-person request. Mr. Johnson-Staub noted that, for an 11-person group, there would have to be a quorum of six members present in order to hold a meeting. Mr. Brown suggested a group of organized citizens, instead of a Town group. Mr. Renshaw stated that a Select Board appointed body could give the group extra weight. Chair Taylor stated that a group of organized citizens may not get the support of the Select Board as needed.

There was agreement on the Board to allow for the Task Force to be created, with the intention of presenting a mission statement and other specifics to the Board at a future meeting.

Motion by Mr. Zylinski: To create the Task Force 2026 for the planning and coordination of the Nation's 250th Anniversary as presented, to properly advertise for applications.

Second: Mr. Mascali Vote: Yes – 5 No – 0

Discuss and vote to approve an Entertainment Regulation and amendments to the Special Events Use Policy

Mr. Renshaw explained that he had a conversation with Town Counsel earlier this afternoon in regard to the Entertainment Regulation portion of this item. Mr. Renshaw explained that he is requesting the Board discuss the proposed Entertainment Regulation, while noting that a public hearing is required for the formal adoption of a regulation. That hearing will likely be set for the July 15th meeting date. He asked that the Board also discuss and vote to approve the Special Events Use Policy, as revised to develop a new Entertainment Regulation. The proposed Entertainment Regulations offer additional specificity with regards to restrictions that would be placed upon businesses that engage in entertainment activities, including outdoor music. This will allow for enhanced enforceability of violations when complaints are made. Last summer, the Board and staff were inundated with many e-mail complaints on this topic. Regarding the proposed entertainment regulations, there is no existing documentation that memorializes or documents what would be considered a violation. Proposed item #7 deals with speakers and amplification and states that “any speakers or amplification systems must be directed towards the interior of the property. Noise shall not be audible to a reasonable person beyond the property line of the licensed premises.” This item was based upon the Noise Bylaw that is currently in place. A new Noise Bylaw is being worked on for the November Town Meeting that will be more objective and quantitative in terms of decibel readings. Proposed item #8 states that any noise from outdoor entertainment must be contained within the property lines or a license shall not be issued. Lastly, item #9 in the proposed regulations looks to place the onus on the applicant to notify abutters of an entertainment license application. Currently the Select Board Office issues those letters to abutters and incurs the cost associated with advertising for the public hearing.

Mr. Renshaw stated that the proposed amendments to the existing Special Events Use documents are intended to provide a connection between the proposed entertainment regulation to the existing Special Events Use and Entertainment License Policy. Item #3 of the amended Special Events Use Policy includes specific categories which would require a public hearing. The Town does not currently have a document that outlines and enforces an application into the public hearing arena. This proposed change will allow applicants to know what will be required in terms of a potential public hearing.

The Board addressed the Special Events Use Policy.

Mr. Mascali stated that he would like to wait to vote on the regulation and policy at the same time. The community may not have seen the policy yet.

Mr. Brown stated that he would like to consider how to address certain events, such as entertainment at the fairgrounds or the band shell, that may be okay with the Board but goes beyond the property lines. Mr. Renshaw stated that it may be appropriate to allow the Board and public additional time to review these documents to make sure the language is correct.

Motion by Mr. Zylinski: To table this item to July 15, 2024.

Second: Mr. Brown Vote: Yes – 5 No – 0

Approve application for a Change of Hours of a Seasonal All Alcoholic Beverages License – 71 Water Street, Inc. dba The Woods Hole Wharf located at 71 Water Street, Woods Hole

Mr. Renshaw stated that the application was filed on May 20th for 71 Water Street, Inc. dba The Woods Hole Wharf for a change in hours of a Seasonal All Alcoholic Beverages License. The current business hours are 11:00 AM - 1:00 AM Mondays through Saturday, and 12:00 PM - 1:00 AM on Sundays. The applicant is requesting to operate from 8:00 AM - 1:00 AM Monday through Sunday. The applicant states that the purpose of the request is to facilitate the operation of a breakfast service which would complement the existing business, as there is currently a lack of breakfast services in the Woods Hole area. The Police Department, Fire Rescue, and the Building Department have reviewed the application

and have no issues or concerns. He noted that, per MGL 138 Section 33, alcohol cannot be served on Sundays prior to 10:00 AM.

Motion by Ms. Goldstone: To approve the proposed change of hours of a Seasonal All Alcoholic Beverages License for 71 Water Street, Inc. dba The Woods Hole Wharf located at 71 Water Street, Woods Hole, amended to 10:00 AM on Sundays.

Second: Mr. Brown

Vote: Yes – 5 No – 0

Approve application for new Lodging House License – Woods Hole Passage – 186 Woods Hole Road

Motion by Mr. Mascali: To approve the application for a new Lodging House License for Woods Hole Passage, 186 Woods Hole Road, as presented.

Second: Mr. Brown

Vote: Yes – 5 No – 0

Request for variance to Sign Code §184-18, C Measurement of Sign Area and §184-25, B.3. Freestanding Signs: Aldi, 39 Davis Straits, Falmouth

Mr. Renshaw explained that ALDI has applied for four signs to be located in the B2 Zoning District. He stated that his recommendation to Select Board is to support the recommendation of the Building Department to require the applicant to reduce the size of their signs to meet the bylaw.

Heather Dudko, National Sign Company, explained that the request is for a variance for the proposed signage for ALDI, as the proposed signage does not meet the bylaw for size. There are two wall signs proposed on the building. The building was the former Christmas Tree Shop. It has approximately 180' of frontage and a setback of approximately 350' from Route 28. The front façade is approximately 4,300 s.f. There was an existing Christmas Tree Shop sign of approximately 240 s.f., there is an existing Christmas Tree Shop pylon sign in the center of the parking lot, and there is an existing Christmas Tree Shop directional sign at the curb cut at the entrance. ALDI is proposing two wall signs, internally illuminated. One sign is proposed to be 120 s.f., where 75 s.f. is allowed. There is also a height restriction that would require a variance. The existing sign in the parking lot is proposed to be removed, with a monument sign proposed to be installed near the entrance. This meets the square footage and setback requirements, but the proposed 52" will exceed the overall height allowed. Secondly, a monument sign is proposed to be 7 s.f., and a third sign will replace the directional sign at the entrance. The sign box for this exceeds the height allowed. The pylon sign in the parking lot was suggested to be moved closer to the road, leading to a challenge for visibility and the request for the directional sign.

Rich Derbes, ALDI Director of Real Estate, explained that the proposal for the directional sign at the curb cut is to funnel the traffic into the most appropriate entrance. The proposed signs do not meet the code, but the request is for the Board to be consistent with allowances in the past. The old Christmas Tree Shop sign was very long and large. The proposed logo makes for a taller sign which does not fit with the design of the sign.

Mr. Mascali asked if the proposed variance is for 16". Ms. Dudko explained that the sign box itself is 12', which is a problem as the Building Code states there should be a 3' maximum allowed.

Mr. Zylinski stated that he does not have as much of an issue with the proposed façade signs, but he is concerned with the sight line distance of the pole sign proposed. The proposed signs may mask the sight line.

Ms. Goldstone asked about potential mitigation of light pollution from the internally illuminated building signs. Mr. Derbes stated that one sign faces the parking lot, and the other sign faces a nearby business.

Mr. Brown asked about the Building Department's recommendation. Mr. Renshaw explained that the issue with regard to the entrance/directional sign is that the signage itself is proposed to be 52" and the bylaw limits this to 3'. The request is that the applicant consider reducing the height of the sign itself. The Board could require this of the applicant. All of the signs are proposed to be internally illuminated. A variance could be considered for the internal illumination proposed, but the bylaw language does not speak to how bright is too bright.

Ms. Goldstone asked about the square footage of the nearby Shaw's and Stop & Shop signs. Mr. Derbes stated that he believes that the Shaw's sign is approximately 5'-6'. The Convenient MD business across the street has a 4' sign. Mr. Brown noted that some of these signs were installed prior to a bylaw. Buildings are often built to consider proposed signage. Ms. Goldstone stated that she would be comfortable varying from the 3' height due to the logo and overall signage.

Mr. Brown expressed concern regarding the brick base proposed for the pole sign. Mr. Derbes explained that this could be changed. He suggested two slim brick poles, similar to the nearby CVS sign, for the entrance sign to allow for additional sight line space, while also considering a reduction for the directional sign.

Motion by Mr. Zylinski: To approve the size variance for the two signs on the building, noting that the applicant will come back for the illumination variances and the two roadway signs.

Discussion:

The Board discussed the brightness of the proposed internal illumination. Mr. Derbes suggested that he could bring back specifications at the next meeting. Mr. Renshaw suggested bringing back information on the lumens of the proposed signs and nearby signs for a future meeting. Ms. Goldstone asked for additional information about the potential to change the amount of illumination post-installation.

Second: Mr. Mascali

Vote: Yes – 5 No – 0

CONSENT AGENDA

Licenses

- a. Approve application for a Special One-Day Wine & Malt Liquor License – Highfield Hall and Gardens, 56 Highfield Drive – Fabulous Falmouth Females Garden Party – Thursday, 6/27/24 from 5:00 p.m. – 7:00 p.m.
- b. Approve application for a Special One-Day Wine & Malt Liquor License – Cape Arts & Entertainment – Cape Symphony Presents – Cape Cod Conservatory, 60 Highfield Drive, Falmouth – Thursday, Friday, Saturday, June 20 to June 22, 2024

Administrative Orders

- a. Request for variance to Sign Code §184-32 Off-Premises Signs: Cub Scout Pack 41 – display from 8/30/24 to 9/23/24
- b. Request for variance to Sign Code §184-30 (C) Special Events: Juneteenth event sign at St. Barnabas Church, 91 Main Street
- c. Approve Eversource petition to install approximately 30' (feet) of 1-3" conduit under town road starting at new handhole to be labeled 193/3HHA at base of existing pole 193/3 to customer's property. This work is necessary to provide electric service to #14 Montgomery Avenue.

- d. Approve letter of support for the FY25 Community One Stop for Growth Expression of Interest (EOI) for Nathan Ellis Highway (Route 151) Water Main Extension

Motion by Mr. Zylinski: To approve Consent Agenda, as presented.

Second: Ms. Goldstone Vote: Yes – 5 No – 0

MINUTES

Review and vote to approve minutes of meetings

- a. Public Session – May 20, 2024

Motion by Mr. Brown: To approve the meeting minutes of the Public Session – May 20, 2024.

Second: Mr. Mascali Vote: Yes – 4 No – 0 Abstain – 1 (Ms. Goldstone)

TOWN MANAGER’S SUPPLEMENTAL REPORT

- Staff has developed a Request for Qualifications for an Owner’s Project Manager (OPM) for the new Police facility. The OPM is anticipated to assist in selecting an architect.

SELECT BOARD REPORTS

- The Board will review Committee assignments at the next meeting.
- Ms. Goldstone attended the 40th Anniversary Celebration for Newcomers.
- The Short-Term Rental Working Group discussed options to move forward and will focus on ideas for potential regulations.
- Mr. Brown attended a Mass Cultural Council meeting.
- Mr. Mascali attended Falmouth High School’s 50th graduation.
- Mr. Mascali and Mr. Brown attended the 125th anniversary of the Woods Hole Golf Club.
- Mr. Zylinski attended a Rod & Gun Club yard sale event.

ADJOURN

Motion by Ms. Goldstone: To adjourn at 8:50pm. Second: Mr. Mascali

Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary