

TOWN OF FALMOUTH
SELECT BOARD
OPEN MEETING MINUTES
MONDAY, OCTOBER 2, 2023 – 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: Robert P. Mascali; Edwin (Scott) Zylinski II; Onjalé Scott Price; Douglas C. Brown

Absent: Nancy Robbins Taylor, Chair

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

6:30 p.m. - OPEN SESSION

Call to Order: By Acting Chair Zylinski at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition: None at this time

Announcements: Mr. Mascali noted that December 21st will consist of the Longest Night Sleepout event.

Mr. Brown stated that Staff Appreciation Day was held a couple of weeks ago.

Public Comment:

Karen Bissonnette expressed disappointment with the Board's vote on the Emerald Properties item. She stated that the agenda item for this called for an update but said nothing about a vote. Considering the importance of the issue, she thought the Board would have waited until its members were able to fully attend. She reminded Board members that there are 30,000 constituents who do not live in the Davisville area, many of whom think that the creation of housing on this parcel is a good idea. The Town is in a housing crisis, and she can think of no better time to use Town-owned land for this purpose. If the Board believes that affordable housing is a priority, it needs to take bold steps for its creation. She asked the Board to revisit this opportunity with the Housing Coordinator, Town Planner, and other housing advocates to come up with a plan that may be more satisfactory.

Martina Kahn, East Falmouth, stated that tourism is the backbone of Falmouth's economy and a lot of that tourism is supported through short term summer rentals in the homes of Falmouth residents. However, there is a dark side of the short term rental industry. She was told by a Town official that an estimated 5,000 family homes have some level of short term rentals through the year. More than 90% of these people likely follow the laws but for the 10% who do not, there

should be the creation of stronger laws. For the last several years, her neighbor who has a two bedroom house with a three bedroom septic has been advertising the house as a 14 bed rental. According to Town law Section 172.1, the neighbor is not allowed to have more than six renters in their home, two per legal bedroom; however, there have been 7-12 cars full of guests at their home with anywhere from 20-40 overnight guests. These guests are not coming to Falmouth to spend their money at restaurants and shops, but to spend the entire week in the yard being loud, belligerent, and ruining the lives of neighbors. She and her neighbors are no longer able to spend time in their own yards, as there is a constant party going on next door. Due to recent events of parties, neighbors are starting to feel unsafe in the neighborhood. This is just one neighbor, and this situation happens throughout the Town. Falmouth's rental laws were last updated in the 1970s, decades before the invention of the internet and short term rental websites. Towns throughout the country have created updated laws to handle short term rentals, include the town of Barnstable which has regulations including a 24/7 complaint hotline number where a homeowner must be available within 30-60 minutes to deal with complaints, and a limit on the number of guests and the number parked cars. A small percentage fee for rentals would allow for the Town to hire an employee to deal with these issues.

Laura Moynihan stated that there is a lot of work to do to address the housing crisis. The work cannot continue to be done piecemeal by other Town staff with other priorities. It requires an affordable housing department with a director and a full time assistant. The current coordinator cannot possibly address all the work which can involve recreating a local initiative program committee as the Town had for many years, updating the LIP guidelines for development and density, which has been requested since 2019. The Emerald Property development could have been avoided if the Staff had approved guidelines to follow. An affordable housing site review committee could be the first stop for all proposed developments. Staff could provide a web page for affordable housing development containing past housing projects, guidelines for developers, and contact information. The goal should be to design a project which fits within the community and the approved guidelines. The Board should finalize the housing opportunity purchase program presented to it in May 2022. This program has not gone anywhere since the Board voted to have the Staff work on it over a year ago.

Korin Peterson, Buzzards Bay Coalition, urged the Board to recommend an amended Article 6. The Coalition and the Town agree more than disagree on the future of wastewater planning in Falmouth. Both support the design of the sewer collection system for Teaticket. The expansion of sewer in densely developed neighborhoods is by far the most effective way to restore coastal ponds. The Coalition supports the Town's pursuit of an ocean outfall that will reduce pollution Town-wide. However, the Coalition disagrees with the discharging of wastewater into Sites 14 and 15 which flow to Crocker Pond and Herring Brook. This is not needed or appropriate. The Town hired a consultant to assess whether dumping more nitrogen into Herring Brook would be harmful, but this did not fully evaluate all the issues affecting Crocker Pond and Herring Brook. The report is inadequate. A more holistic view of the area tells a different story. In 2012 the State listed Herring Brook as impaired and polluted by nitrogen. A more recent salt marsh study concluded that the salt marsh in Herring Brook was degraded. Of the 12 salt marshes examined across Buzzards Bay, Herring Brook had the second highest rate of salt marsh loss. Adding nitrogen to Herring Brook would accelerate further degradation. Based on these conclusions, the Coalition disagrees with the Town's consultant. The Town does not anticipate having a permit to

discharge to Sites 14 and 15 before 2028. This is the same timeline that an outfall can probably be obtained. The Coalition wants to support Town Meeting articles which solve wastewater challenges.

Matt Haley, abutter to Sites 14 and 15, stated that he has watched the development of the waste treatment plant and believes it's been a bad idea since day one. Moving nitrogen from East Falmouth and disposing of it in West Falmouth has never been a good idea. The Buzzards Bay Coalition has drafted a good amendment, and the Town should work towards an outfall pipe to solve the solution of Falmouth's water quality. There will be severe opposition the proposed Article, including from the Coalition, the West Falmouth Village Association and the North Falmouth Association will likely oppose it once residents discover that Herring Brook dumps into Old Silver Beach.

Molly Moynihan, postdoc researcher Woods Hole, read a comment for a colleague which stated that this Town is the only place in her 16 years of living in the US where she struggled with finding a home. She did manage to find an affordable rental space but moved three times in one year. This past summer, she actually could not find a place and had to stay in emergency housing provided by the Marine Biological Lab (MBL). She could not find a place for her mom to also stay. She has since moved to North Carolina, and it has been so refreshing to easily find a place to go home to that is affordable. It is difficult to work when one is constantly worried about housing or not being able to have family over. She urged the Board to consider making affordable rental spaces to retain people in the Town who want to happily work and not worry about being homeless.

Miranda Vogt, research assistant at MBL, stated that she was warned of the housing crisis during the interview process for her job but decided that the opportunity to work at a leading science institution doing a job she loves was worth the extra effort to find a rental. It has been two years, and she still has not found a living situation that feels like home. She currently lives in a three bedroom house with a total of five people. She wants to live in a Town that she works in, to be able to have fewer roommates, and to save towards retirement and be able to afford a house and a family - things previous generations were able to do in their early 30s. She is deeply disappointed that the Board chose to table the proposed Emerald Properties project when it would consist of exactly the kind of units that this Town badly needs. The Board's inaction on actual solutions speaks against its supposed want to prioritize building affordable year round rental units in Town. Doing so would prioritize the future of the community and the people who live here.

Michael Taylor stated that he has had friends move away due to the housing crisis, and others that are renting houses for nine months of the year only to then try to find another rental. The people that should be addressing this situation, are not.

Robert Brown stated that in September 2023, he attended two Community Preservation meetings and one Recreation Committee meeting and learned that the Town has yet spent any money of the \$1.4M from Town Meeting approved Community Preservation funds to rehabilitate Little League Park. The Recreation Director is in charge of the memorandum of understanding between the Town and the Little League and has reported that he does not have any time due to

pickleball. He would like to see better communication from the Town, and he asked if there will be a Little League season in 2024. The Park is not accessible to less abled adults and unsafe for children and adults. The 1978 baseball backstops and fencing are unrepairable. The Park has been ignored by the Town despite begging. The Town claims that it needs \$1M to finish the Little League Park but budgeted \$2.6M for pickleball in 2023 and \$1.6M for an artificial turf field. Pickleball won the budget lottery on the backs of children. He asked for the Board's support.

Marc Finneran, Grand Ave, stated that a consultant spent time years ago examining all the Town-owned properties to find which one was best for affordable housing. It was determined that the best and first parcel to be developed was the property on Woods Hole Rd. The Board should review that report and see if it flies. That piece of property would solve many people's problems.

PUBLIC HEARINGS

1. Application for an Entertainment License – Cape Arts & Entertainment d/b/a Cape Symphony Presents, to be exercised at 60 Highfield Drive, Falmouth

Ms. Scott Price read and opened the hearing.

Mr. Renshaw stated that Cape Symphony Presents is requesting an Entertainment License associated with a slate of music/dance events to be held at 60 Highfield Drive. The original application was submitted on September 14th in disarray and was then resubmitted. The proposed hours of the entertainment are from 6:30PM-9:30 PM and the applicant anticipates approximately 100 people per event. The Fire Department has reviewed the application and submitted plans and has no objections.

There was no public comment at this time.

Motion by Mr. Mascali: To approve the application for an Entertainment License.

Second: Mr. Brown. Vote: Yes – 4 No – 0

BUSINESS

1. Approve bond sale

Finance Director Ed Senteio explained that this is related to a bond sale which took place for various items. The Town has able to receive a great interest rate, below 4%.

Motion by Ms. Scott Price: To approve the motion prepared by Bond Council entitled "Vote of the Select Board contained in the Select Board packet."

Second: Mr. Mascali. Vote: Yes – 4 No – 0

2. Report – Shellfish Advisory Committee

The Board heard a report from Pete Chase of the Shellfish Advisory Committee.

3. Report – Board of Library Trustees

The Board heard a report from Judith Fenwick of the Board of Library Trustees.

4. Update – Plastic Reduction Advisory Committee

The Board heard an update from Amy Roth of the Plastic Reduction Advisory Committee.

5. Presentation – Interim action plan for trash reduction/composting – Solid Waste Advisory Committee

The Board heard a presentation from Alan Robinson, Solid Waste Advisory Committee. He explained that the Committee is looking to obtain the Board's support to perform tasks to facilitate Falmouth developing an information base to guide future decision-making regarding solid waste management specific to food waste reduction and composting. He reviewed the Committee's Initial Action Plan.

Commissioner Forest discussed similar activities going on in the County. There are some funding opportunities being examined.

6. Request for variance to sign code §184-18, §184-25 and §184-31 – Barlo Signs International on behalf of The Wilder Company, 137 Teaticket Highway, in order to replace two freestanding signs

Mr. Renshaw stated that on August 22nd, Barlo Signs International submitted a letter requesting a variance to replace two existing freestanding signs located on the property of 137 Teaticket Highway. The applicant proposes to replace both of the freestanding signs in their existing locations for increased visibility. The existing signs are hidden behind some vegetation. Moving these signs and increasing the square footage will enhance visibility to the business. The area of the proposed replacement sign exceeds the maximum total area allowed in the bylaw. Sign A has an area of 80 s.f., where 40 s.f. is allowed and a proposed Sign B has an area of 61 s.f. where 40 s.f. is allowed. The Fire Department noted that there is a road segment in Falmouth by the same name and suggested changing the name to avoid confusion.

Lauren Pascarella, Barlow Signs, explained that the proposed sign designs are believed to be an improvement to what is currently in place. The applicant intends to remove the existing signs, which include rotting wood structures, and replace them with new signs. The leading edges of the signs will remain the same. The tenant cabinets will have opaque faces with translucent copies so that only the tenant copy will illuminate at night. Existing and future tenants will need to adhere to the guidelines of the tenant cabinet so that all backgrounds will match, remain the same color, and will not light. There will be no company branding colors on the sign, only gray and white to create consistency. Both signs will have a modern New England style with flat, cut out acrylic letters to identify the shopping center. These letters will have external, low-profile LED down lighting. Sign A is a double face sign while Sign B is a single face sign. Sign A will include a planter to enhance the overall look and help it blend with the surrounding environment. Sign B will be situated at an angle to be seen from traffic from the four way intersection. It will

not have a planter and will be smaller in scale. The proposed signs are larger than the current signs. Town code allows for new signage layouts for tenants to have a copy height between 6'-8" tall, providing good-excellent readability from 60'-80' away.

Mr. Brown stated that there appear to be issues that need to be considered, including that Sign A may not be located on the applicant's property and Sign B may be within the setback.

Mr. Renshaw suggested continuing this hearing in order to gather more information on the items mentioned.

Motion by Ms. Scott Price: To follow the recommendation of the Town Manager and table this hearing.

Second: Mr. Brown. Vote: Yes – 4 No – 0

7. Vote article recommendations for November 2023 Annual Town Meeting

Mr. Renshaw explained that there are seven articles for which the Select Board has responsibility for submitting a recommendation to the November 13th Town Meeting. The Finance Committee submits recommendations for all of the financial funding related articles. The Planning Board submits recommendations for any zoning related articles.

The Board discussed petitioner Articles 12 and 13. Article 12 was submitted by Harborside Realty in regard to a sidewalk encroachment. The request is to place two curb cuts and grading and laying base for the driveway. This petition article seeks to expend Town resources on private property. He stated that he cannot recommend that the Board approve moving forward with this article. Mr. Brown stated that he wished that the applicant did not make any mention of work on their private property because that is a pitfall, but the actual curb is on Town property. He is supportive of fixing the curb issue. Mr. Renshaw explained that the existing piece of sidewalk will be removed from the resident's private property.

Motion by Ms. Scott Price: To recommend Indefinite Postponement for Article 12.

Second: Mr. Mascali. Vote: Yes – 3 No – 1

Mr. Renshaw stated that Article 13 requests the Town to advise the Board to authorize a urine diversion pilot project in conjunction with the Massachusetts Alternative Septic Test Center.

Motion by Ms. Scott Price: To recommend Article 13 as printed.

Second: Mr. Zylinski. Vote: Yes – 4 No – 0

Mr. Renshaw stated that Article 14 requests to see if the Town will amend the Town's Position Classification Plan or take any other action on the matter. His office is seeking approval to add four positions to the Town's Classification Plan (Deputy Police Chief, Senior Project Manager, Coastal Resilience Coordinator, Assistant Human Resources Director), and to change the pay classification for two existing positions. It is yet to be determined if there will be room in the FY25 budget for these positions.

Motion by Ms. Scott Price: To recommend Article 14 as printed.

Second: Mr. Zylinski. Vote: Yes – 4 No – 0

Mr. Renshaw stated that Article 17 deals with senior citizen real property tax exemptions and increasing the tax exemption from \$500 to \$1,000 to be effective beginning on or after July 1, 2024. There are some qualifying parameters that have to be met. This may ease some of the pressure on seniors trying to remain in Town.

Mr. Mascali asked about the impact to the Town from this increase. Mr. Renshaw explained that the total cost will be \$67,750 which includes the other proposed changes from the additional Articles.

Motion by Mr. Brown: To recommend Article 17 as printed.

Second: Ms. Scott Price. Vote: Yes – 4 No – 0

Mr. Renshaw stated that Article 18 looks to reduce the qualifying age from 70 to 65 for the senior citizen real property tax exemption. This should reduce some of the challenges and burdens associated with affordability and living within the Town of Falmouth for the senior population.

Motion by Ms. Scott Price: To recommend Article 18 as printed.

Second: Mr. Zylinski. Vote: Yes – 4 No – 0

Mr. Johnson-Staub stated that Article 19 deals with a provision in the State law which allows the Town to adjust the income qualifications for the senior citizen real property tax exemption by the CPI.

Motion by Mr. Mascali: To recommend Article 19 as printed.

Second: Ms. Scott Price. Vote: Yes – 4 No – 0

Mr. Renshaw stated that Article 20 looks to see if the Town will vote to adopt to provide a \$500 real property tax exemption to qualified blind persons effective beginning on or after July 1, 2024.

Motion by Ms. Scott Price: To recommend Article 20 as printed.

Second: Mr. Brown. Vote: Yes – 4 No – 0

CONSENT AGENDA

1. Licenses

- a. Approve administrative correction of corporate name of the Wine and Malt Beverages Common Victualler License for Seafood Sam's Falmouth, Inc., 356 Palmer Avenue

2. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to relocate one (1) JO police labeled 10/124

approximately 30' (feet) southwest of existing location and to install one (1) JO pole to be labeled 10/124-25 approximately 60' (feet) southwest of existing police 10/124-5. This work is necessary to provide underground electric service to 878 Sandwich Road.

b. Application for two Special One-Day Wine & Malt Beverages Licenses – Vine Food & Restaurant, Inc. d/b/a The Vine located at 824 Main Street, Falmouth – Saturday, October 7, 2023, from 5:00 p.m. to 8:00 p.m. and Saturday, October 21, 2023, from 6:00 p.m. to 10:00 p.m.

c. Application for a Special One-Day All Alcoholic Beverages License – Falmouth Theatre Guild to be located at 56 Highfield Drive, Falmouth – Saturday, October 7, 2023, from 7:30 p.m. to 10:00 p.m. and Sunday, October 8, 2023, from 4:00 p.m. to 6:30 p.m.

d. Application for a Special One-Day Wine & Malt Beverages License – Salt Pond Areas Bird Sanctuaries, Inc. – Pumpkin Day to be located at Bourne Farm, 6 North Falmouth Highway, North Falmouth – Saturday, 10/7/23

e. Application for a Special One-Day Wine & Malt Beverages License – Shipwrecked – Falmouth in the Fall to be located at 263 Grand Avenue, Falmouth – Saturday, 11/5/23

f. Accept donation of 4 push bumpers (value of \$2,200) from Dan's Truck Service for the Police Dept. cruiser fleet

g. Accept the 2022 Edward Byrne Memorial Justice Grant in the amount of \$10,516.00 to fund the Bosch Crash Computer Reader (CDR) and Bosch CDR upgrade kit for training officers in crash reconstruction investigation

h. Annual reappointment of Inspector of Animals - Scott McGann

i. Approve request from the Conservation Commission to file for a MassWildlife Habitat Management Grant for Sandplain Grassland maintenance and expansion along with invasive plant control

Motion by Ms. Scott Price: To approve the Consent Agenda.

Second: Mr. Brown. Vote: Yes – 3 No – 0 Abstain - 1

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – August 5, 2023; August 21, 2023; September 11, 2023
 - b. Executive Session – July 10, 2023 – Sessions 1 and 2

Motion by Mr. Brown: To approve the Public Session meeting minutes of August 5, 2023, as amended.

Second: Ms. Scott Price. Vote: Yes – 4 No – 0

Motion by Mr. Brown: To approve the Public Session meeting minutes of August 21, 2023, as presented.

Second: Ms. Scott Price. Vote: Yes – 4 No – 0

Motion by Mr. Zylinski: To table review of the meeting minutes of September 11, 2023.

Second: Mr. Brown. Vote: Yes – 4 No – 0

Motion by Ms. Scott Price: To approve the meeting minutes of Executive Session – July 10, 2023 – Sessions 1 and 2, as presented.

Second: Mr. Mascali. Vote: Yes – 4 No – 0

TOWN MANAGER’S SUPPLEMENTAL REPORT

- Mr. Renshaw stated that last week the Town lost its part-time Conservation Agent as she left to pursue a degree. Over the past five years, the Town has lost four has lost four people in this position. There has been a 32% increase in workload for the position over the past five years. On October 16th, he plans to present more information and request an approval for a reserve fund transfer to move this position from part time to full time with benefits.

SELECT BOARD REPORTS

- Mr. Mascali stated that he attended a meeting hosted by the Bikeways and Pedestrian Committee with respect to options for the bike trail from the terminus of the North Falmouth trail.
- Mr. Brown stated that he attended the Water Quality Management Committee and there was an interesting discussion about the potential for adopting the position of the Buzzards Bay Coalition with the deletion of beds 14 and 15. He noted that the Wastewater Superintendent clearly explained that the Town cannot apply for sewer planning without naming the discharge location. The Beach Committee discussed nourishing the Town beaches and a grant proposal for such.
- Mr. Zylinski expressed his deep appreciation for the Staff appreciation cookout, including all of the organizers and those that participated.

DISCUSSION OF FUTURE AGENDA ITEMS

- Ms. Scott Price stated that she would like to hear an update on the open Town positions.

ADJOURN

Motion by Ms. Scott Price: To adjourn at 9:07pm.

Second: Mr. Mascali Vote: Yes – 4 No – 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary