TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, MAY 4, 2026 – 6:30 P.M.
OLD SILVER/SURF DRIVE PROGRAM ROOM
SENIOR CENTER
780 MAIN STREET, 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, Chair; Heather M. H. Goldstone, Vice Chair; Douglas C. Brown; Jack Richardson
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel
Absent: Colin W. Reed

1. OPEN SESSION

Call to Order: By Chair Robert P. Mascali at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition: Mr. Mascali recognized the Cape Cod Marathon for receiving an award for the Best Half Marathon in the Commonwealth. Mr. Richardson recognized the East Falmouth Village Association for their 2nd Annual Clean Up Day. Also, yesterday was the Ban Together for Inclusion Event at College Light Opera. Dr. Goldstone recognized the League of Women Voters for another successful Candidates Night.

Announcements: Mr. Mascali announced that Mr. Reed and his wife recently welcomed a new baby and well wishes were sent by all.

Town Manager's Report: Mr. Renshaw discussed the trash cart program rollout. Falmouth's new automated trash cart program will be rolled out to residents starting in mid-May, with the initial distribution expected to be completed by Memorial Day. A new 65 gallon lidded and wheeled trash cart will be delivered to each residence currently receiving curbside trash and recycling service. Requests for 35 gallon carts are currently being accepted and requests for 95 gallon carts will start on August 3rd. Larger carts will be provided to households with large families or those with special needs. Curbside trash and recycling services are provided exclusively for residential trash and business waste is not accepted. The request link may be found on the Town website. During this summer's transition period, residents with excess trash volume may put out one additional automated compliant trash cart per week. After Labor Day 2026, drivers will pick up only one official cart per household. Trash bags and other materials placed outside the cart will not be picked up at any time. Residents may choose to reuse their old trash receptacles for other uses or have them collected to be recycled. Discarded trash barrels, cans, and carts must not be put in the curbside trash or recycle cart. For any questions about the trash cart program, an email can be sent to the Recycling and Solid Waste Coordinator.

Mr. Renshaw noted that there was an annual touch a truck event yesterday which went well. Also today was the first day for Chief Lewis, the new Fire Rescue Chief. Finally, the current Finance Director, Laura Sitrin is retiring at the end of this month. Recruitment for that position closed last Monday and there are twenty well-qualified applicants. First round interviews will be scheduled for later this week.

Public Comment: Joanne Treistman, 1 Triumph Street, discussed the DEI Officer position. She suggested that, rather than hire a consultant, the Board could have former people who have served on the DEIB and similar past committees, be the consultants. A subcommittee could meet to find out what is needed moving forward in order to fill the position.

2. CONSENT AGENDA

a. Administrative Orders

1) Consider a vote to approve the petition by NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) Handhole 179/H2 and approximately 37’ (feet) of 1-3” conduit in the Right of Way of Maple Street. This work is necessary to provide service at 41 Maple Street.
2) Consider a vote to approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install new Handhole #148/3H and approximately 35’ (feet) of 1-3” conduit in the Right of Way of Standish Avenue. This work is necessary to provide service to 188 Sippewissett Road, Falmouth.
3) Consider a vote to approve a request from Paul Lorusso for a variance to Sign Code § 184-32 Off-Premise Sign - Town property for the placement of one off-premises sign at the park at 25 Central Park Avenue advertising Pick Up Basketball: Thursdays and Sundays from 5:00 pm to sundown to be installed upon approval in May through October 31, 2026.
4) The Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, consider a vote to execute a Discharge of Mortgage as holders of a Mortgage from Northstar Place, LLC (123 Brick Kiln Road) to Falmouth Affordable Housing Fund dated November 21, 2019, and recorded with the Barnstable Registry of Deeds in Book 32491, Page 165.
5) Consider a vote to approve a request for a variance to Sign Code §184-20: Variance and §184-32: Off- Premises Signs for the placement of Falmouth Commodores Game Day signs and Baseball Clinics signs until August 14, 2026
6) Consider the approval of a revised license agreement between the Town and U.S. Coast Guard Auxiliary for the installation of a radio repeater at the Fire Rescue Headquarters facility and radio tower.
~~7) Consider a vote to approve and sign a Regulatory Agreement for the units deed restricted at 120% of the area median income at the affordable housing project located at 464 Main Street.~~
8) Consider a vote to appoint Deborah Aguiar as a member of the Falmouth Board of Registrars of Voters

Motion by Mr. Richardson: To approve the Consent Agenda, with the exception of Item #7, as presented. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

2. CONSENT AGENDA

a. Administrative Orders

7) Consider a vote to approve and sign a Regulatory Agreement for the units deed restricted at 120% of the area median income at the affordable housing project located at 464 Main Street.

Dr. Goldstone expressed concern in terms of the restrictions regarding who can access the studio and one bedroom units. Kim Fish, Housing Coordinator, explained that she and Town Counsel went back to the original EOHLC regulatory agreement for 80% AMI and below, as this is the standard for the State. This considers families as being multi-person and so allowed in the two bedrooms units, as they do not want to put a family in a one bedroom unit. Dr. Goldstone noted that the language also defines a family as two people, meaning that a couple could not live in a one bedroom apartment or a studio if they so choose. Mr. Mascali stated that the language seems to state that one bedroom units would only allow for one person. Ms. Fish agreed and stated that she would need to look into this further. Mr. Brown stated that it is unclear how this language would be enforceable. It was agreed that this would come back before the Board at a later date.

3. PUBLIC HEARINGS

a. Discuss and consider a vote to approve the application by Devour Artisan Eatery, LLC d/b/a The Rebel Room, 291 Main Street, Unit A, for an All Alcoholic Beverages Restaurant License, Sunday–Wednesday 5:00 pm to 11:00 pm and Thursday–Saturday 5:00 pm to 1:00 am. A Common Victualler License application has also been submitted. (5 minutes)

The Board opened the public hearing at 6:58 p.m.

Aanjes Hershfield, applicant, explained that the plan is to keep Devour as it currently is, while giving The Rebel Room a chance to thrive in its new location. The Rebel Room is a 49-seat restaurant and lounge. The vision is built on inclusion, with an additional menu of mocktails, and also to add to the arts and culture feel of the area.

There was no public comment at this time.

Motion by Mr. Richardson: To close the public hearing. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

Motion by Mr. Richardson: To approve the application by Devour Artisan Eatery, LLC d/b/a The Rebel Room, 291 Main Street, Unit A, for an All Alcoholic Beverages Restaurant License, Sunday–Wednesday 5:00 pm to 11:00 pm and Thursday–Saturday 5:00 pm to

1:00 am, and application for a Common Victualler License which has also been submitted. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

b. Discuss and consider a vote to approve the application by Devour Artisan Eatery, LLC d/b/a The Rebel Room, 291 Main Street, Unit A, for an annual Entertainment and Sunday Entertainment Licenses, Monday through Sunday, 5:00 pm to 1:00 am. Applications for Common Victualler and All Alcoholic Beverages Restaurant Licenses have also been submitted. (5 minutes)

The Board opened the public hearing at 7:03 p.m.

Ms. Hershfield explained that this is a small restaurant. The intention is to create a curated lounge setting for people in the community to perform in. This will not be loud or rowdy. The noise will be monitored by making sure the doors are closed, and the owners will work with the Town or neighbors if there are any concerns.

Mr. Brown noted that the application shows that four tables will be removed during times of entertainment. Ms. Hershfield agreed.

The Board asked for public comment.

Nancy Dowd, 13 Shore Street, asked about the length of time proposed for entertainment in the application. The stretch proposed is for eight hours and this could be a concern. Ms. Hershfield stated that the proposal is to be very broad for special occasions in the future. To start, this would likely be 2-3 nights per week. Ms. Dowd also expressed some concern regarding potential parking for this business in terms of the overall area. Dr. Goldstone noted that this was previously a business location. Having a culture and entertainment location along Main Street that is a draw is the point. Ms. Dowd agreed but still expressed concern regarding traffic. Mr. Richardson noted that the Board could consider a shuttle during the busier months in this location.

Joanne Treistman, 1 Triumph Street, expressed support for this type of proposal in this area.

Motion by Dr. Goldstone: To close the public hearing. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

Motion by Mr. Richardson: To approve the application by Devour Artisan Eatery, LLC d/b/a The Rebel Room, 291 Main Street, Unit A, for annual Entertainment and Sunday Entertainment Licenses, Monday through Sunday, 5:00 pm to 1:00 am. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

c. Discuss and consider a vote to approve applications by Falmouth Yacht Club, 290 Clinton Avenue, for two Entertainment/Sunday Entertainment Licenses, to be executed on June 21, 2026, from 3:30 pm to 6:00 pm and September 6, 2026, from 3:30 pm to 6:00 pm. (15 minutes)

The Board opened the public hearing at 7:17 p.m.

Mike Ceku, GM Falmouth Yacht Club, explained that the proposal is for an Entertainment License on June 21, 2026, from 3:30 PM-6:00 PM and also for a Labor Day celebration on September 6, 2026, from 3:30PM-6:00 PM.

Mr. Brown stated that there have been concerns expressed from a neighbor regarding the driveway being blocked during these events. Mr. Ceku stated that he has spoken with the neighbor and will be respectful of the driveway.

Motion by Mr. Richardson: To close the public hearing. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

Motion by Mr. Richardson: To approve applications by Falmouth Yacht Club, 290 Clinton Avenue, for two Entertainment/Sunday Entertainment Licenses, to be executed on June 21, 2026, from 3:30 pm to 6:00 pm and September 6, 2026, from 3:30 pm to 6:00 pm. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

d. Consider a vote to approve an application from Sun Cape Cod RV LLC for a license for Above Ground Storage Tanks (AST) for the storage of propane at Sun Retreats Cape Cod, 130 Thomas B. Landers Road, East Falmouth, MA (5 minutes)

The Board opened the public hearing at 7:24 p.m.

Brian Gowa, District Manager for Sun Retreats Properties Cape Cod, explained that the location has routine inspections by Falmouth Fire. Due to the cumulative quantity of propane tanks on the property, it was decided to apply for a permit to cover the total volume of gallons. The propane tanks are used to heat the swimming pools, restrooms, and shower facilities for the campers. There is a storage area for the smaller tanks. There have never been any issues with the propane tanks and they are regularly inspected.

There was no public comment at this time.

Motion by Mr. Richardson: To close the public hearing. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

Motion by Mr. Brown: To approve the application from Sun Cape Cod RV LLC for a license for Above Ground Storage Tanks (AST) for the storage of propane at Sun Retreats Cape Cod, 130 Thomas B. Landers Road, East Falmouth. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

4. BUSINESS

a. 7:15 PM - Presentation of Employee of the Quarter-First Quarter 2026 (10 minutes)

Mr. Renshaw explained that the purpose of the newly created Employee of the Quarter program is to provide a process that provides recognition to employees who demonstrate work qualities in line with the Town's ethics and values. Town employees nominate other employees to be considered for Employee of the Quarter. The Employee of the Quarter Committee meets to evaluate the nominations and select the recipient. The selected recipients will receive pre-determined recognition and awards as outlined in the attached program guidelines. The Employee of the Year will then be selected from the previous recipients of Employee of the Quarter for that year. For this inaugural Employee of the Quarter nomination period (January-March 2026), there were eight nominees submitted for consideration. The review committee, comprised of staff representatives from multiple departments, met on April 10th to review the nomination materials. He presented Barbara Rymsha, Town Hall Front Desk Receptionist and member of the Town Clerk's staff, as the Town's first Employee of the Quarter for the First Quarter of 2026.

b. 7:25 PM - Update on the Steamship Authority from General Manager Alex Kryska (15 minutes)

Mr. Alex Kryska, General Manager of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, presented an update to the Board concerning major projects and activities of the Authority. He stated that he will commit to having a public forum before the summer season starts, and another to recap the season.

There was a question regarding steps being taken to advance the dilemma of how to open a New Bedford freight route. Mr. Kryska stated that this item is being broached with other entities.

c. 7:40 PM - Consider a vote to appoint Elizabeth Magauran as Temporary Town Clerk (10 minutes)

Mr. Renshaw explained that Michael Palmer is retiring from the Town Clerk position effective May 29, 2026. Massachusetts General Law provides that when an elected Town Clerk position becomes vacant, the Select Board may appoint an Acting Town Clerk to serve until the position is filled at a Town election. The Town is in the process of seeking approvals to change the Town Clerk position from elected to appointed. Until the Town Charter change authorizing the Town Clerk to become an appointed position is approved, the position is governed by the procedures applicable to an elected Town Clerk position. Should the Board accept the recommendation to appoint Elizabeth Magauran to the temporary Town Clerk position, the Assistant Town Clerk position will not be "back filled" until the Town Clerk position is filled on a "non-temporary" basis. This would allow for Ms. Magauran to return to the Assistant Town Clerk position if another individual is appointed to the Town Clerk position following the Town Manager's selection process.

Motion by Dr. Goldstone: To appoint Elizabeth Magauran to serve as Temporary Town Clerk effective May 30, 2026, until the position can be filled on a non-temporary basis. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

d. 7:50 PM - Discuss and consider a vote to approve a revised ICE position statement and a letter to federal representatives concerning ICE operations (15 minutes)

Mr. Renshaw explained that in June 2025, the Select Board adopted an official position statement concerning ICE and immigration enforcement. Much has changed, both locally and nationally since June 2025 and there is a need to adopt a revised position statement concerning ICE operations and enforcement within the Town of Falmouth, as well as a policy statement regarding the prohibition of the use of any Town facilities or property for ICE enforcement operations.

There was discussion regarding the proposed language. There was agreement to review revised language at a future meeting.

Motion by Mr. Richardson: To submit the attached letter to the Congressional delegations, as presented. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

Mr. Richardson asked if the Board has the authority to prohibit ICE from schools, religious properties, and other areas of interest in the Town. Also, he asked about providing signage for the policy language. Town Counsel O'Keefe stated that the School Committee would have authority over the public schools. She does not believe the Board would have the authority to issue a bylaw regarding houses of worship, or other private entities. There is State legislature that is moving through the process which may help shape the Town's policy. Signage can be installed but should be judicial. Mr. Richardson stated that he would like the Board to send a letter of support for the Protect Act and to determine where signage could be placed around Town.

e. 8:05 PM - Discuss and consider a vote to endorse the Local Initiative Program Application from Falmouth Housing Trust, Inc. for the affordable housing project located at 21 Pheasant Lane (10 minutes)

Laura Moynihan, Executive Director of the Falmouth Housing Trust, reviewed the application. She noted that some comments have been expressed regarding maintaining existing vegetation on the site and so vegetated buffers have been proposed on both sides.

Motion by Mr. Richardson: To endorse the LIP Application from Falmouth Housing Trust, Inc. for the proposed housing project at 21 Pheasant Lane by signing the LIP Application and the endorsement letter to EOHLC. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

f. 8:15 PM - The Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, discuss and consider a vote to rescind the financial award from the Fund to Bushwood 545, LLC (15 minutes)

Mr. Renshaw explained that this project was proposed to address many significant needs in the community. On October 29th of last year, the Select Board as Trustees of the Falmouth Affordable Housing Fund voted to award Bushwood 545, LLC, based upon presentations and the proposed plan, a financial award of $3.4M from the Falmouth Affordable Housing Fund for a creative housing project located at 545 Main Street. The facts, however, have since changed. The purchase and sale agreement between Bushwood 545, LLC, and the owner has expired. The property at 545 Main Street, therefore, is no longer under the care, custody, and control of Michael Galasso as the manager of Bushwood 545, LLC. The Falmouth Housing Corporation, a local developer with an extensive track record in the community has an application for funds for the Falmouth Affordable Housing Fund for this property. He noted that an EPA brownfields assessment grant application is due next week. His office received a communication from the property owner of 545 Main Street earlier this afternoon indicating that the seller and owner of the property was no longer interested in pursuing the agreement with Mr. Galasso. For these reasons, staff recommends that the funding to 545 Bushwood, LLC, be rescinded so that the funds may be awarded to other potential projects.

Mr. Mascali stated that Mr. Galasso has put his heart and soul into this project for years. This was an innovative program for workforce housing, of which there is a definite need for in the Town.

Mr. Brown stated that the Board, upon awarding the funds, put a two year timeline on the permitting for this project and a three year timeline on starting the project. He is not comfortable rescinding the vote, as it has only been seven months from the award. This project was supported by the Board for workforce housing, and a senior housing project will not have the same impact for the same group of people. He suggested awarding more funding toward the project in order to allow for an incentive for the seller for costs incurred in the lengthy process.

Dr. Goldstone agreed that the Board is not on solid ground to currently rescind this offer. The Board felt strongly about this project. She is less enthusiastic about a project to tear down the building for age-restricted housing. She would like to pause and give time to further consider if the original project could find a way forward, before rescinding the funding.

Mr. Richardson stated that it would be a bad precedent to rescind funding when the project is still within the award timeline. He agreed with pausing to confirm that this project will not move forward before rescinding funding.

Town Counsel O'Keefe explained that a commitment letter is a conditional approval, premised on the facts as presented in the application. If any of those facts shift so drastically that the commitment letter can no longer be supported by those facts, then the Board is fully within its authority to rescind the commitment letter. In deciding whether to pledge funds for a project like this and to issue a commitment letter, the Board can consider the financial stability of the applicant and of the project and also consider ownership of the project. There is no longer any property interest vested in Mr. Galasso or 545 Bushwood, LLC. Without any property interest, they are not entitled to complete an application, never mind receive funding. The Board has credible information that, not only does Mr. Galasso no longer have a property interest in this location and has not for the past approximately two months, but the current owner has no intention of negotiating any further with Mr. Galasso and has entered into a purchase and sale agreement with another applicant. Thus, the foundation upon which the commitment letter was issued no longer exists and the Select Board is entitled to rescind the letter.

Mr. Mascali stated that at the time of the original application and when the commitment letter was issued, Mr. Galasso did have care, custody, and control of the property. He suggested waiting two weeks to discuss this further before taking a vote. Dr. Goldstone stated that she would like formal confirmation that 545 Bushwood, LLC, has no plans to move forward with this. Mr. Brown expressed concern with approving a different project by default through this recommended action.

Mr. Richardson asked about the Town's Safe Harbor status. Town Counsel O'Keefe stated that this continues to be litigated.

Motion by Mr. Richardson: To table this item to the May 18, 2026, meeting. Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

Mr. Brown asked that the Town Manager reach out to the owner to see if there is any interest in compensating the owner for damages incurred in this process, in hopes of repairing the relationship and moving the original application forward. Mr. Renshaw stated that he does not believe this should be the role of Town government.

g. 8:30 PM - Discuss and consider a vote to sign a letter of support to EPA Brownsfield Assessment Grants for Falmouth Housing Corporation's grant application for asbestos removal at the affordable housing project located at 545 Main Street (20 minutes)

Mr. Renshaw explained that the Falmouth Housing Corporation has requested the Town support a request to the EPA Brownsfield Assessment Grants for a grant application for asbestos removal at the affordable housing project located at Main Street. If the grant were to be awarded, the funds would be used by Falmouth Housing Corporation to remove asbestos in advance of the demolition of the vacant former nursing home located at 545 Main Street in downtown Falmouth in order to construct fifty (50) rental units, which will be age restricted.

Linda Clark, President of Falmouth Housing Corporation, stated that 545 Main Street is under agreement and the Housing Corporation has site control at this time. The proposal is to demo the building and construct senior units. Of the fifty (50) units, eight (8) will be restricted at 30% of the area median income and forty-two (42) units will be restricted at 60% of the area median income for Barnstable County. The location fits all the needs for seniors. The grant will allow for a full survey of the property and $500,000 in potential asbestos abatement. The deadline for submittal is May 15th.

Mr. Mascali stated that there seems to be disagreement about the deadline. Ms. Clark stated that this was the deadline given by the State and Brownsfield. The grant would be awarded in July/August next year, with an intention to break ground that November.

Mr. Mascali asked about the Board supporting this application letter while noting that the Board may not be in support of the overall project at this time. He noted that many people are concerned with demolishing the building, as it is iconic in Town. Ms. Clark stated that the configuration of the existing building and potential for asbestos does not speak to preserving it. Mr. Mascali noted that it was proposed to be preserved for Mr. Galasso's project.

Town Counsel O' Keefe explained that the only request at this time is a letter from the Board in support of the grant. This would in no way bind the Board to take any certain action on a future application.

Dr. Goldstone expressed uncertainty about the stated deadline. Per the EPA's website, the Brownfields and Land Revitalization section states that there are currently no open or upcoming funding opportunities. The applicant seems incomplete. Also, a letter of support, while not binding, does seem to imply that the Board supports the project. Mr. Mascali noted that he has also been told that the deadline for the application may be in the fall. The letter could be modified to more accurately reflect the Board's current level of support regarding this being preliminary pending the Board's support of the overall project. Mr. Renshaw stated that he will work to modify the language to indicate that the letter of support is for the applicant to submit a grant application only.

Mr. Richardson stated that he may not be supportive of senior housing at this location.

Motion by Mr. Richardson: To approve the letter, as described. Second: Dr. Goldstone. Vote: Yes – 3 No – 0 Abstain - 1

h. 8:50 PM - Presentation and update from the Falmouth Housing Authority on the capital planning process (15 minutes)

Bobbi Richards, Executive Director of the Falmouth Housing Authority, presented on the Authority's capital planning process.

Mr. Richardson suggested funding for community garden space to be included in the planning process.

i. 9:05 PM - Discuss and consider a vote to approve and execute the Amendment to the Consolidated Annual Contributions Contract for the Falmouth Housing Authority (10 minutes)

Mr. Renshaw explained that the Falmouth Housing Authority receives federal grant funds to conduct capital projects and improvements. The proposed projects are consistent with the FHA's Annual and Five Year Plan and are also consistent with the Town's Housing Production Plan. To receive its annual disbursement of the federal grant, Massachusetts law requires that the Select Board approve the acceptance of such funds. M.G.L. c. 121B sec. 11(k). The form and its requirements have been reviewed by Town Counsel.

Motion by Mr. Brown: To approve and designate the Chair to execute the Amendment.
Second: Dr. Goldstone.
Vote: Yes – 4 No – 0

j. 9:15 PM - Discuss the naming and placement of a plaque on the Shining Sea Bikeway extension from downtown to North Falmouth as the Patty and Leonard Johnson Bikeway Extension (5 minutes)

Mr. Mascali explained that the reasons given for honoring Patty Johnson and Leonard Johnson are described in the supporting information provided by the naming sponsors when the nomination was first made in 2025. The next step is for the Board to advertise and hold a public hearing to seek input from the community. Following the hearing, the Board may vote to name the public facility or place as requested. A vote of four (4) members of the Select Board shall be required to approve a naming request.

Motion by Dr. Goldstone: To accept Chairman Mascali's report and direct staff to advertise and hold a public hearing to seek input from the community concerning the naming and placement of a plaque on the Shining Sea Bikeway from downtown to North Falmouth as the Patty and Leonard Johnson Bikeway Extension. Second: Mr. Brown.
Vote: Yes – 4 No – 0

Dr. Goldstone noted that there will be a Cinco de Mayo bikeway event tomorrow morning from 7AM-9AM.

k. 9:20 PM - Discuss and consider a vote to approve the application by Kirk Fitzgerald, The Tea Room, 196 Crystal Springs Avenue, for a Common Victualler License (10 minutes)

Mr. Renshaw explained that the application was received on April 8, 2026. If approved, the operator intends to offer a full range of breakfast and lunch options, as well as homemade soups, chowders, salads and daily selections of entrées for quick reheat at home. Reviews and comments by Town Departments found no issues or objections to the application. The applicant has advised that annual liquor and entertainment license applications will also be submitted. The Select Board's Office has received some concerns regarding expanded use of the facility. Unfortunately, the Town Planner has not yet had adequate time to vet those concerns. A Common Victualler's License was approved in 2025, but the scope of those operations was considerably different than what is currently being proposed.

Kirk Fitzgerald, The Tea Room, stated that the intention is to reopen and revitalize this location. He plans to make this more of a full-time operation than it previously was. He will be on site a majority of the time the location is open and will be able to any monitor concerns.

Mr. Brown stated that the use approved by Special Permit in 1992 was for a general store with an apartment above. There is language that there should be no expansion of use beyond what was approved in 1992. It is unclear if there is a provision for what is currently being requested. Mr. Fitzgerald stated that last year the location had all licensing in place for a restaurant use, though at a lower volume.

Dr. Goldstone stated that she finds the language in the original Special Permit unclear. She did not see any parking on the plans, and this may be a concern.

Jed Cornock, Community Development Director, explained that he would like a couple more weeks to consult internally with staff and reach out to the applicant to identify exactly what the application includes. Staff will then review the previous Special Permit in detail and report the findings to the Board. Generally, a business serving food in Town is required to have a certain number of parking spaces per number of seats on site.

Mike Pacella, 196 Crystal Spring Ave, stated that he lives above The Tea Room and his family has operated the location for some time. There are approximately 15 parking spaces on site but generally people walk up to the restaurant. The restaurant has always had seating and served food. It was historically a convenience store and post office for the neighborhood.

Mr. Mascali stated that he has heard some concerns regarding the proposed hours of operation and asked if the applicant would be amenable to closing earlier in the evening. Mr. Pacella stated that the restraurant was previously licensed to stay open until 11pm but generally closed at 10pm. The proposed hours are due to summer events nearby that people attend and lead to revenue for the restaurant. The requested close time is 10pm and he will make sure noise is not a factor.

Pam Kirk, abutter, stated that she objects to the outdoor dining area proposed. She is concerned regarding the parking for the business. She also expressed concern with the trash and garbage. In the past, the business has used the association's dumpster. Also, in terms of ADA accessibility, the dining area is not currently accessible from the street. Finally, 6pm-10pm is a lot of hours of operation for this tightly knit community.

Dr. Goldstone asked if the applicant is seeking 24 tables for seating inside and 24 tables for seating outdoors. Mr. Pacella stated that this is correct. Dr. Goldstone stated that it appears this location was something very special and informal that has grown over time to a point of formalization. Given that there is concern from abutters, due diligence should occur.

Kevin Murphy stated that his first job was working at The Team Room. This is a beach concession restaurant in many ways. The Board of Health will deal with any trash issues on this site. If there are noise violations, the Select Board can step in. Delaying this application will make it harder for the business to open on Memorial Day. There are only 12 weeks of the summer.

Mr. Fitzgerald stated that holding this application up to obtain additional information and comment would not allow the business to open by Memorial Day.

Terry Ford, New Silver Beach, stated that The Tea Room’s application refers to seating for 24. The Special Permit #20-92 granted to The Tea Room on January 15, 1992 states that no expansion of the use of the property is allowed. The permit alluded to the fact that The Tea Room is a general store and an apartment building. Expanding to a 24 seat commercial restaurant open from 6:00 AM to 10:00 PM would be a violation of that permit. Any license granted would be a direct contradiction of an existing ZBA decision. Also, the bylaw states that there should be one parking spot for every two seats in the establishment. There clearly is no room for that amount of parking on the property. Finally, the applicant states that he is the manager of The Tea Room, but there is no reference to the owner. The lease states that the renter will pay only $1.00 per month. This requires further explanation. She asked if the ownership should have been public information before tonight's meeting or if any of the laws she mentioned were considered before the meeting. She recommended that the Board postpone a vote on the license until these violations can be addressed by the Board.

Mike Biscotti, 89 Crystal Spring Ave, stated that Mr. Pacella is a good human being who has continually helped neighbors and the Town. The proposal is to bring back a historic restaurant and create the same feeling.

Mr. Pacella stated that he did use the association’s dumpster, which he also purchased and paid for. There will be no trash on the beach. The use has not expanded; it is a continued use for the beach community. Delaying this application may put the nail in the business. He stated that the restaurant is not out of compliance.

Motion by Dr. Goldstone: To approve the application by Kirk Fitzgerald, The Tea Room, 196 Crystal Springs Avenue, for a Common Victualler License, conditioned upon resolution of the Special Permit, trash, parking, and traffic concerns with Town staff and to encourage the applicant to work with Town staff on items of concern. Second: Mr. Richardson.

<u>Discussion:</u>
Mr. Brown stated that he is not in favor of a 48 seat restaurant in a residential area. There are abutters present and emails submitted in opposition of the application. He suggested that the proposed use be pared down at this time. Mr. Richardson stated that the Board also heard support for the application.

Mr. Mascali stated that he would prefer to grant the application with the understanding that there are significant questions about the proposed use in terms of zoning and parking. The business may be out of compliance pending the investigation.

Town Counsel O’Keefe stated that if the operation of the use is in violation of the Special Permit, the first item would be to work with the property owner to gain compliance. If compliance cannot be gained, staff would enforce the terms of the Special Permit. This can occur outside of the grant of the license.

Dr. Goldstone noted that the application is for a 24 seat restaurant and there is some inconsistency with what was presented this evening. Mr. Brown stated that it appears to be an expansion of use. Mr. Mascali stated that this would be a determination of the Building Inspector.

Town Counsel O'Keefe stated that, per this motion, the permit would not be issued until the time that all other concerns are resolved. She does not recommend conditioning issuance of the license based on enforcement, as this can take years. She recommended issuing the license with direction to investigate and enforce, if needed.

The previous motion did not move forward.

Motion by Mr. Mascali: To approve the application by Kirk Fitzgerald, The Tea Room, 196 Crystal Springs Avenue, for a Common Victualler License for 24 seats, with a reduction in hours to close by 9PM, with an understanding that further investigation is necessary.

The previous motion did not move forward.

Motion by Mr. Richardson: To approve the application by Kirk Fitzgerald, The Tea Room, 196 Crystal Springs Avenue, for a Common Victualler License, as presented. Second: Mr. Mascali.
Vote: Yes – 2 No – 2

Mr. Renshaw stated that Town Counsel approved a path to get the Common Victualler License approved this evening. He will make sure there is an investigation of the other items while working with the applicant.

Motion by Dr. Goldstone: To approve the application by Kirk Fitzgerald, The Tea Room, 196 Crystal Springs Avenue, for a Common Victualler License, for 24 seats. Second: Mr. Richardson.

Discussion:
Mr. Johnson-Staub asked if there is clarification between indoor and outdoor seating. Dr. Goldstone stated that the applicant shall has flexibility on where the 24 seats are locations indoors/outdoors.

Vote: Yes – 3 No – 1

l. 9:30 PM - Consider vote to approve letter to Massachusetts Senate President Karen E. Spilka in support of S.305 An Act to Build Resilience for Massachusetts Communities (5 minutes)

Mr. Renshaw explained that the capacity of the Clean Water State Revolving Fund may not be sufficient to support water quality projects over the next 5 to 10 years that are in various planning stages across Cape Cod and in Falmouth in particular. S. 3050 will provide for a program of climate change adaption, resiliency and the preservation and improvement of recreational and environmental assets, including a $450 million bonding authorization for clean drinking water and wastewater infrastructure. Supplemental funding provided through this bond bill will prevent delays in projects that are of critical importance to improving the water quality of embayments and estuaries throughout Cape Cod and the Islands. Other municipalities, such as the Town of Barnstable, have recently submitted letters of support for this important piece of legislation. Staff have prepared a draft letter of support for the Select Board's consideration

Motion by Mr. Richardson: To authorize the Select Board Chair to sign the letter to Senate President Spilka included in the meeting packet as presented. Second: Mr. Brown.
Vote: Yes – 4 No – 0

m. 9:35 PM - Discuss and consider adoption of the Select Board FY23-FY27 Strategic Plan (25 minutes)

The Board tabled this discussion to a future date.

n. 10:00 PM - Discuss and consider a vote to support revisions to the original Local Incentive Program (LIP) application for 809 Sandwich Road (20 minutes)

Mr. Johnson-Staub explained that the Select Board voted to support a Local Initiative Program (LIP) application submitted by Northland Residential Corporation (Jack Dawley, President) for an affordable housing development at 809 Sandwich Road on 12/16/2024. The proposal endorsed by the Select Board included the following elements:

- o 36 rental units of which 18 are 2-bedroom and 18 are 3-bedroom
- o 9 units deed-restricted at 80% of Area Median Income (AMI)
- o 2 units deed-restricted at 100% of AMI
- o 1 unit at 110% AMI
- o 1 unit at 120% AMI
- o All 36 units count toward the Town Subsidized Housing Inventory (SHI) for purposed of Massachusetts General Law 40B

The Zoning Board of Appeals opened the hearing on the comprehensive permit for this project on 09/25/2026 and provided some initial feedback with respect to the layout of the project and density. At a subsequent meeting, the ZBA notified the developer that the Town was in 'safe harbor' pursuant to MGL 40B. The developer formally challenged the Town's 'Safe Harbor' status and the Massachusetts Housing Appeals Commission ruled in favor of the developer. On 04/23/2026, the Town received a copy of a letter the developer submitted to the MA Executive Office of Housing and Livable Communities (EOHLC) asking for approval of an amended LIP application. The EOHLC in turn asked the Select Board whether it supports the project as amended. The only information the Town has regarding the proposed amendments is the contents of the aforementioned letter from Peter Freeman dated 04/23/2026 which is included in the meeting packet.

- o The developer proposes to change the project from rental to homeownership.
- o The letter states that 9 of the 36 units will be deed-restricted at 80% of AMI.

- o The letter does not indicate that there will be any deed-restricted units beyond the 9 units, which is the minimum required under MGL 40B

The amended application does not meet Falmouth's local housing needs to the same extent as the original LIP application.

- o The number of units is 25% as compared to 36% in the original proposal. The number of deed-restricted is reduced from 13 to 9.
- o The Falmouth Housing Production Plan calls for prioritizing rental housing over homeownership because many community members do not have sufficient assets and income for homeownership.
- o The Select Board has identified a need to increase housing opportunities for the "missing middle" - i.e. households earning 100% - 140% of AMI. The original LIP application included 4 such units and the revised application includes none.
- o 25% of the units in the amended application will count toward the SHI as compared to 100% under the original application. Under 40B, all units in a rental development are counted toward the SHI provided that at least 25% of the units are deed-restricted affordable.

Jack Dawley, President Northland Residential Corporation, explained that there were nine different collaboration meetings that led up to the crafting of the project that was presented to the Select Board. After all of this conversation with the Town to get a permit, he understood that he would apply for a comprehensive permit with the ZBA, who would then undertake a robust technical review of the application, including drainage, traffic, screening, architecture, water quality, wetlands, etc. He did not expect to attend the meeting on September 25th and receive a letter the next morning claiming Safe Harbor, effectively shutting down his efforts over the prior nine months. This was a de facto denial of my application and so he had no choice but to appeal that decision. The alternative was to pursue a by-right subdivision but that did not seem to fit the Housing Production Plan and was not the best use for the property. The Town then appealed the State's decision, which it did not have to do, and which was not a wise move. It will now take him nine months to get back to the starting line and many carrying costs. He thus suggested project changes, such as reducing the number of inclusionary housing from 13 to 9. He no longer thinks this is a good idea because it is going to cost him more to get a permit and so his decision is to move to home ownership. This is led chiefly by the fact that there is a pending ballot initiative regarding rent control statewide.

Town Counsel O'Keefe explained that this is currently before the HLC for reconsideration of the project eligibility letter. As the project is proposed to move from a change in ownership, from rentals to home ownership, the HLC must make a determination regarding whether this is a substantial or insubstantial. As this matter is still within the jurisdiction of the ZBA and there is no appeal pending currently, the HLC will likely not make a decision on this. The HLC simply wants to know the Board's opinion regarding whether it still supports the project. It is likely that the HLC's decision about regarding this as an insubstantial or substantial change will not be rendered until after the 40B comprehensive permit has been issued.

Mr. Richardson stated that this item is the reason that the Town is appealing 40B. This has been bad faith, with the developer simply trying to line his pockets. No one in the community is in support of this project. The developer has not heard any of the concerns coming from community members.

Peter Freeman, attorney for the applicant, stated that there has only been one hearing on this item and it is unclear why there is a conclusion being expressed that the community is not in support of this project. This seems anecdotal.

Motion by Dr. Goldstone: To not support the amended Local Initiative Program application submitted by Northland Residential Corporation for the reasons identified by staff. Second: Mr. Richardson.
Vote: Yes – 3 No – 1

o. 10:20 PM - Presentation and discussion on Winter Storm Hernando After Action Report (10 minutes)

The Board tabled this discussion to a future date.

5. SELECT BOARD REPORTS:

Mr. Richardson stated that the East Falmouth Village Association has expressed some concerns regarding walkability and asked that this be considered at a future meeting.

6. FUTURE AGENDA ITEMS

- LGBTQ+ Sanctuary Town
- Discuss walkability improvements
- Discuss current Town website functionality and potential redesign
- Discuss 10-year spending on consultant fees
- Discuss petitioning the State Legislature for changes to Chapter 40B law
- Discuss the need for a municipal building inventory and review of current/planned uses
- Discuss adding a third monthly Select Board workshop meeting targeting specific topics

7. ADJOURN

Motion by Dr. Goldstone: To adjourn at 10:58pm. Second: Mr. Richardson.
Vote: Yes – 4 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary