

# Board of Selectmen Meeting Notice AGENDA



Date

April 19, 2022

Time

7:00 PM

Location

Bourne Veterans' Memorial Building  
239 Main St., Buzzards Bay  
Or via Zoom/conference call

TOWN CLERK BOURNE

2022 APR 14 AM 11:26

RECEIVED

Note this meeting is being televised, streamed or recorded by Bourne TV.

If anyone from the public wishes to access the meeting via conference call or Zoom they can do so by calling the following conference line: **1-929-205-6099** or logging onto the Zoom website at <https://zoom.us/join>. **Meeting ID: 816 6449 6619 Password: 657503**. Please MUTE your phone/microphone upon entry. Participants wishing to speak should click the "Participants" icon on the lower toolbar and then click "Raise Hand" in the dialog box to notify the Chair.

For Participants who are calling into the meeting and wishing to speak should press \*9 to notify the Chair. The Chair will recognize participants.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

## 7:00 PM Call Public Session to Order in Open Session

1. Moment of Silence to recognize our Troops and our public safety personnel
2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items
  - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

6. **Joint Meeting with Bourne Housing Authority** - The Board of Selectmen will enter into a Joint Meeting with Bourne Housing Authority to appoint Kathleen Durant to the Board of Commissioners.

Adjourn joint meeting with the Bourne Housing Authority.

7. Appointments and Licenses
  - a. 7:15 p.m. VFW - Alteration
  - b. 7:30 p.m. Krua Thai – New License
  - c. 7:45 p.m. Whaleback – Alteration
8. Selectmen's Business
  - a. Discussion and possible vote on the Cape Cod Canal Chamber's request to hold concerts in Buzzards Bay Park on Thursday evenings during the summer.
  - b. Children's Mental Health Week Proclamation 2022.
  - c. Presentation by Jennifer Copeland, Town Planner, and Bryan Bertram, Town Counsel, regarding Section 3A of the Zoning Act for Multi-family Districts in MBTA Communities.
  - d. Vote to designate Articles 1-5 on the Special May 2, 2022 Warrant as essential.
9. Town Administrator's Report.
10. Minutes: 4/26/21 and 2/22/22.
11. Correspondence
12. Committee Reports
13. Adjourn



RECEIVED

**Board of Selectmen  
Minutes of Tuesday, April 19, 2022  
Bourne Veterans' Community Center  
Buzzards Bay, MA**

2022 JUN 22 PM 1:32

TOWN CLERK BOURNE

**TA Marlene McCollem**

**Board of Selectmen**

Peter Meier, Chair  
George Slade, Clerk  
Judy Froman, Vice Chair  
Mary Jane Mastrangelo  
Jared MacDonald

**Others:** Kathleen Durant, Fred Bartholomew, John Diado, Marie Oliva, Liz Brown, Sarrawich Suksanit, Bryan Bertram, Town Counsel, Jennifer Copeland, Town Planner, and Stuart Coggeshall.

**7:00 PM Call Public Session to Order in Open Session**

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
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- 5. Public Comment on Non-Agenda Items**
  - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
- 6. Joint Meeting with Bourne Housing Authority** – The Board of Selectmen will enter into a Joint Meeting with the Bourne Housing Authority to appoint Kathleen Durant to the Board of Commissioners.

The Vice-Chair of the Bourne Housing Authority called their meeting to order.

Kathleen Durant introduced herself to the Board of Selectmen. She currently serves on the Board of the Housing Authority, and she is seeking a re-appointment.

**Voted:** Judy Froman moved, and Mary Jane Mastrangelo seconded to approve the re-appointment of Kathleen Durant to the Housing Authority's Board of Commissioners for a 5-year term ending on June 30, 2027.

**Roll Call Vote:** Jared MacDonald – yes, Judy Froman – yes, Chair Meier – yes, George Slade – yes, and Mary Jane Mastrangelo – yes.

**Vote:** 5-0-0.

**Voted:** Fred Bartholomew moved, and a Commissioner of the Bourne Housing Authority seconded to approve Kathleen Durant as a member of the Bourne Housing Authority Housing for a 5-year period.

**Roll Call Vote:** All Bourne Housing Authority Commissioners that were present voted. The vote was unanimous.

Adjourn joint meeting with the Bourne Housing Authority.

The Bourne Housing Authority moved and seconded to adjourn their meeting.

Chair Meier went out of the agenda order out of order due to it being too early for item 7.a.

**8.b. Children's Mental Health Week Proclamation 2022.**

Mr. Slade read aloud the Children's Mental Health Proclamation.

**Voted:** Judy Froman moved, and Jared MacDonald seconded to proclaim May 1-7, 2022, as Children's Mental Health Acceptance Week.

**Vote:** 5-0-0.

**8.d. Vote to designate Articles 1-5 on the Special May 2, 2022, Warrant as essential.**

Chair Meier said that this is referring to Mass General Law Chapter 54 section 12 and he read it aloud.

**Voted:** Judy Froman moved, and Jared MacDonald seconded to designate Articles 1-5 on the May 2, 2022, Special Town Meeting Warrant as essential.

**Vote:** 5-0-0.

**10. Minutes of 4/26/21 and 2/22/22.**

**Voted:** Jared MacDonald moved, and Judy Froman seconded to approve the minutes of April 26, 2021.

**Vote:** 5-0-0.

The minutes from 2/22/22 are Sewer Commissioner minutes.

**9. Town Administrator**

Ms. McCollem said she has negotiated a price with a firm that will be conducting the Police Chief search and she is in the process of signing a contract with them. She said she is making progress with identifying a potential H.R. Director. She said that before she adds another person to the office as the Assistant Town Administrator, she would like to fully integrate the H.R. Director and give people time to get to know herself as well.

**7. Appointments and Licenses**

- a. 7:15 p.m. VFW - Alteration**
- b. 7:30 p.m. Krua Thai – New License**
- c. 7:45 p.m. Whaleback - Alteration**

**7.a. 7:15 p.m. VFW - Alteration**

A representative from the VFW spoke about the alterations and said that Patrick Ruggiero will no longer be the Manager and the VFW will be managed by a trustee.

**Voted:** Jared MacDonald moved, and Judy Froman seconded to approve the alteration of premises for VFW Aptuxet Post #5988, Mr. Diado, Manager, at 180 Shore Road as presented, to permanently approve the outdoor seating area as presented and added to their current file as well as the new name change to their file.

**Vote:** 5-0-0.

**8.a. Discussion and possible vote on the Cape Cod Canal Chamber's request to hold concerts in Buzzards Bay Park on Thursday evenings during the summer.**

Marie Oliva talked about the concerts in Buzzards Bay Park. She said the concerts are 6:30 to 8:30 on Thursday nights and they usually have about 300 – 400 attendees.

**Voted:** Mary Jane Mastrangelo moved, and Judy Froman seconded to approve the Cape Cod Canal Regional Chamber of Commerce's application to hold concerts at the Buzzards Bay Park on Thursdays in July and August from 5:30 pm to 8:45 pm, Marie Oliva, organizer.

**Vote:** 5-0-0.

**11. Correspondence**

George Slade said there were three items received. There were two letters from Leonard Pinot from Mass. DEP addressed to Rose Forbes, the Remediation Program Manager at the Air Force Civil Engineer Center. The letters provided areas of progress and the required information to complete other areas. There was a letter from Camp Edwards at Joint Base Cape Cod with a schedule of tours for the next few months.

Mr. Slade said there was an email from Jacob Lewis mentioning the Town's website.

**7.b. 7:30 p.m. Krua Thai – New License**

**Voted:** Jared MacDonald moved, and Judy Froman seconded to approve a year-round, on-premises, wine and beer license for Siam Tree LLC dba Krua Thai, Sarrawich Suksanit, Manager, at 91 Main Street as presented.

**Vote:** 5-0-0.

**8.c. Presentation by Jennifer Copeland, Town Planner, and Bryan Bertram, Town Counsel, regarding Section 3A of the Zoning Act for Multi-Family Districts in MBTA Communities.**

Town Counsel Bryan Bertram said that this high-level briefing is the start of a process that probably will not get done until 2023. He said that the state has enacted a new law, Chapter 40A, Section 3A, that has to do with multi-family housing. The state is imposing requirements on municipalities that they must have new zoning districts that allow multi-family housing by right and it needs to be of a certain size, and it needs to meet certain other requirements.

Mr. Bertram presented what the Department of Housing and Community Development (DHCD) has put together that lays out the process and timeline that would allow communities to become compliant with the statute by the deadline. Communities that do not comply will not be eligible for certain grant programs.

There was a brief discussion about Title 5 and Septic, contiguous acreage, and unit capacity. Jennifer Copeland said she met with the Cape Cod Commission, and they will help with the action plan. There was also some discussion about MBTA and commuter rail.

**7.c. 7:45 p.m. Whaleback – Alteration**

Stuart Coggeshall talked about the changes that they would like to make at the Whaleback Restaurant.

**Voted:** Judy Froman moved, and Jared MacDonald seconded to approve the alteration of premises for the Whale Back Restaurant, Stuart Coggeshall, Manager, at 1052 Sandwich Road, to permanently approve the outdoor seating area as presented.

**Vote:** 5-0-0.

**8. Selectmen's Business**

- a. Discussion and possible vote on the Cape Cod Canal Chamber's request to hold concerts in Buzzards Bay Park on Thursday evenings during the summer.
- b. Children's Mental Health Week Proclamation 2022.
- c. Presentation by Jennifer Copeland, Town Planner, and Bryan Bertram, Town Counsel, regarding Section 3A of the Zoning Act for Multi-Family Districts in MBTA Communities.
- d. Vote to designate Articles 1-5 on the Special May 2, 2022, Warrant as essential.



**8.a. Discussion and possible vote on the Cape Cod Canal Chamber's request to hold concerts in Buzzards Bay Park on Thursday evenings during the summer.**

Previously discussed and voted.

**8.b. Children's Mental Health Week Proclamation 2022.**

Previously discussed and voted.

**8.c. Presentation by Jennifer Copeland, Town Planner, and Bryan Bertram, Town Counsel, regarding Section 3A of the Zoning Act for Multi-Family Districts in MBTA Communities.**

Previously presented.

**8.d. Vote to designate Articles 1-5 on the Special May 2, 2022, Warrant as essential.**

Previously discussed and voted.

**9. Town Administrator**

Previously discussed.

**10. Minutes of 4/26/21 and 2/22/22.**

Previously discussed and voted.

**11. Correspondence**

Previously presented.

**12. Committee Reports**

Chair Meier said that the South Side Fire Station Committee met earlier in the day. He said that since it is a new committee it has been re-organized. Wayne Sampson, who is the representative of the Finance Committee, is the new Chair of the committee. The next meeting will be on May 3<sup>rd</sup> and the response time study will be presented at that meeting by the consultant.

Judy Froman said that the Cape Cod Metropolitan Planning Organization meeting is on Monday, and they are looking at the next TIP.

George Slade said that last Wednesday the Pedestrian Bikeway Committee had an off-site meeting in person. It was across from the Cataumet Post Office, and it was an informative meeting for the community. There will be another meeting on May 11<sup>th</sup>.

Chair Meier said that he, Mr. Slade, and Ms. Froman met with Senator Markey's staff in Boston about the new bridges, along with many people from MassDOT, Congressman Keating via Zoom, the U.S. Army Corps of Engineers, and the state-elected delegation and various select board members from Plymouth and Sandwich. He said there was not a lot of new information. They talked about competitive grants and how to apply for the funding. Ms. Froman said she was encouraged to hear how much background work had taken place already in terms of the funding.

She said she saw a tremendous amount of preparation. Chair Meier said that Rep. Vieira represented Bourne very well.

**13. Adjourn**

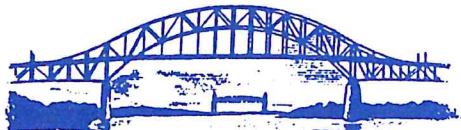
**Voted:** Jared MacDonald moved, and Judy Froman seconded to adjourn.

**Vote:** 5-0-0.

This meeting of the Bourne Board of Selectmen was adjourned at 8:07 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary



## BOURNE HOUSING AUTHORITY

871 Shore Road • Pocasset, MA 02559 • (508) 563-7485 • FAX (508) 564-7531 • email: [info@bournehousing.org](mailto:info@bournehousing.org)  
March 29, 2022

Select Board  
Town of Bourne  
24 Perry Avenue  
Buzzards Bay, MA

Dear Board Members:

I am writing on behalf of the Bourne Housing Authority Board of Commissioners to request a joint meeting with the Town of Bourne Select Board to re-appoint Commissioner Kathleen Durant to our Board of Commissioners.

The Massachusetts Department of Housing and Community Development has recently mandated that all Massachusetts housing authorities have a town appointed resident commissioner. Ms. Durant has been a commissioner on our board since January 2019 when she was then appointed by the Town of Bourne to complete the remaining term of a deceased commissioner. Commissioner Durant is also a resident with the Bourne Housing Authority at 871 Shore Road in Pocasset. Commissioner Durant's current term will expire in May 2022.

During our most recent Bourne Housing Authority Board of Commissioners meeting our Board unanimously voted to approve Commissioner Durant's re-appointment. A copy of the extract of the Board of Commissioner's minutes is included.

I am therefore requesting a joint session between the Town of Bourne Select Board and the Bourne Housing Authority Board of Commissioner's for the purpose of re-appointing Commissioner Durant for a five-year term as the Town of Bourne appointed resident board member.

Thank you for your consideration.

Sincerely,

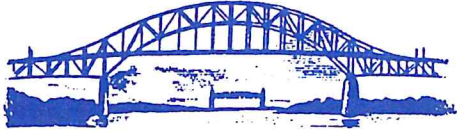
  
Greg Wheeler  
Executive Director  
Bourne Housing Authority  
871 Shore Road  
Pocasset, MA 02559  
[gwheeler@bournehousing.org](mailto:gwheeler@bournehousing.org)  
(508) 563-7485

CC: Marlene McCollom, Town Administrator  
Barry Johnson, Town Clerk



Equal Opportunity Housing and Employment





# BOURNE HOUSING AUTHORITY

871 Shore Road • Pocasset, MA 02559 • (508) 563-7485 • FAX (508) 564-7531 • email: [info@bournehousing.org](mailto:info@bournehousing.org)

## BOURNE HOUSING AUTHORITY

### EXTRACT FROM THE MINUTES OF A REGULAR MEETING OF THE MEMBERS OF THE BOURNE HOUSING AUTHORITY HELD ON MARCH 17, 2022

The members of the Bourne Housing Authority met in a regular session at 871 Shore Rd., Pocasset at the place, hour, and date duly posted for the holding of such meeting.

The Chairman called the meeting to order and upon a roll call the following answered;

PRESENT: Paula McConnell, Chairperson  
Fred Bartholomew, Vice Chairperson  
Karin Benedict, Treasurer  
Kathleen Durant, Commissioner  
Thomas Spence, Commissioner

On a motion by Commissioner Spence and seconded by Commissioner Benedict, the board unanimously

**VOTED: To approve recommendation of re-appointment of Commissioner Kathleen Durant to the Town of Bourne as the Massachusetts Department of Housing and Community Affairs town appointed resident commissioner.**

The Chairperson declared said motion carried and said vote in effect.

I certify that this is a true and accurate copy of the motion and that such action took place at a properly posted and held meeting of the Authority.

  
\_\_\_\_\_  
Greg Wheeler  
Executive Director

Date of Certification

March 17, 2022



*Equal Opportunity Housing and Employment*





CERTIFICATE

I, Greg Wheeler, hereby certify: that I am the duly appointed, qualified and acting Secretary and Executive Director of the Bourne Housing Authority and

1. That a notice of a meeting of said Bourne Housing Authority, a copy of which notice is annexed hereto which was held at 8:00 a.m. on March 17, 2022, was filed with Town Clerk in the Town of Bourne, Massachusetts at least forty-eight hours prior to the stated time of said meeting: and
2. That a copy of said notice of this meeting was immediately posted publicly on the principal official bulletin board of said Town of Bourne, Massachusetts.
3. That the posting of the above notice was made pursuant to the provisions of M.G.L. c.39 sec.23B, as amended.

Signed and sealed this 17th day of March 2022.



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Greg Wheeler  
Executive Director /Secretary  
**BOURNE HOUSING AUTHORITY**



**Town of Bourne**  
**Interdepartmental Advisory Form**



<b>Start Date:</b>	3/30/2022
<b>Owner/Applicant:</b>	Aptuxet Post #5988, V.F.W. Building Association, Inc. d/b/a Aptuxet Post #5988 Patrick J. Ruggiero, Manager
<b>Project Location:</b>	180 Shore Road, Bourne, MA
<b>Nature of Request:</b>	Amend Liquor License to permanently include temporary outside seating that was approved through 04.01.22. Amended Description: 1st floor: kitchen/bar/dining area/, men's and ladies rest rooms, pantry, outside deck, 2 storage areas, 3 entrances/exits. 2nd floor: 4 offices, 2 storage areas, 1 entrance/exit. Lower level: 2 dining areas with bar, 3 storage areas, 2 rest rooms, 3 entrances/exits. Secured outside seating area to the rear of the establishment. Site Plan review No. 504 3.12.20
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	26.2	<b>Parcel:</b>	73.01	<b>District:</b>	
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☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>	1.56	<b>Frontage:</b>		<b>Zone:</b>	R40
<b>Resource District:</b>	No	<b>Town Road:</b>	Yes	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	No
<b>Flood Zone:</b>	AE 15'	<b>Within 100' of Wetland:</b>	No				

**Owner:**  
**Remarks:**

4/4/2022 Timothy P Lydon  
Date Department Head

☐ **Planning Department/Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

**Remarks:** SPR #504 on  
file with permanent  
outdoor seating.

4/1/2022 Jennifer Copeland  
Date Town Planner

☐ **Conservation Commission:** ☐ **Must File** ☐ **Determination** ☐ **Notice of Intent**  
☒ **Need not File**

**Remarks:**

4/6/2022 Stephanie Fitch  
Date Conservation Agent

☐ Board of Health: ☒ Concur ☐ Does Not Concur

Remarks:

4/8/2022 K.Shea  
Date Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks: Will need to update the Certificate of Inspeiton: <https://bournema.viewpointcloud.com/categories/1071/record-types/1006476>

4/1/2022 KMurphy/ag  
Date Building Inspector

☐ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

4/11/2022 Maria Simone/Admin  
Date Department Head

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

3/30/2022 A Dastous  
Date Town Collector

☐ Town Clerk:  
If not corporation has business certificate been issued? ☐ Yes ☐ No

Remarks: N/A

4/15/2022 MFernandes  
Date Clerk's Office

☐ Assessors:  
This individual has (have) completed the Form of List? ☐ Yes ☒ No

Remarks: na

3/30/2022 JPotter  
Date Assessors Office

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☐ Department of Public Works: ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks:

3/30/2022

Matt Quinn

Date

Department Head

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☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

3/30/2022

Chris Southwood

Date

Department Head

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☐ Recreation Department: ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

3/31/2022

Krissanne M. Caron

Date

Department Head

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☐ Police Department: ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

4/13/2022

Lt. John R. Stowe Jr.

Date

Department Head

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☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks:

3/31/2022

David S. Pelonzi, Assistant Chief

Date

Department Head

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☐ Town Administrator/Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman

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# TOWN OF BOURNE

## *Planning Board*

TOWN HALL  
24 PERRY AVE.  
BUZZARDS BAY, MA 02532  
PHONE: 508-759-0600 ext 1335



### **NOTICE OF DECISION**

#### **Site Plan Review No. 504**

The Planning Board, acting in their capacity as the Permit Granting Authority in accordance with the Zoning Bylaw of the Town of Bourne, held a Public Hearing, concerning the following matter as more fully set forth in an Application for a Site Plan Review dated February 7, 2020 along with Plans, Reports and Memorandum filed therewith, all of which are on file for public inspection at the offices of the Planning Board, Town Hall, 24 Perry Avenue, Buzzards Bay, Massachusetts.

**Owner:** Aptuxet Post #5988, 180 Shore Rd, Bourne, MA 02532  
**Applicant:** Patrick Ruggiero, PO Box 109, Sagamore Beach, MA 02562  
**Subject Property:** 180 Shore Rd, Bourne, MA, Map 26.2 Parcel 73, R-40 (residential) zoning district  
**Date of Hearing:** Opened & Closed on 3/12/2020  
**Place of Hearing:** Bourne Community Building, 239 Main St, Buzzards Bay, MA 02532

#### **I. PROCEDURAL HISTORY / FINDING OF FACTS**

Based upon its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board found and concluded that:

1. The property is located at 180 Shore Rd, Bourne, MA and is located within the Residential 40 (R-40) zoning district. The proposed and existing use is allowed per Section 2220 - philanthropic institution. It is shown on Assessor's Map 26.2 Parcel 73 and is owned by Aptuxet Post #5988.
2. The application is to construct a 40' x 50' (2,000 sf) detached pavilion with picnic tables for outdoor functions located behind the primary building.
3. The parcel consists of 95,817 sf with an existing primary building and two secondary buildings located to the west.
4. The project is being reviewed pursuant to Section 1233c.
5. The application is accompanied by the following:

Proposed Plot Plan dated 2.7.20 and revised 3.11.20 by Pesce Engineering & Associates, Inc.
A1 - Floor and Site Plan date stamped 2.7.20
A2 - Foundation and roof framing plan date stamped 2.7.20

6. Notice of the public hearing was given as provided by Massachusetts General Laws, c. 40A, section 11, by mailing and publication.

**II. STATEMENT OF APPLICABLE LAW**

Based on the referenced criteria and its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board finds that the Project meets the requirements of the Bourne Zoning Bylaw.

**III. FINDINGS:**

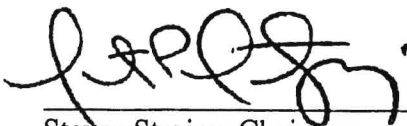
- a) Per section 3300, the existing 68 parking spaces is sufficient for the use as a philanthropic institutional organization.
- b) The applicant has agreed that the pavilion shall close no later than 10:00 p.m. daily.
- c) The applicant shall collaborate with town officials to improve pedestrian, bicycle, and vehicular flow along the southern entrance.

**IV. CONDITIONS:**

- a) Two separate events shall not occur on the property at the same time to prevent overcrowding of parking lot.
- b) Confirmation from the Health Agent that the sewerage system is adequate.
- c) Confirmation from the Conservation Agent that the proposal meets conservation regulations.
- d) Prior to the issuance of an occupancy permit, an As-Built plan must be submitted to the Planning Board showing all appurtenances above and below ground.

**V. MOTION:**

Mr. Doucette made a MOTION to Approve Site Plan Review #504 in accordance with the above findings, terms and conditions. The MOTION was seconded by Ms. Brown with all in favor.



Steven Strojny, Chairman

**IMPORTANT:**

The right of an aggrieved person to appeal the Planning board's site plan review decision arises only when the building permit for the proposed project is issued or denied by the building inspector.



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

**AMENDMENT-Change or Alteration of Premises Information**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: **ABCC PAYMENT WEBSITE**

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE  
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00033-CL-0118

ENTITY/ LICENSEE NAME

Aptucxet Post #5988, VFW Building Association, Inc.

ADDRESS

180 Shore Road

CITY/TOWN

Bourne

STATE

MA

ZIP CODE

02532

For the following transactions (Check all that apply):

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> Change Corporate Name                      | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of DBA                              | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Change of Hours                              |
| <input type="checkbox"/> Change of Manager            | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Officers/Directors | <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Ownership Interest | <input type="checkbox"/> Other                                      | <input type="text"/>  |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**Alcoholic Beverages Control Commission**  
**95 Fourth Street, Suite 3**  
**Chelsea, MA 02150-2358**



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT-Change or Alteration of Premises Information**

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Aptuxcet Post #5988 VFW Building Association	Bourne, MA	00033-CL-0118

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Continuation of Outdoor/Patio seating

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
John Diauto	Commander	vfwaptuxcet@gmail.com	

**2. ALTERATION OF PREMISES**

**2A. DESCRIPTION OF ALTERATIONS**

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Proposed: Secured outside seating area to the rear of the establishment.

**2B. PROPOSED DESCRIPTION OF PREMISES**

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

1st floor: kitchen/bar/dining area/, men's and ladies rest rooms, pantry, outside deck, 2 storage areas, 3 entrances/exits. 2nd floor: 4 offices, 2 storage areas, 1 entrance/exit. Lower level: 2 dining areas with bar, 3 storage areas, 2 rest rooms, 3 entrances/exits.  
Secured outside seating area to the rear of the establishment.

Total Sq. Footage	100 sq ft	Seating Capacity	102	Occupancy Number	150
Number of Entrances	4	Number of Exits	4	Number of Floors	2



## AMENDMENT-Change or Alteration of Premises Information

### 3. CHANGE OF LOCATION

#### 3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

#### 3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

1st floor: kitchen/bar/dining area/, men's and ladies rest rooms, pantry, outside deck, 2 storage areas, 3 entrances/exits. 2nd floor: 4 offices, 2 storage areas, 1 entrance/exit. Lower level: 2 dining areas with bar, 3 storage areas, 2 rest rooms, 3 entrances/exits. Secured outside seating area to the rear of the establishment.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

#### 3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

## APPLICANT'S STATEMENT

I, John Diauto the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory  
of Aptucxet VFW Post #5988  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

John Diauto

Date:

3/2/22

Title:

Commander

### ENTITY VOTE

The Board of Directors or LLC Managers of

Aptuxet Post 5988 VFU  
Entity Name

duly voted to apply to the Licensing Authority of

Town of Bourne  
City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

4/19/22  
Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

John Diauto

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

John F. Diauto  
Corporate Officer / LLC Manager Signature

John F. Diauto  
(Print Name)

For Corporations ONLY

A true copy attest,

Shawnd Mullins  
Corporation Clerk's Signature

SHAWN D. MULLINS  
(Print Name)

Key: 5491

## Town of Bourne - Fiscal Year 2022

12/1/2021 7:58 pm SEQ #: 5,637

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CURRENT OWNER				PARCEL ID				LOCATION			
APTUCXET POST #5988 ASSN INC				26.2-73-1				180 SHORE RD			
180 SHORE RD				TRANSFER HISTORY				DOS			
BOURNE, MA 02532				APTUCXET POST #5988 ASSN				XX			
								00800-0184			

CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD
9540	100	FUNG HALLS.COMM CNTR		6	1	1 of 2
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY
19448	05/28/2019	3	ALT/RENO	3,671		
18525	06/14/2018	3	ALT/RENO	139,650		
17673	08/24/2017	2	ADDITIONS	19,700		
15490	06/22/2015	3	ALT/RENO	7,800		
09093	03/31/2009	3	ALT/RENO		07/06/2009	JB

CD	T	AC/SF/UN	Nbhd	Infl1	N Index	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE		
103	S	40,000 C-6	1.00	100	1.00	100	1.00	411,800	1.04	A	1.00	55	1.00	394,290
303	A	0.642 C-6	1.00	100	1.00	100	1.00	20,600	1.00	A	1.00	55	1.00	13,230

TOTAL	1.560 Acres	ZONING	1	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	POCASS/CATAUMET	NOTE				LAND	407,500	395,600
Infl1	AVG					BUILDING	258,200	249,600
N Index	AVG					DETACHED	47,200	47,200
						OTHER	60,500	55,100
						TOTAL	773,400	747,500

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
PAV	A	1.00	30 0.70		60,000	1.00	42,000
SW2	A	1.00	10 0.90 5 X 6		30	18.90	500
SHF	A	1.00	10 0.90 10 X 36		432	12.15	4,700

PHOTO 10/04/2017

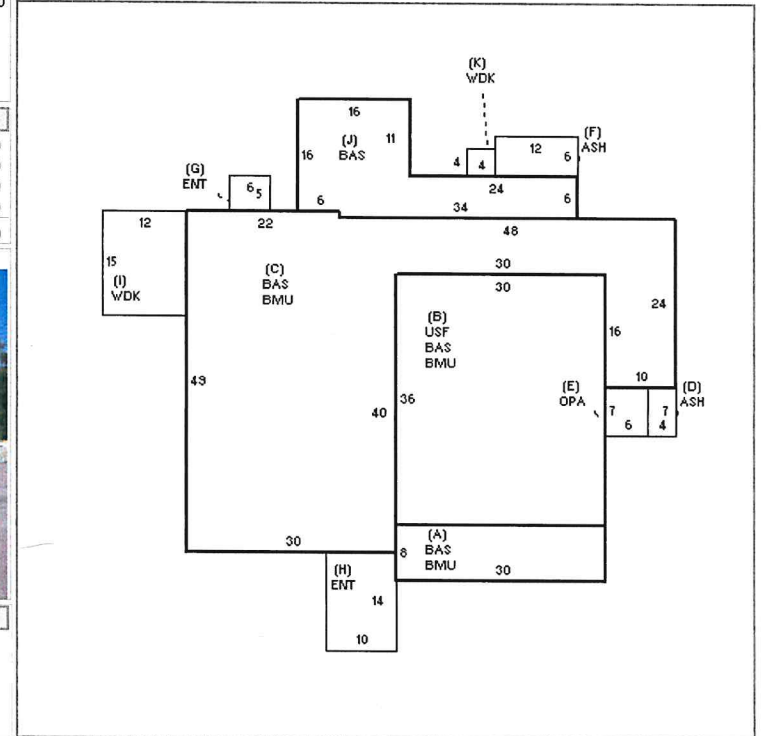


BLDG COMMENTS

BUILDING	CD	ADJ	DESC	MEASURE	11/25/2019	RP
MODEL	5		CIM-5	LIST	11/25/2019	RP
STYLE	71	1.10	CLUB/LODGE/HALL [100%]			
QUALITY	A	1.04	AVERAGE [59%]			
FRAME	1	1.00	WOOD FRAME [100%]			

YEAR BLT	1950	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	391,141
NET AREA	8,014	DETAIL ADJ	1.129	FOUNDATION	4	FLR & WALL	1.00	A	BMU	N	BSMT UNF	240		15.70	3,768	CONDITION ELEM	CD
\$NLA(RCN)	\$49	OVERALL	1.000	EXT. COVER	4	VINYL	1.00	+	BAS	L	BASE AREA	3,262	1950	55.76	181,886		
				ROOF SHAPE	1	GABLE	1.00	B	BMU	N	BSMT UNF	1,080		15.70	16,956		
				ROOF COVER	1	ASPH/CMP SHIN	1.00	B	USF	L	UP-STRY FIN	1,080	1950	47.27	51,051		
				FLOOR COVER	3	W/W CARPET	1.00	C	BMU	N	BSMT UNF	1,942		15.70	30,489	EXTERIOR	A
				INT. FINISH	3	WOOD PANEL	1.05	+	ASH	N	ATT SHED	100		18.90	1,890		
				HEATING/COOL	9	WARM/COOL AIR	1.00	E	OPA	N	OPEN PORCH	42		14.26	599		
				FUEL SOURCE	2	GAS	1.00	+	ENT	N	ENCL ENTRY	170		24.78	4,212		
				NAF	0		1.00	+	WDK	N	WOOD DECK	196		21.76	4,264	INTERIOR	A
								J	BAS	L	BASE AREA	410	2019	55.76	22,861		
									BMF	L	BSMT FIN	3,262	1950	22.43	73,165		

EFF.YR/AGE	1977 / 43
COND	34 34 %
FUNC	0
ECON	0
DEPR	34 % GD 66
RCNLD	\$258,200





Key: 5491


## Town of Bourne - Fiscal Year 2022

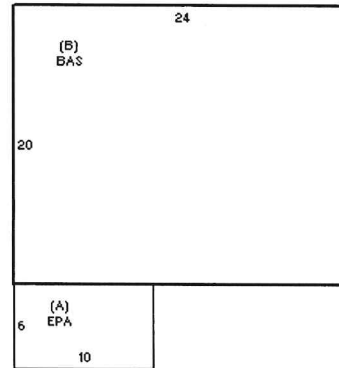
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7:58 pm

SEQ #: 5,638

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CURRENT OWNER		PARCEL ID		LOCATION		CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD							
APTUCXET POST #5988 ASSN INC		26.2-73-1		180 SHORE RD		9540	100	FUNC HALLS.COMM CNTR			2	2 of 2							
180 SHORE RD		TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)												
BOURNE, MA 02532																			
CD	T	AC/SF/JN	Nbhd	Inf1	N Index	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE							
TOTAL		ZONING		FRNT		ASSESSED		CURRENT		PREVIOUS									
Nbhd		NOTE				LAND		60,500											
Inf1						BUILDING													
N Index						DETACHED													
						OTHER													
						TOTAL													
TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD		PHOTO 10/04/2017										
																			
BLDG COMMENTS																			
BUILDING		CD	ADJ	DESC		MEASURE	11/25/2019	RP											
MODEL		1		RESIDENTIAL		LIST	10/4/2017	BC											
STYLE		1	0.95	RANCH [100%]		REVIEW													
QUALITY		A	1.00	AVERAGE [100%]															
FRAME		1	1.00	WOOD FRAME [100%]															
YEAR BLT	1952	SIZE ADJ	1.000	ELEMENT		CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	72,051	
NET AREA	480	DETAIL ADJ	1.000	FOUNDATION		1	PIER	1.00	A	EPA	N	ENCLOSED PORCH	60		66.15	3,969	CONDITION ELEM	CD	
\$NLA(RCN)	\$150	OVERALL	0.930	EXT COVER		1	WOOD SHINGLE	1.02	B	BAS	L	BASE AREA	480	1952	141.84	68,082	EXTERIOR	A	
CAPACITY		UNITS	ADJ	ROOF SHAPE		1	GABLE	1.00											
STORIES		1	1.00	ROOF COVER		1	ASPH/COMP SHIN	1.00											
ROOMS		3	1.00	FLOOR COVER		3	W/W CARPET	1.00											
BEDROOMS		1	1.00	INT. FINISH		4	WALL BOARD	0.96											
BATHROOMS		1	1.00	HEATING/COOLING		1	FORCED AIR	1.00											
FIXTURES		5	1.00	FUEL SOURCE		2	GAS	1.00											
GARAGE CAPACITY		0	1.00																
% BSMT FINISH		0	1.00																
# OF HALF BATHS		0	1.00																
# OF UNITS		1	1.00																
EFF.YR/AGE 2001 / 19																			
COND		16	16 %																
FUNC		0																	
ECON		0																	
DEPR		16	% GD	84															
RCNLD		\$60,500																	



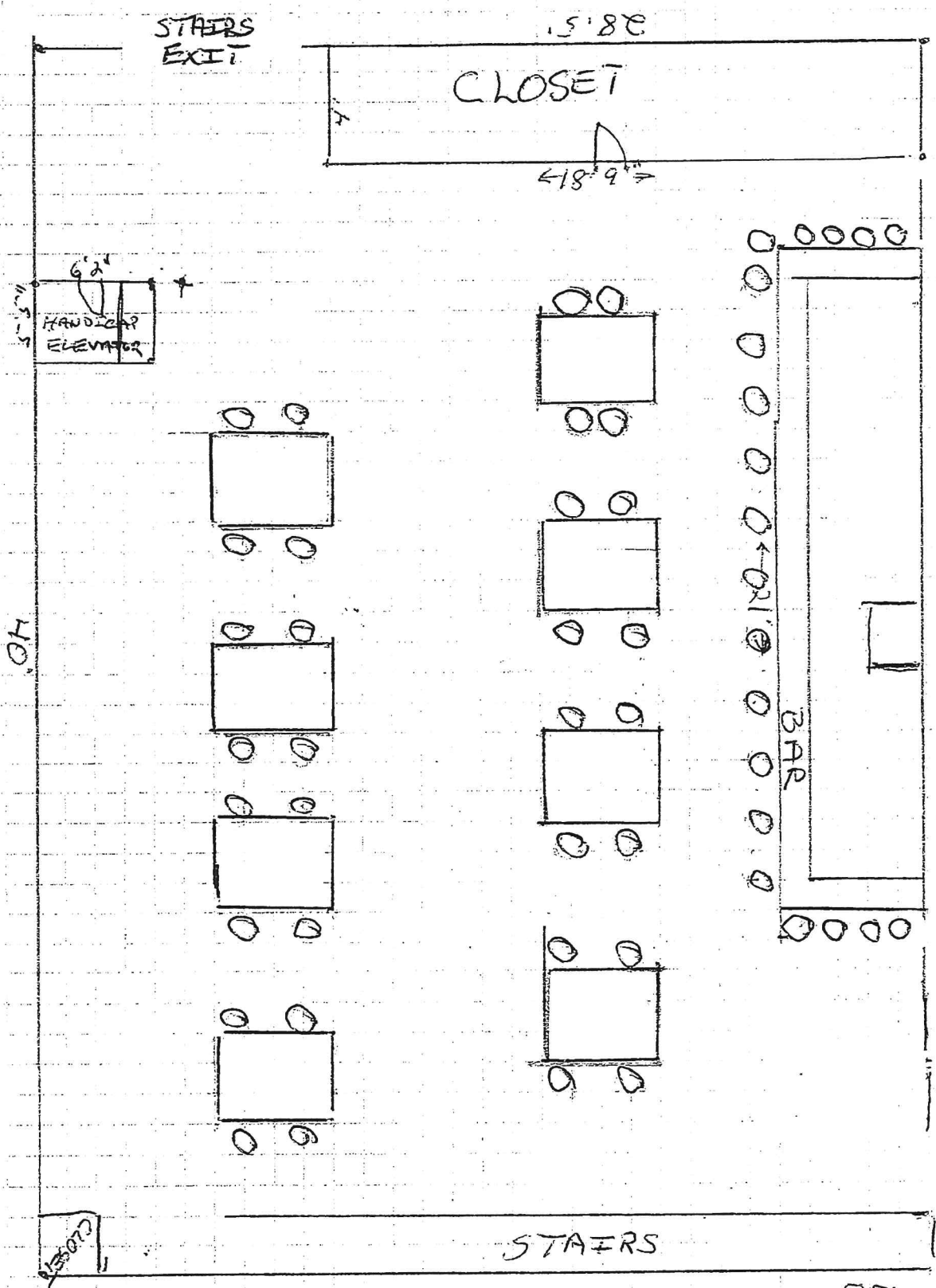
SCALE = 1" = 5'

# "BIB ROOM" (BASEMENT)

NEW  
HANDICAP?  
BATHROOMS →

AS CONTINUED HERE!  
AS OF 3/8/2020

TABLE SEATED = 32  
BAR SEATED = 20  
BAR TENDERS = 5  
57



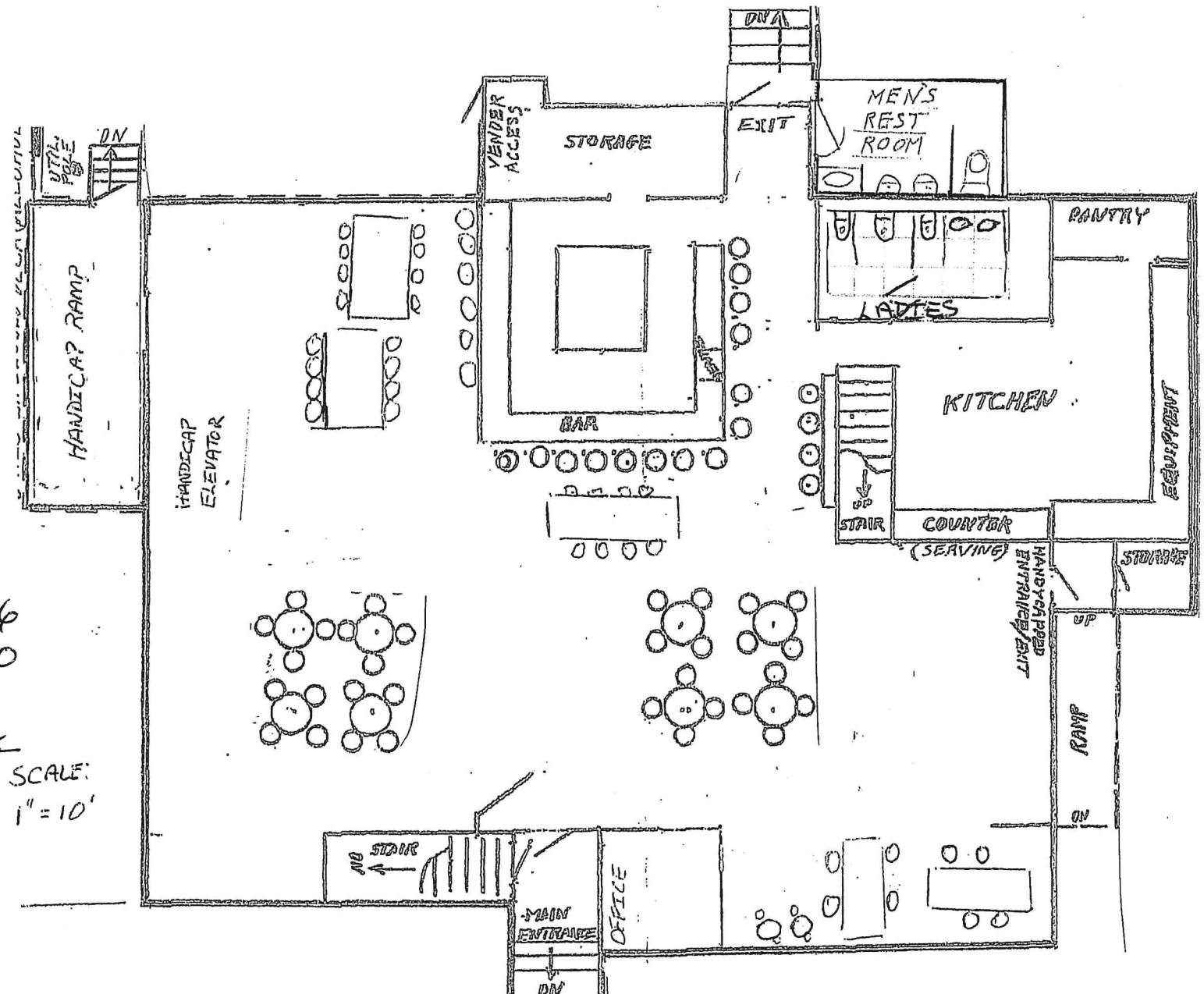
1" = 10'

MAIN FLOOR  
EXISTING  
CONFIGURATION  
AS OF 3/8/2022

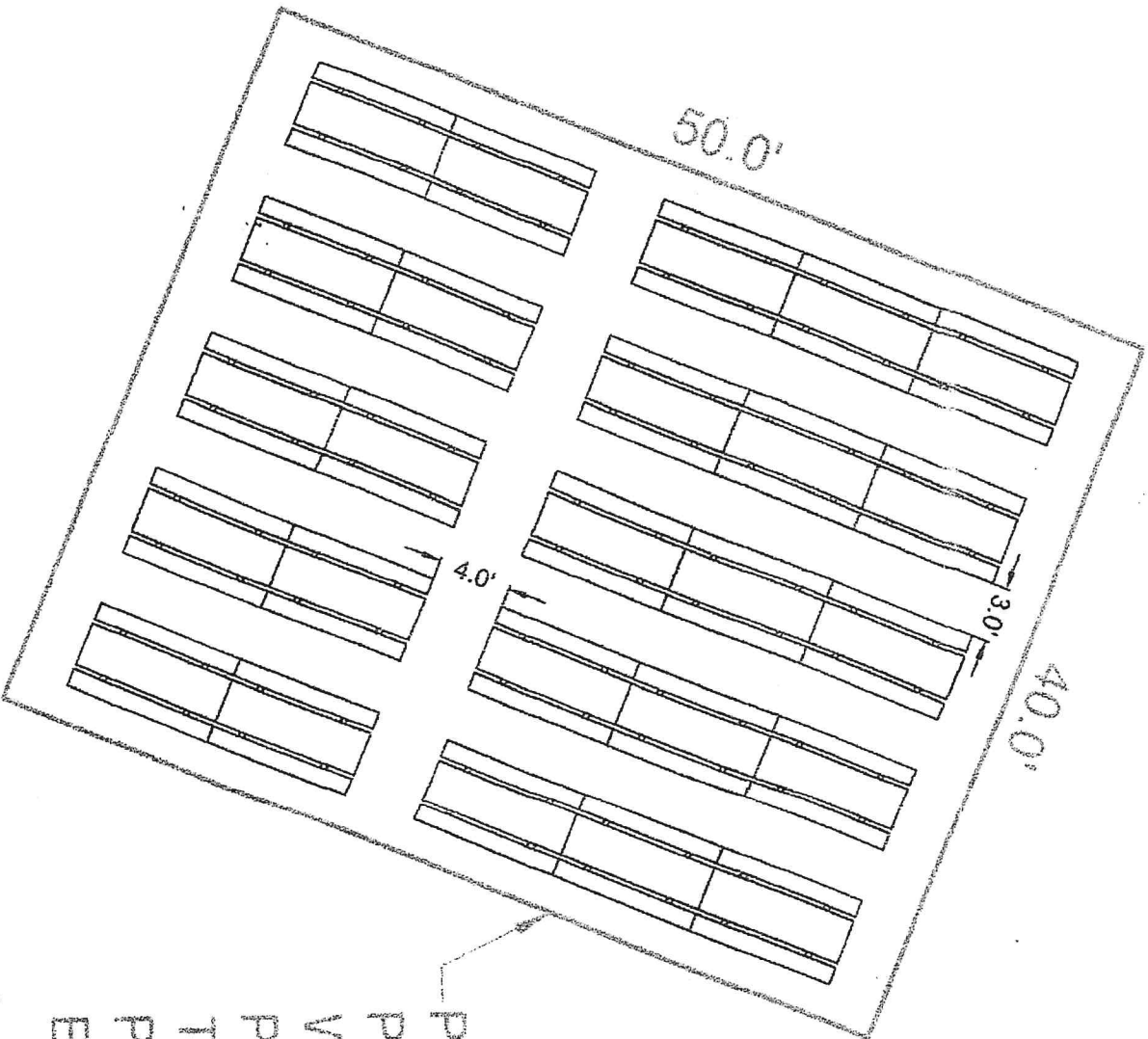
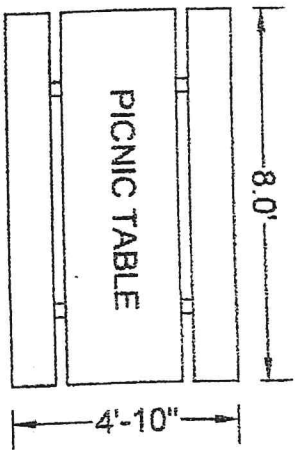
TABLE SEATED = 66  
BAR SEATED = 20  
SIDE BAR SEATED = 4  
BARTENDER = 2

92

SCALE:  
1" = 10'







PROPOSED.  
PAVILLION  
WITH 25  
PICNIC  
TABLES (6-8  
PERSONS  
EACH)


PROPOSED PAVILLION DIMENSIONS

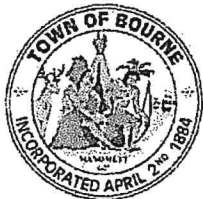
SCALE: 1" = 10'

Extract: 1 Abutters List  
Database: LIVE  
Filter: Key IN 4379,4811,5487,5489,5490,5493  
Sort:

Report #24: Owner Listing Report  
Fiscal Year 2023

Bourne MA

Key	Parcel ID	Owner	Location	LC/CI	Bk-Pq(Cert)/Dt	Mailing Street	Mailing City	ST	Zip Cd/County
4379	23.0-8-0	COMMONWEALTH OF MASSACHUSETTS EXEC OFFICE OF TRANS & CONSTR							
4811	23.4-8-0	SCHOFIELD ALLEN W TR 12 BELL ROAD NOMINEE TR							
5487	26.2-69-0	DIAMANTOPOULOS DALE & SUSAN DIAMANTOPOULOS							
5489	26.2-71-0	DIAMANTOPOULOS DALE & SUSAN TRS DIAMANTOPOULOS TRUST							
5490	26.2-72-0	BRAMANTE DEBORAH B							
5493	26.2-74-0	MICHIEZI VINCENT TR OF SHORE RD RLTY TRUST							
Total Records		6							



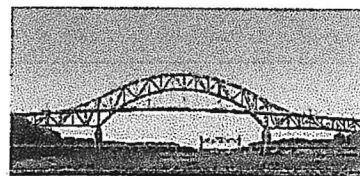
## TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 1510 ♦ Fax (508) 759-8026



Michael Leitzel, Chairperson  
Ellen Doyle Sullivan, Clerk  
Donna Barakauskas, Member

Rui Pereira, MAA  
Director of Assessing

March 29, 2022

David Neal  
Bourne VFW  
PO Box 66  
Monument Beach, MA 02553

Reference: Abutters List for Map 26.2 Parcel 73.1  
Subject Property: 180 Shore Road

Pursuant to the provisions of Massachusetts General Laws Chapter 138, Section 15A, as amended, this is to certify that the enclosed list of names and addresses constitutes all of the abutters of the premise, including schools, churches and hospitals within 500 feet of the subject property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for an application of a Liquor License from the Board of Selectmen.

Abutting properties are: Map 23 Parcel 6; Map 23.4 Parcel 8; Map 26.2 Parcels 69, 71, 72 & 74.

Your payment of \$10.00 has been received by the Assessor's Office.

**Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.**

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

List Enclosed

*Ellen Doyle Sullivan -  
Donna Barakauskas  
Michael Leitzel*

2019 0700 0000 2913 3024

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Lunenburg, MA 01462

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

2019 0700 0000 2913 3024

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Hoskinton, MA 01748

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

See Reverse for Instructions

2019 0700 0000 2913 3031

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Boston, MA 02116

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

2019 0700 0000 2913 3030

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Lunenburg, MA 01462

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

2019 0700 0000 2913 2997

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Buzzards Bay, MA 02532

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

2019 0700 0000 2913 2980

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Buzzards Bay, MA 02532

**OFFICIAL USE**

Certified Mail Fee	\$3.75	0553
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$7.38	04/08/2022

Postmark Here

[Redacted]

PROOF OF MAILING  
TAKE TO HEARING





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/12/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MA Thomas Carroll Ins 617 Mill St Worcester, MA 01602		<b>CONTACT</b> NAME: Tom Carroll PHONE (A/C, No, Ext): (508) 752-3300 E-MAIL: tom@thomascarrollinsurance.com FAX (A/C, No):	
<b>INSURED</b> Aptuxet Post #5988 VFW Building Assoc, Inc. 180 Shore Road Bourne, MA 02532		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Security National Insurance Company INSURER B: National Casualty Company INSURER C: INSURER D: INSURER E: INSURER F:	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		KKO0000008854000	6/5/2021	6/5/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS					EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below:	Y/N	SWC1343796	7/29/2021	7/29/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
B	Liquor Liability		KKO0000008854000	6/5/2021	6/5/2022	Common Cause Limit \$1,000,000 Aggregate Limit \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

For Liquor License Renewal purposes only.

**CERTIFICATE HOLDER****CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Town of Bourne

24 Perry Avenue

Bourne, MA 02532



**Town of Bourne**  
**Interdepartmental Advisory Form**



<b>Start Date:</b>	3/25/2022
<b>Owner/Applicant:</b>	Siam Tree LLC d/b/a Krua Thai Restaurant Sarrawich Suksanit, Manager
<b>Project Location:</b>	91 Main St, Buzzards Bay
<b>Nature of Request:</b>	Beer and Wine License, year round
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	23.2	<b>Parcel:</b>	67.00	<b>District:</b>	
-------------	------	----------------	-------	------------------	--

☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>		<b>Frontage:</b>		<b>Zone:</b>	<b>DTC</b>
<b>Resource District:</b>	No	<b>Town Road:</b>	Yes	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	No
<b>Flood Zone:</b>	AE 16'	<b>Within 100' of Wetland:</b>	No				

Owner:  
Remarks:

3/25/2022 Timothy P Lydon  
Date Department Head

☐ **Planning Department/Planning Board:** ☒ Concur ☐ Does Not Concur

Remarks:

4/1/2022 Jennifer Copeland  
Date Town Planner

☐ **Conservation Commission:** ☐ Must File ☐ Determination ☐ Notice of Intent  
☒ Need not File

Remarks:

3/25/2022 Stephanie M Fitch/tl  
Date Conservation Agent

☒ **Board of Health:** ☒ Concur ☐ Does Not Concur

Remarks:

4/11/2022 K.Shea  
Date Health Agent



☒ **Building Inspector:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/11/2022

KMurphy/ag

Date

Building Inspector

☐ **Sewer Commissioners:** ☒ **Approved** ☐ **Disapproved** ☐ **Not Under Sewer Jurisdiction**

Remarks:

4/11/2022

Maria Simone/Admin

Date

Department Head

☐ **Town Collector:** ☐ **Outstanding Taxes** ☒ **Taxes Paid In Full**

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/6/2022

A Dastous

Date

Town Collector

☐ **Town Clerk:**

If not corporation has business certificate been issued? ☒ **Yes** ☐ **No**

Remarks: Current Business Certificate on file

4/6/2022

CCobb

Date

Clerk's Office

☐ **Assessors:**

This individual has (have) completed the Form of List? ☒ **Yes** ☐ **No**

Remarks: fol on file

3/30/2022

JPotter

Date

Assessors Office

☐ **Department of Public Works:** ☐ **Approved** ☐ **Disapproved** ☒ **Not Under DPW Jurisdiction**

Remarks:

3/28/2022

Matthew Quinn

Date

Department Head

---

☐ **Department of Natural Resources:** ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

3/25/2022

Chris Southwood

Date

Department Head

---

☐ **Recreation Department:** ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

3/28/2022

Krissanne M. Caron

Date

Department Head

---

☐ **Police Department:** ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

3/25/2022

Lt. John R. Stowe Jr.

Date

Department Head

---

☐ **Fire Department:** ☒ Concur ☐ Does Not Concur

Remarks: Will need an inspection from this department

3/25/2022

David S. Pelonzi

Date

Department Head

---

☐ **Town Administrator/Board of Selectmen:** ☐ Concur ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman

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*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*  
*www.mass.gov/abcc*

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

**APPLICATION FOR A NEW LICENSE**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.**

**ECRT CODE: RETA**

**Please make \$200.00 payment here: ABCC PAYMENT WEBSITE**

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE  
PAYMENT RECEIPT**

**ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)**

**ENTITY/ LICENSEE NAME**

**ADDRESS**

**CITY/TOWN**

**STATE**

**ZIP CODE**

**For the following transactions (Check all that apply):**

- |  |   |   |   |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License                        | <input type="checkbox"/> Change of Location   | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License                           | <input type="checkbox"/> Alteration of Licensed Premises  | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager                             | <input type="checkbox"/> Change Corporate Name  | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|  | <input type="checkbox"/> Other <input type="text"/>   |   | <input type="checkbox"/> Change of DBA                                |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**Alcoholic Beverages Control Commission**  
**95 Fourth Street, Suite 3**  
**Chelsea, MA 02150-2358**



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*  
*www.mass.gov/abcc*

**APPLICATION FOR A NEW LICENSE**

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

**ON/OFF-PREMISES**

On-Premises-12

**TYPE**

\$12 Restaurant

**CATEGORY**

Wines and Malt Beverages

**CLASS**

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are applying for a beer and wine license to be able to serve beer and wine with our food. We serve traditional thai food with some american appetizers that we previously offered for the customers drinking at the brewery next to us. However, the brewey is closed and we would like to be able to offer our customers some beer or wine while they dine with us.

Is this license application pursuant to special legislation?

☐

Yes

☒

No

Chapter

Acts of

**2. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Entity Name

Siam Tree LLC

FEIN

84-4590480

DBA

Krua Thai Restaurant

Manager of Record

Street Address

91 Main St, Buzzards Bay, MA, 03532

Phone

Email

Alternative Phone

Website

<https://www.kruarestaurants.com/>

**3. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

There are two bathrooms, one is for employees and the other for customers. We have a storage room in the back of the location which is behind the kitchen and employee restroom. There are 10 tables with three tables seating two and the the rest seating 4 each.

Total Square Footage:

1640

Number of Entrances:

2

Seating Capacity:

35

Number of Floors

1

Number of Exits:

2

Occupancy Number:

**4. APPLICATION CONTACT**

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Sarrawich Suksanit

Phone:

617-515-5914

Title:

President

Email:

## APPLICATION FOR A NEW LICENSE

### 5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	02/05/2020
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Sarrawich Suksanit	[REDACTED]	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
President	100	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident	<input checked="" type="radio"/> Yes <input type="radio"/> No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

Additional pages attached?	<input type="radio"/> Yes <input type="radio"/> No
----------------------------	--

#### CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

## APPLICATION FOR A NEW LICENSE

### 6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

## 7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address  Buzzards Bay, MA, 02532

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No



## APPLICATION FOR A NEW LICENSE

### 8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other * (Please specify below)	
D. Total Cost	

\*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

#### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
TD Bank	
Total:	1500

#### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

#### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Funding will be through the companie's assets or liquid cash. Will be in the merchant bank account.

### 9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

## 10. MANAGER APPLICATION

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Sarrawich Suksanit

Date of Birth

Residential Address

Email

Phone

Please indicate how many hours per week you intend to be on the licensed premises

40

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*

☒ Yes ☐ No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature



Date

3/24/22

## 11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

### 11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

### 11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

#### LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### **11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### **11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

### **11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

### **11F. TERMS OF AGREEMENT**

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

**ABCC Licensee Officer/LLC Manager**

**Management Agreement Entity Officer/LLC Manager**

Signature:

Signature:

Title:

Title:

Date:

Date:

### APPLICANT'S STATEMENT

I, Sarrawich Suksanit the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager  
Authorized Signatory

of Siam Tree LLC  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

3/24/22

Title:

President

## ADDENDUM A

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Siam Tree LLC

Percentage of Ownership in Entity being Licensed  
(Write "NA" if this is the entity being licensed)

100

Name of Principal

Sarrawich Suksanit

Residential Address

SSN

DOB

Title and or Position

President

Percentage of Ownership

100

Director/ LLC Manager US Citizen

☒ Yes ☐ No

☒ Yes ☐ No

MA Resident

☒ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

☐ Yes ☐ No

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No



### ENTITY VOTE

The Board of Directors or LLC Managers of Siam Tree LLC  
Entity Name  
duly voted to apply to the Licensing Authority of Buzzards Bay and the  
City/Town  
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 3/25/22  
Date of Meeting

For the following transactions (Check all that apply):

- |  |   |   |   |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License                        | <input type="checkbox"/> Change of Location   | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License                           | <input type="checkbox"/> Alteration of Licensed Premises  | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager                             | <input type="checkbox"/> Change Corporate Name  | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|  | <input type="checkbox"/> Other <u>                                    </u>                        | <input type="checkbox"/> Change of DBA                                    |   |

"VOTED: To authorize

Sarrawich Suksanit

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

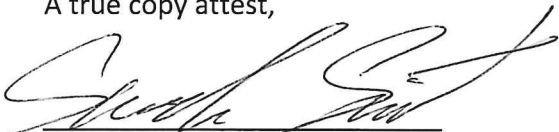
"VOTED: To appoint

Sarrawich Suksanit

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Sarrawich Suksanit

(Print Name)

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)

# Corporations Division

## Business Entity Summary

ID Number: 001424360

[Request certificate](#)

[New search](#)

Summary for: SIAM TREE LLC

**The exact name of the Domestic Limited Liability Company (LLC):** SIAM TREE LLC

**Entity type:** Domestic Limited Liability Company (LLC)

**Identification Number:** 001424360

**Date of Organization in Massachusetts:**  
02-06-2020

**Last date certain:**

**The location or address where the records are maintained** (A PO box is not a valid location or address):

Address: 91 MAIN ST.

City or town, State, Zip code, BUZZARDS BAY, MA 02532 USA  
Country:

**The name and address of the Resident Agent:**

Name: UNITED STATES CORPORATION AGENTS, INC.

Address: 101 BILLERICA AVE., BLDG. 5, SUITE 204

City or town, State, Zip code, NORTH BILLERICA, MA 01862 USA  
Country:

**The name and business address of each Manager:**

Title	Individual name	Address

**In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:**

Title	Individual name	Address
SOC SIGNATORY	SARRAWICH SUKSANIT	91 MAIN ST. BUZZARDS BAY, MA 02532 USA

**The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:**

Title	Individual name	Address
REAL PROPERTY	SARRAWICH SUKSANIT	91 MAIN ST. BUZZARDS BAY, MA 02532 USA

☐ **Consent**    ☐ **Confidential Data**    ☐ **Merger Allowed**    ☐ **Manufacturing**

**View filings for this business entity:**



Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street, First Floor  
Boston, MA 02114

DEBORAH B. GOLDBERG  
TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

JEAN M. LORIZIO, ESQ.  
CHAIRMAN

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

**ABCC LICENSE INFORMATION**

ABCC NUMBER: (IF EXISTING LICENSEE)		LICENSEE NAME:		CITY/TOWN:	
--	--	----------------	--	------------	--

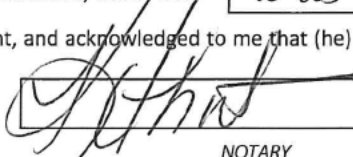
**APPLICANT INFORMATION**

LAST NAME:	Suksanit	FIRST NAME:	Sarrawich	MIDDLE NAME:	
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:			
DATE OF BIRTH:		ID THEFT INDEX PIN (IF APPLICABLE):			
MOTHER'S MAIDEN NAME:		STATE LIC. ISSUED:	Massachusetts		
GENDER:	MALE	HEIGHT:		EYE COLOR:	
CURRENT ADDRESS:					
CITY/TOWN:					
FORMER ADDRESS:					
CITY/TOWN:					

**PRINT AND SIGN**

PRINTED NAME:	Sarrawich Suksanit	APPLICANT/EMPLOYEE SIGNATURE:	
---------------	--------------------	-------------------------------	--

**NOTARY INFORMATION**

On this	Mar. 25, 2022	before me, the undersigned notary public, personally appeared	Sarrawich Suksanit
(name of document signer), proved to me through satisfactory evidence of identification, which were		a US Passport	
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.			
		 NOTARY	

**DIVISION USE ONLY**

REQUESTED BY:	
SIGNATURE OF CORI-AUTHORIZED EMPLOYEE	

The DCII Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCII. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCII via mail or by fax to (617) 660-4614.



KATHLEEN C. THUT  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 28, 2027



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Certificate of Organization**

(General Laws, Chapter )

Identification Number: 001424360

1. The exact name of the limited liability company is: SIAM TREE LLC

2a. Location of its principal office:

No. and Street: 91 MAIN ST.  
City or Town: BUZZARDS BAY State: MA Zip: 02532 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 91 MAIN ST.  
City or Town: BUZZARDS BAY State: MA Zip: 02532 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

RESTAURANT - FAST FOOD TAKE OUT EAT IN DELIVERY

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: UNITED STATES CORPORATION AGENTS, INC.  
No. and Street: 101 BILLERICA AVE., BLDG. 5, SUITE 204  
City or Town: NORTH BILLERICA State: MA Zip: 01862 Country: USA

I, UNITED STATES CORPORATION AGENTS, INC. resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	SARRAWICH SUKSANIT	91 MAIN ST.

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name <small>First, Middle, Last, Suffix</small>	Address (no PO Box) <small>Address, City or Town, State, Zip Code</small>
REAL PROPERTY	SARRAWICH SUKSANIT	91 MAIN ST. BUZZARDS BAY, MA 02532 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 6 Day of February, 2020,  
LEGALZOOM.COM, INC., A CALIFORNIA CORPORATION, CHEYENNE MOSELEY, ASSISTANT SECRETARY

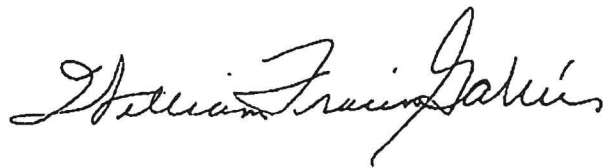
*(The certificate must be signed by the person forming the LLC.)*

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

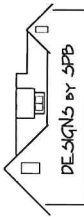
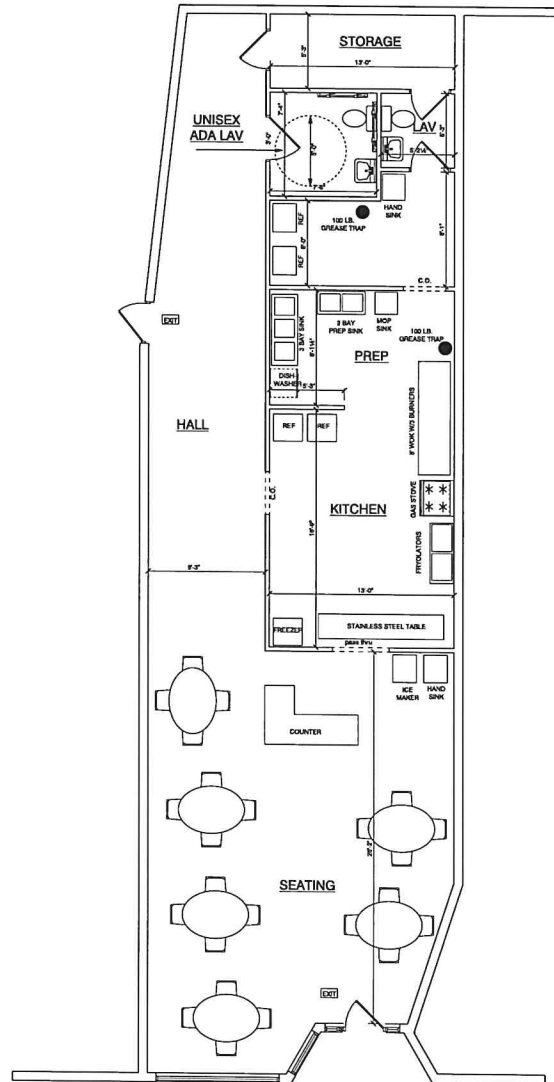
February 06, 2020 06:55 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, stylized initial "W".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*





DE-542N5 by SPB

shawnsb@gmail.com

capecodhomedesignplans.com

DE-542N5 by SPB

RESIDENTIAL/COMMERCIAL  
DESIGN & CONSULTING

POCASSET, MA.

(508) 95-2881

LAYOUT

KRUA THAI

91 MAIN STREET  
BUZZARDS BAY, MA.

PLAN DATE: 5-24-2019

DRAWN BY: SPB

REVISIONS:

SCALE: 1/4" = 1'-0"  
UNLESS NOTED

A1

# Obituaries

## Robert M. Horne Jr.

Robert Mason Horne Jr., 56, of Pocasset died April 3.

He was the son of Robert M. and Sharon Horne of Pocasset and Fair Oaks Ranch, Texas.

Born at Hunter Air Force Base in Georgia, as a child he moved with his family through tours in Georgia, Texas, Hawaii, California, Louisiana and New Hampshire. As a teenager he was an accomplished wrestler on the undefeated 1983 Bostwick High School team while living in Louisiana.

After his graduation from the University of New Hampshire, Mr. Horne managed many software sales positions at various companies.

He was an avid surfer and enjoyed the surfing at Huntington Beach Pier. He loved Cape Cod and the friendships he developed in Bourne, Pocasset and Wrentham Bluffs.

Besides his parents, he leaves his daughter, Kaitlyn J. Horne; his brothers, Gregory Horne of Oklahoma City and Scott Horne of Seaside and Pocasset Heights; his nephews and nieces; a cousin, Deborah D. Chivers of Brighton; and the mother of his daughter, Lori Fitzpatrick.

Visitation was set for today, beginning at 2 PM with a brief service

at 3:45, at Nickerson-Bourne Funeral Home, 40 MacArthur Boulevard in Bourne.

Burial will be private. A service in celebration of the life of Robert Horne is planned for the summer in Pocasset.

## Amanda C. MacLean

Amanda Chase MacLean of Sandwich died March 20 at Cape Cod Hospital. Ms. MacLean, 38, leaves family in Bourne and Sandwich.

The daughter of Gail C. (Chase) Brides and David R. MacLean, she was born in Plymouth and grew up in Sandwich. She attended the Sandwich Public Schools as well as the Kennedy Donovan Center in New Bedford.

For the last 17 years Ms. MacLean participated in Cape Activities and made many friends during that time. She was an avid member of the Christian Science Society of Buzzards Bay and loved attending church with her family.

Her love of music often inspired her to sing along to her favorite songs. She enjoyed playing board games—backgammon and Parcheesi—were among her

favorites—and bingo, winning prizes at Cape Activities.

Ms. MacLean was quite accomplished at bowling and was known to keep her scorecards as mementos from her best games. She enjoyed doing arts and crafts, and liked to cook and go shopping. An animal lover, she enjoyed accompanying her dogs on their walks.

Although she lived with medical complexities, Ms. MacLean lived each day to the fullest and expressed gratitude and happiness for all the good she experienced.

In addition to her mother, Gail C. Brides, and her husband, David R. MacLean, and his wife, Denise Long of Buzzards Bay, she leaves her half-brother, Patrick Brides, of Virginia Beach; an uncle, Mark Chase of Calumet; an aunt, Leslie Davidson of Sharon; and many cousins and other extended family members.

Visitation will be Saturday, April 30, beginning at 1 PM with a memorial service at 2 o'clock, at Chapman Funeral & Cremations, 74 Algonquin Avenue in Mashpee. Burial will be private at Sandwich Town Cemetery at a later date.

## Ralph B. Mills Jr.

Ralph B. Mills Jr., 85, of Mashpee died March 20 at Falmouth Hospital. Mr. Mills, who was known as Buzz, was a former resident of Pocasset.

The son of Ralph B. Mills and Marguerite (Povey) Mills, he was originally from Rhode

Island. He was born and raised in Providence, attending Moses Brown High School there, prior to earning his bachelor's degree at Hobart College in Geneva, New York. His childhood summers were spent in Megansett, where his affinity for sailing began at the Megansett Yacht Club.

During his college years Mr. Mills was an active member of the Kappa Alpha Fraternity, Kappa Beta Phi secret society, and the Hobart Alumni Association. He also played varsity football and used his expertise in yachting to restart the college sailing club, serving as vice commodore and later as commodore.

Following his graduation he served for two years in the US Army as an ordnance supply specialist stationed in Yokohama, Japan.

Mr. Mills married and settled in Cumberland, Rhode Island, working for several years as an institutional sales representative for the J.J. Heinz company. In 1969, he joined the family business at Standard Engineering, in Pawtucket, where he went on to become president and owner of the company.

He was an active member for several years of the Kiwanis Club in Cumberland and a competitive water skier. An accomplished musician, he played banjo and clarinet, having become proficient on the latter instrument at a young age.

Mr. Mills continued his yachting by sailing as captain on his boats Sundowner I and Sundowner II, and once crewed on the schooner Bill of Rights. Over the years, he took his family by sail to destinations in Massachusetts Bay as well as Cape Cod and the islands.

After 25 years of self-employment, Mr. Mills sold his business and moved with his family to Cape Cod. He worked until his retirement at Books are Fun, a Reader's Digest publishing company.

Mr. Mills shared the Cape Cod summer tradition with his family in Pocasset until settling there the year around in 1993. As an active member of that community, he served as vice president of the Pocasset Heights Improvement Association; he also was a baritone member of the popular singing group The Surfnotes.

He became a Mashpee resident in 1998, and participated in activities at the senior center and in his book club. His volunteer work included putting out a monthly newsletter and running the Brown Bag Program, which helped to feed many local seniors.

Mr. Mills continued to play music and sing his entire life and was fond of popular music, classical, jazz, Dixieland, and bluegrass. In addition to clarinet he played a variety of stringed instruments including ukulele, guitar, mandolin, reed organ along with his favorite, the tenor banjo.

He leaves three children, Peter Mills of Falmouth, Kathy Kearney of Plymouth and Tripp Mills of Los Angeles, California; two grandchildren, Joe Kearney of Plymouth and Eloise Mills of Falmouth; and extended family.

He was preceded in death by his former wife of 40 years, Octavia Mills. Visiting hours will be Sunday from 2 to 4 PM at Chapman Funeral & Cremations, 74 Algonquin Avenue in Mashpee.

Burial will be private at Massachusetts National Cemetery in Bourne.

## Dolores M. Perry

Dolores M. (Dastous) Perry, who had a 50-year career as a registered nurse, died April 3 at Royal Magnolia Nursing & Retirement Home in North Falmouth. Ms. Perry, 80, leaves family in Calumet.

She was the wife of Donald L. Perry. They had been married for 63 years at the time of her husband's death in July 2019.

A member of the Class of 1950 at Wareham High School, she continued her education at St. Anne's Nursing School in Fall River.

Ms. Perry, who was known as Doc, worked as a registered nurse from her graduation in 1953 until her retirement in 2003.

During those years she worked as an operating room nurse at Toboy and Falmouth hospitals; she also was head of the pediatrics department in a hospital supervisor. Her final position was as assistant director of nursing in Naples, Florida.

She and her husband raised their three daughters in West Falmouth before moving to Florida. There the couple enjoyed traveling, boating and socializing. Ms. Perry also loved quilting and reading.

She leaves her children, Jane P. Perry of East Falmouth, Nancy A. Frasier of Calumet, and Joan D. Polih of East Falmouth; her brother and sisters, Donald L. Dastous, Roberta Besse, Patricia O'Connor and Joyce Teller; and extended family.

Burial was yesterday at Massachusetts National Cemetery in Bourne.

**NICKERSON - BOURNE FUNERAL HOMES**

Committed to Serving You Since 1891

SANDWICH 508-888-3511 BOURNE 508-759-3511

**Mindful Medical Care**

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100 Teaticket Highway, East Falmouth

This disclosure is required by the Massachusetts Department of Public Utilities

**Content Label for Cape Light Compact Retail Access Electricity Supply Customers**

Data for this label is provided by NextEra Energy Services, Cape Light Compact's selected supplier.

The electricity you consume comes from the New England power grid, which receives power from a variety of power plants and transmits the power throughout the region as needed to meet the requirements of all customers in New England. When you choose a power supplier that supplies electricity to the power grid, you are choosing a power supplier that is subject to the same rules and regulations as the power grid.

Although the power delivered to Compact customers comes from the regional New England power grid, the Compact's supplier provides 100% renewable energy to Compact customers by entering renewable energy contracts (RECs) and clean energy credits (CECs) to match customer usage in New England and CECs to meet the state-mandated Clean Energy Standard (CES). Renewable Energy Standard (RES) includes a mix of REC and CEC from wind, solar, biomass, and other qualified renewable energy generation resources, equal to 13.1% of usage in REC in addition to those required by the RES and CECs from a Clean 1 sources located in MA to a quantity equal to the usage and REC in addition to those required by the RES and CECs representing generation from both Renewable and non-renewable resources to a quantity equal to 87.9% of usage. This renewable content is reflected in the "Power Attribute Content" table to the right.

NextEra Energy Services will update these labels and renewable data to its customers quarterly, allowing customers to compare data among the companies providing electricity service on Cape Cod and Martha's Vineyard.

**Generation Prices\***

- Residential customers: prices in effect for Dec 2021 - June 2022 are 14.69¢ per kWh
- Commercial customers: prices in effect for Dec 2021 - June 2022 are 14.49¢ per kWh
- Industrial customers: prices in effect for March 2022 - June 2022 are 11.29¢ per kWh

\*Prices include an adder of \$0.001/kWh for the Cape Light Compact Operating Fund. Prices do not include required charges for customer service and delivery. These charges are billed by your local distribution company. For a breakdown of supply pricing, visit [capecompact.com/power-supply](http://capecompact.com/power-supply).

**AN EMERGENCY**

Emissions for each of the following pollutants are presented as a percent of the regional average emission rate based on the System Mix. System average emission rates were prepared for New England Power Pool (NEPOOL) for ISO New England and are based on data from Dec 2020 - Q3 2021 for residential, commercial and industrial use.

Nitrogen Dioxide (NO<sub>2</sub>) is formed when fossil fuels and biomass are burned at high temperatures. They contribute to urban and ground-level ozone (or smog), and may cause respiratory distress in children with frequent high level exposure. NO<sub>2</sub> also contributes to oxygen depletion of lakes and coastal waters which is destructive to fish and other animals.

Sulfur Dioxide (SO<sub>2</sub>) is formed when fuels containing sulfur are burned, primarily coal and oil. Major health effects associated with SO<sub>2</sub> include asthma, respiratory distress and aggravation of existing cardiovascular disease. SO<sub>2</sub> combines with water and oxygen in the atmosphere to form acid rain, which is the acid level of lakes and streams, and accelerates the decay of buildings and monuments.

Carbon Dioxide (CO<sub>2</sub>) is released when fossil fuels (oil, coal, and natural gas) are burned. Carbon dioxide, a greenhouse gas, is a major contributor to global warming.

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Whitehall Restaurant, Inc., dba Whitehall Restaurant, Stuart Coopersham, Manager, to amend his Year Round Common Victualer License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of Sealed outside seating area to the right of premises. Description of premises: 1st floor building with three rooms, outdoor fenced-in patio area, take-out window for food, men and ladies restrooms, basement and attic used for storage. Two entrances and two exits. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

**BOARD OF SELECTMEN**  
Peter J. Meier  
Judith MacLeod Froman  
George G. Slade, Jr.

Very truly yours,  
Marlene V. McCollem  
Town Administrator

April 8, 2022

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Apolux Post #5068, VFW, Veterans Association, Inc., dba Apolux Post #5068, Patrick J. Ruggieri, Manager, to amend his Year Round Common Victualer License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of Sealed outside seating area to the rear of the establishment. Description of premises: 1st floor: kitchen/bar/pantry area, men's and ladies restrooms, patio outside deck, 2 storage areas, 3 entrances/exits. 2nd floor: 4 offices, 2 storage areas, 1 entrance/exit. Lower level: 2 dining areas with bar, 3 storage areas, 3 restrooms, 3 entrances/exits. Sealed outside seating area to the rear of the establishment. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

**BOARD OF SELECTMEN**  
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April 8, 2022

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Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Apolux Post #5068, VFW, Veterans Association, Inc., dba Apolux Post #5068, Patrick J. Ruggieri, Manager, to amend his Year Round Common Victualer License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of Sealed outside seating area to the rear of the establishment. Description of premises: 1st floor: kitchen/bar/pantry area, men's and ladies restrooms, patio outside deck, 2 storage areas, 3 entrances/exits. 2nd floor: 4 offices, 2 storage areas, 1 entrance/exit. Lower level: 2 dining areas with bar, 3 storage areas, 3 restrooms, 3 entrances/exits. Sealed outside seating area to the rear of the establishment. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

**BOARD OF SELECTMEN**  
Peter J. Meier  
Judith MacLeod Froman  
George G. Slade, Jr.

Very truly yours,  
Marlene V. McCollem  
Town Administrator

April 8, 2022

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## LEGAL NOTICES

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Town Administrator

April 8, 2022

### TOWN OF BOURNE LIQUOR HEARING NOTICE

---

## **TOWN OF BOURNE LIQUOR HEARING NOTICE**

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Siam Tree LLC d/b/a Krua Thai Restaurant, Sarrawich Suksanit Mgr., 91 Main Street, Buzzards Bay, MA, for a Year Round Common Victualer license for the sale of Wines and Malt Beverages to be drunk on the premises: Description: One floor dining area: One floor with dining area: 10 tables, with three tables seating two and the rest seating four. Two bathrooms, one for employees and the other for customers. A storage room in the back of the location which is behind kitchen and employee restroom. Two entrances and exits.

A hearing will be held at the Bourne Veterans' Memorial Community Building, 239 Main Street, Buzzards Bay, on Tuesday, April 19, 2022 at 7:30 p.m.

### **BOARD OF SELECTMEN**

Peter J. Meier

Judith MacLeod Froman

George G. Slade, Jr.

Jared P. MacDonald

Mary Jane Mastrangelo

Very truly yours,  
Marlene V. McCollem  
Town Administrator

April 8, 2022





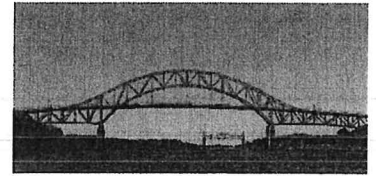
## **TOWN OF BOURNE**

**Board of Assessors**

**24 Perry Avenue**

**Buzzards Bay, MA 02532**

**(508) 759-0600 Ext. 1510 ♦ Fax (508) 759-8026**



Michael Leitzel, Chairperson  
Ellen Doyle Sullivan, Clerk  
Donna Barakauskas, Member

Rui Pereira, MAA  
Director of Assessing

April 11, 2022

Sarrawich Sukanit  
91 Main Street  
Buzzards Bay, MA 02532

Reference: Abutters List for Map 23.2 Parcel 67  
Subject Property: 91 Main Street

Pursuant to the provisions of Massachusetts General Laws Chapter 138, Section 15A, as amended, this is to certify that the enclosed list of names and addresses constitutes all of the abutters of the premise, including schools, churches and hospitals within 500 feet of the subject property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for an application of a Liquor License from the Board of Selectmen.

Abutting properties are: Map 23 Parcel 4, Map23.2 Parcels 60, 64, 68, 75, 182 and 183..

Your payment of \$10.00 has been received by the Assessor's Office.

**Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.**

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

List Enclosed

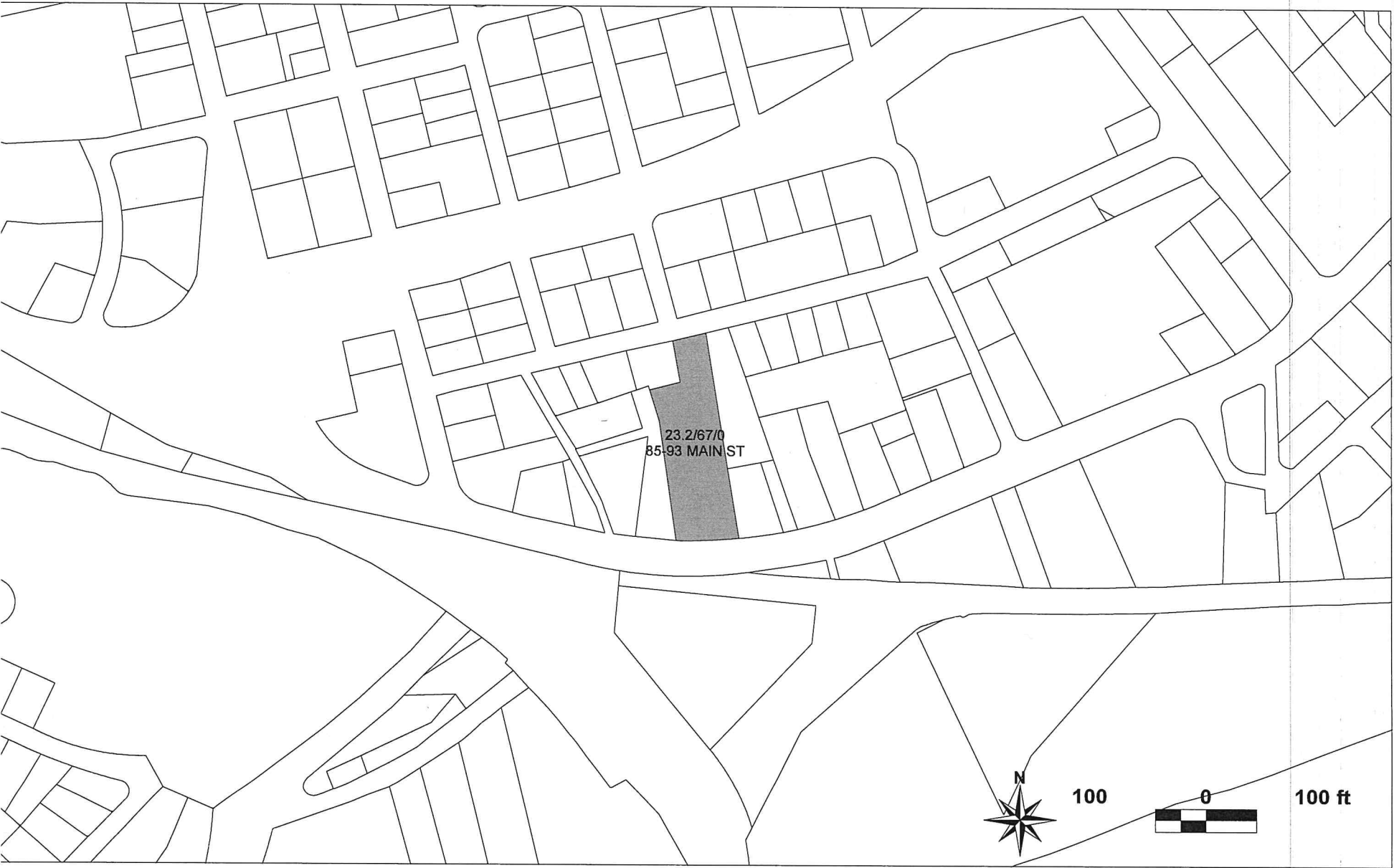
*Ellen Doyle Sullivan -  
Donna Barakauskas  
Michael Leitzel*

Extract: 1 Abutters List  
Database: LIVE  
Filter: Key IN 4377,4580,4584,4588,4595,4706,4707  
Sort:

Report #24: Owner Listing Report  
Fiscal Year 2023

Bourne MA

Key	Parcel ID	Owner	Location	LC/CI	Bk-Pg(Cert) /Dt	Mailing Street	Mailing City	ST	Zip Cd/County
4377	23.0-4-0	TOWN OF BOURNE							
4580	23.2-60-0	FORLIVESI CARLA J							
4584	23.2-64-0	FORLIVESI CARLA J							
4588	23.2-68-0	MICHENZI VINCENT P SR							
4595	23.2-75-0	MICHENZI VINCENT ETUX NOREEN MICHENZI							
4706	23.2-182-0	MICHENZI VINCENT P SR							
4707	23.2-183-0	ESTATE OF FLORENCE C PATTERSON C/O DEBORAH J PATTERSON							
Total Records		7							







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/18/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> HUB INTERNATIONAL NEW ENGLAND LLC 08080571 400 W CUMMINGS PARK WOBURN MA 01801	<b>CONTACT NAME:</b>	
	<b>PHONE</b> (781) 933-2656 (A/C, No, Ext):	<b>FAX</b> (781) 932-6341 (A/C, No):
	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Hartford Insurance Company of the Midwest	
<b>INSURED</b> SIAM TREE LLC DBA KRUA THAI 91 MAIN ST BUZZARDS BAY MA 02532-3224	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE AGGREGATE
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	08 WEC AM4HD9	07/02/2021	07/02/2022	X PER STATUTE OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE -EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations.

## CERTIFICATE HOLDER

For Informational Purposes  
 91 MAIN ST  
 BUZZARDS BAY MA 02532-3224

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Susan L. Castaneda*

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**Town of Bourne**  
**Interdepartmental Advisory Form**



<b>Start Date:</b>	4/4/2022
<b>Owner/Applicant:</b>	Whaleback Restaurant, Inc. d/b/a Whaleback Restaurant Stuart Coggeshall, Manager
<b>Project Location:</b>	1052 Sandwich Road, Sagamore
<b>Nature of Request:</b>	Amend Year Round Liquor License for the sale of All Alcoholic Beverages to include outside seating. Amended Description: One story building with three rooms, outdoor fenced-in patio area, take-out window for food, men's and ladies restrooms, basement and attic used for storage. Two entrances and two exits.
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	18.2	<b>Parcel:</b>	11.00	<b>District:</b>	
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☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>		<b>Frontage:</b>		<b>Zone:</b>	R40
<b>Resource District:</b>	No	<b>Town Road:</b>	No	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	No
<b>Flood Zone:</b>	X	<b>Within 100' of Wetland:</b>	No				

Owner:  
Remarks:

---

4/4/2022	Timothy P Lydon
Date	Department Head

---

☐ **Planning Department/Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: Application  
#06-2022 is under review.

---

4/7/2022	Jennifer Copeland
Date	Town Planner

---

☐ **Conservation Commission:** ☐ **Must File** ☐ **Determination** ☐ **Notice of Intent**  
☒ **Need not File**

Remarks:

---

4/8/2022	Stephanie Fitch
Date	Conservation Agent

---

☐ **Board of Health:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/8/2022

K.Shea

Date

Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks:

4/4/2022

KMurhpy/ag

Date

Building Inspector

☐ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

4/11/2022

Maria Simone/Admin

Date

Department Head

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/15/2022

A Dastous

Date

Town Collector

☐ Town Clerk:  
If not corporation has business certificate been issued? ☐ Yes ☐ No

Remarks: Business is incorporated with the State

4/4/2022

CCobb

Date

Clerk's Office

☐ Assessors:  
This individual has (have) completed the Form of List? ☒ Yes ☐ No

Remarks: fol on file

4/8/2022

JPotter

Date

Assessors Office

☐ Department of Public Works: ☐ Approved ☐ Disapproved ☒ Not Under DPW Jurisdiction

Remarks:

4/4/2022

Matthew Quinn

Date

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

4/4/2022

Chris Southwood

Date

Department Head

☐ Recreation Department: ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

4/4/2022

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

4/6/2022

Lt. John R. Stowe

Date

Department Head

☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks:

4/4/2022

David S. Pelonzi

Date

Department Head

☐ Town Administrator/Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/26/21

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<b>PRODUCER</b>  United Insurance Agency, Inc. 199 Main Street P.O. Box 1013 Buzards Bay, MA 02532	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No, Ext):</b> 508-759-6595	<b>FAX (A/C, No):</b> 508-759-3822
<b>INSURED</b>  Whaleback Restaurant Inc 1052 Route 6A Sagamore, MA 02561	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Mount Vernon	
	<b>INSURER B:</b> Employers Preferred Ins Co	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
<b>INSURER F:</b>		
<b>NAIC #</b>		

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b>					
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
						DAMAGE TO RENTED PREMISES (Per occurrence) \$
						MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$
						GENERAL AGGREGATE \$
						PRODUCTS - COMP/OP AGG \$
						\$
						COMBINED SINGLE LIMIT (Per accident) \$
						BODILY INJURY (Per person) \$
	<b>AUTOMOBILE LIABILITY</b>					
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	<b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					\$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>					
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N <input checked="" type="checkbox"/> N	N/A	EIG464332901	10/21/21	10/21/22
	If yes, describe under DESCRIPTION OF OPERATIONS below					<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
						E.L. EACH ACCIDENT \$ 1,000,000
A	<b>LIQUOR LIABILITY</b>		LQ2003357	02/12/21	02/12/22	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
						PER PERSON 500,000
					PER ACCIDENT 500,000	
					AGGREGATE 1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RESTAURANT-BAR

Fax: 508-759-0420

**CERTIFICATE HOLDER****CANCELLATION**TOWN OF BOURNE  
24 PERRY AVE  
BOURNE, MA 02532

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kris Dexter

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*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

**AMENDMENT-Change or Alteration of Premises Information**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE  
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

011800022

ENTITY/ LICENSEE NAME Whaleback Restaurant Inc.

ADDRESS 1051 Sandwich Road

CITY/TOWN Sagamore

STATE MA

ZIP CODE 02561

For the following transactions (Check all that apply):

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> Change Corporate Name                      | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of DBA                              | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Change of Hours                              |
| <input type="checkbox"/> Change of Manager            | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Officers/Directors | <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Ownership Interest | <input type="checkbox"/> Other                                      | <input type="text"/>  |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**Alcoholic Beverages Control Commission**  
**95 Fourth Street, Suite 3**  
**Chelsea, MA 02150-2358**





*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3, Chelsea, MA 02150-2358*  
*www.mass.gov/abcc*

**AMENDMENT-Change or Alteration of Premises Information**

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

**1. BUSINESS ENTITY INFORMATION**

Entity Name

Whaleback Restaurant, Inc.

Municipality

Bourne

ABCC License Number

011800022

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Amendment of license to accommodate outdoor dining

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name

Stuart Coggeshall

Title

President and Treasurer

Email

[REDACTED]

Phone

[REDACTED]

**2. ALTERATION OF PREMISES**

**2A. DESCRIPTION OF ALTERATIONS**

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Subject area is 30'x30' enclosed with white vinyl fencing. See attached photographs. There are two 4' gates making it handicap accessible. The ground is finished with pavers and the area is fully enclosed and monitored from the inside by camera. Take out food service window added to opposite side of building from outdoor dining area.

**2B. PROPOSED DESCRIPTION OF PREMISES**

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

See attached narrative.

Total Sq. Footage

2260

Seating Capacity

28

Occupancy Number

28

Number of Entrances

2

Number of Exits

2

Number of Floors

1

## AMENDMENT-Change or Alteration of Premises Information

### 3. CHANGE OF LOCATION

#### 3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

#### 3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

#### 3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease



Landlord Name

Whalefin, LLC

Landlord Phone

Landlord Address

1052 Sandwich Road, Sagamore, MA 02561

Lease Beginning Date

3/1/2017

Rent per Month

Lease Ending Date

See attached lease

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

## APPLICANT'S STATEMENT

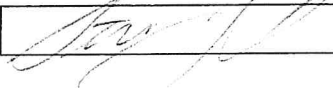
I, Stuart Coggeshall the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory  
of Whaleback Restaurant, Inc.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

4/1/12

Title:

President and Treasurer

## ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

### 2B NARRATIVE

#### PROPOSED DESCRIPTION OF PREMISES

One story building with three rooms, outdoor fenced-in patio area, take-out window for food, men ' s and ladies ' restrooms, basement and attic used for storage.

Total Square footage: 2,260 sq. ft. (Inside 1,360 sq. ft. / Outside 900 Sq. ft.)

[See attached floor plan].

2A – DESCRIPTION OF ALTERATIONS  
PHOTOGRAPHS







### ENTITY VOTE

The Board of Directors or LLC Managers of

Whaleback Restaurant, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Bourne

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

03.11.2022

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Stuart Coggeshall

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

  
Corporate Officer /LLC Manager Signature

Stuart Coggeshall  
(Print Name)

For Corporations ONLY

A true copy attest,

  
Corporation Clerk's Signature

Stuart Coggeshall  
(Print Name)

# GENERAL NOTES:

## WORK

A. 1.1 OWNERS agree that said plans are conceptual and provisional only and may be subject to approval of execution by a General Contractor, Engineer, other professionals and/or subject to approval and permits by OWNER'S local city/town agencies. OWNER understands that Plans are subject to change as work progresses and Designs by SPB is not liable for pre-existing, unknown or anticipated issues related to construction and/or execution of the Plans. Designs by SPB is not liable for any cost related to such matters and/or changes to execution of Plans or construction.

1.2 OWNERS further understand that Designs by SPB is a design specialist and is not a registered architect. OWNERS agree to have all Plans reviewed and approved by OWNER or its agent or general contractor or construction contractor prior to performance of construction. Designs by SPB shall not be liable for costs should the scope of work, construction or Plans require changes, revisions, or amendments. Designs by SPB strongly recommends that Plans used by OWNERS in conjunction with professionals, including but not limited to, licensed construction professionals, general contractor, and engineer. Should OWNER fail to use Plans in conjunction with the recommended professionals, OWNER understands and assumes all risk regarding the execution of such Plans.

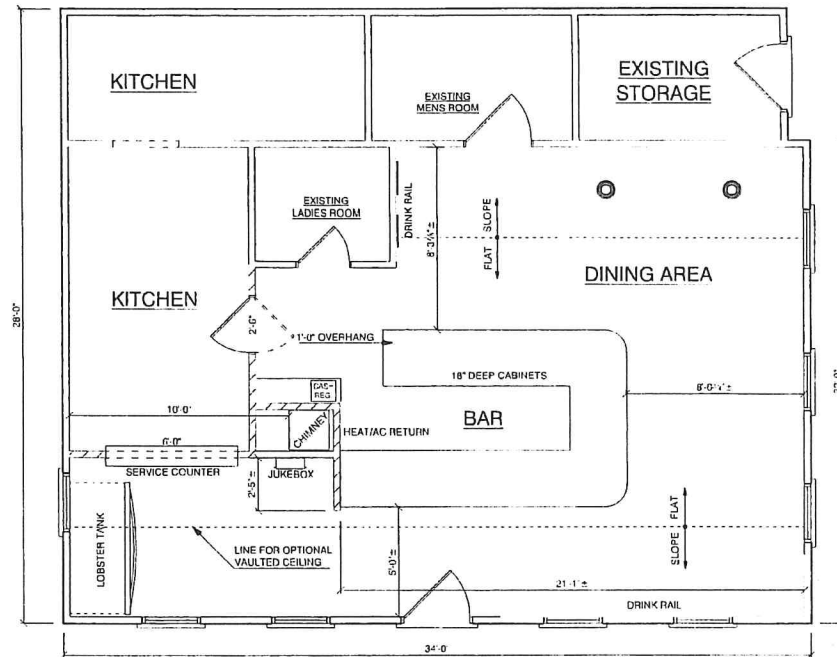
## CHANGE ORDERS

2.1 All changes and deviations in the Plans, including cost, credit or debt, must be set forth in a Change Order agreed upon and signed by the OWNERS and Designs by SPB (hereinafter called "Change Order"). A Change Order concerning any portion of the Plan must be in advance of the performance of that specific portion of the work and at the OWNERS expense, if any, shall be paid at the time the Change Order is signed by all parties.

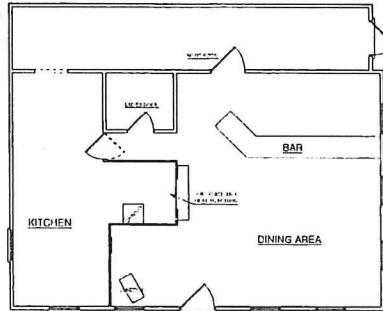
2.2 OWNERS understand that additional expenses may be incurred in excess of the amount of the estimated original cost due to hidden or unknown contingencies, changes, permits, or the like that may occur during the process, preparation and/or performance of construction. In the event that such hidden, unknown contingencies or changes shall arise requiring revised Plans or design changes, Designs by SPB and OWNERS shall execute a Change Order with respect to the same in advance of the performance of work by Designs by SPB.

REFER TO 2015 IBC  
& 9TH EDITION MASSACHUSETTS CODE

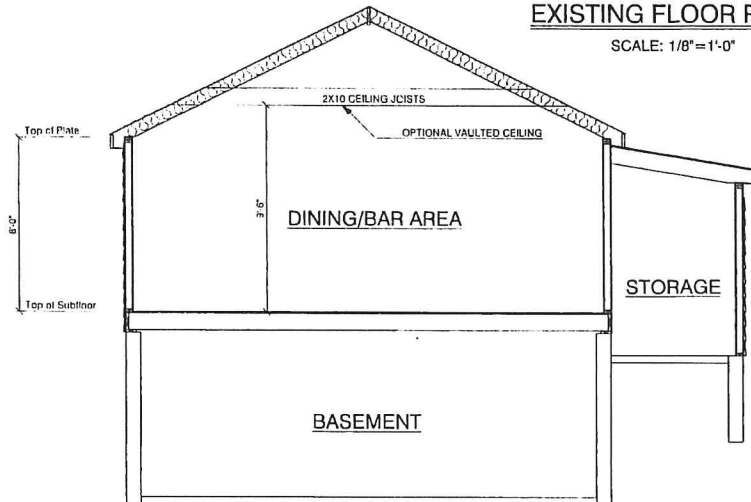
ASSEMBLY GROUP A-2



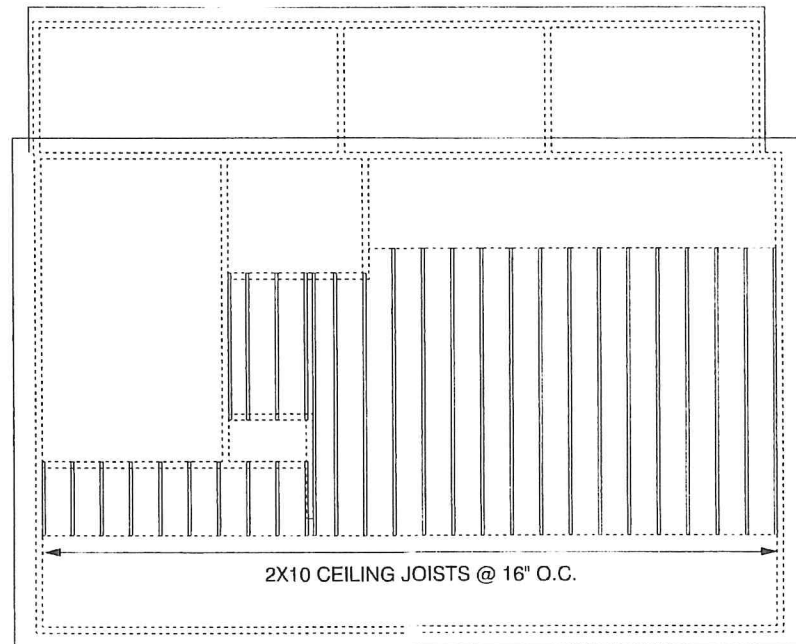
**PROPOSED FLOOR PLAN**  
28 SEAT CAPACITY



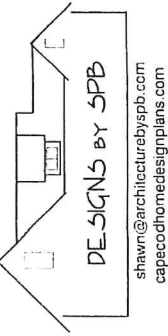
**EXISTING FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**SECTION A**



**OPTIONAL CEILING FRAMING PLAN**



shawn@architecturebyspb.com  
capecodhomedesignplans.com

RESIDENTIAL/COMMERCIAL  
DESIGN, DRAFTING, PERMITTING  
& CONSULTING

POCASSET, MA, 02559  
(508) 495-2881

CUSTOM REDESIGN  
WHALEBACK RESTAURANT  
1052 SANDWICH ROAD  
SAGAMORE, MA

SCALE 1/4" = 1'-0"

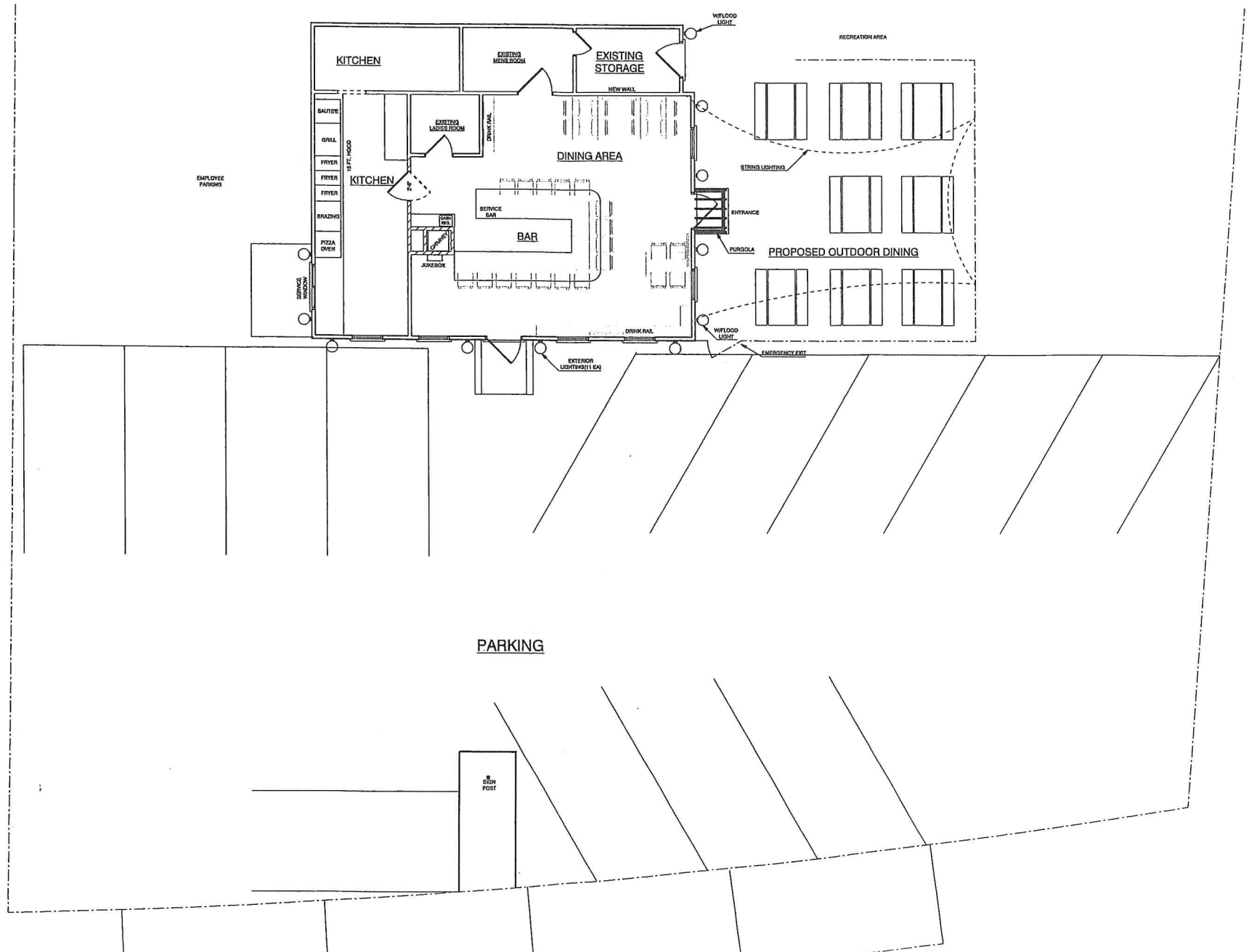
DATE 4-22-2018

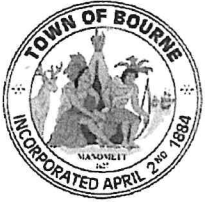
DRAWN BY SPB

REVISIONS

DRAWING NUMBER

**A1**





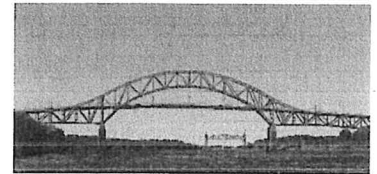
## TOWN OF BOURNE

### Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 1510 ♦ Fax (508) 759-8026



Michael Leitzel, Chairperson  
Ellen Doyle Sullivan, Clerk  
Donna Barakauskas, Member

Rui Pereira, MAA  
Director of Assessing

March 30, 2022

Whalefin LLC  
18 Sheffield Place Dr.  
Mashpee, MA 02649

Reference: Abutters List for Map 18.2 Parcel 11  
Subject Property: 1052 Sandwich Road

Pursuant to the provisions of Massachusetts General Laws Chapter 138, Section 15A, as amended, this is to certify that the enclosed list of names and addresses constitutes all of the abutters of the premise, including schools, churches and hospitals within 500 feet of the subject property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for an application of a Liquor License from the Board of Selectmen.

Abutting properties are: Map 18.2 Parcels 12 & 14.

Your payment of \$10.00 has been received by the Assessor's Office.

**Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.**

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

List Enclosed

*Ellen Doyle Sullivan -  
Donna Barakauskas  
Michael Leitzel*

Extract: 1 Abutters List  
Database: LIVE  
Filter: Key IN 3291,3293  
Sort:

Report #24: Owner Listing Report  
Fiscal Year 2023

Bourne MA

Key	Parcel ID	Owner	Location	LC/CI	Bk-Pa(Cert) /Dt	Mailing Street	Mailing City	ST	Zip Cd/County
3291	18.2-12-0	KNOWLTONS GARAGE INC							
3293	18.2-14-0	ANDERSON CELIA ESTATE OF							

Total Records 2



# Obituaries

## Robert M. Horne Jr.

Robert Mason Horne Jr., 56, of Pocasset died April 3.

He was the son of Robert M. and Sharon Horne of Pocasset and Fair Oaks Ranch, Texas.

Born at Hunter Air Force Base in Georgia, as a child he moved with his family through tours in Georgia, Texas, Hawaii, California, Louisiana and New Hampshire. As a teenager he was an accomplished wrestler on the undefeated 1983 Bessie High School team while living in Louisiana.

After his graduation from the University of New Hampshire, Mr. Horne managed many software sales positions at various companies.

He was an avid surfer and enjoyed the surfing at Huntington Beach Pier. He loved Cape Cod and the friendships he developed in Bourne, Pocasset and Waukegan Bluffs.

Besides his parents, he leaves his daughter, Keira Jo Horne; his brothers, Gregory Horne of Oklahoma City and Scott Horne of Seaside and Pocasset Heights; his nephews and nieces; a cousin, Deborah D. Chivers of Brighton; and the mother of his daughter, Lori Fitzpatrick.

Visitation was set for today, beginning at 2 PM with a brief service

at 3:45, at Nickerson-Bourne Funeral Home, 40 MacArthur Boulevard in Bourne.

Burial will be private.

A service in celebration of the life of Robert Horne is planned for the summer in Pocasset.

## Amanda C. MacLean

Amanda Chase MacLean of Sandwich died March 29 at Cape Cod Hospital. Ms. MacLean, 38, leaves family.

In Bourne and Sandwich. The daughter of Gail C. (Chase) Brides and David R. MacLean, she was born in Plymouth and grew up in Sandwich. She attended the Sandwich Public Schools as well as the Kennedy Donovan Center in New Bedford.

For the last 17 years Ms. MacLean participated in Cape abilities and made many friends during that time. She was an avid member of the Christian Science Society of Buzzards Bay and loved attending church with her family.

Her love of music often inspired her to sing along to her favorite songs—backgammon and Parcheesi were among her

favorites—and bingo, winning prizes at Cape Abilities.

Ms. MacLean was quite accomplished at bowling and was known to keep her scorecards as mementos from her best games. She enjoyed doing arts and crafts, and liked to cook and go shopping. An animal lover, she enjoyed accompanying her dogs on their walks.

Although she lived with medical complexities, Ms. MacLean lived each day to the fullest and expressed gratitude and happiness for all the good she experienced.

In addition to her mother, Gail C. Brides, and her husband, Brendan Brides, of Sandwich and her father, David R. MacLean, and his wife, Denise Long, of Buzzards Bay, she leaves her half brother, Patrick Brides, of Virginia Beach; an uncle, Mark Chase of Cataumet; an aunt, Leslie Davidson of Sharon; and many cousins and other extended family members.

Visitation will be Saturday, April 30, beginning at 1 PM with a memorial service at 2 o'clock, at Chapman Funerals & Cremations, 74 Algonquin Avenue in Mashpee. Burial will be private at Sandwich Town Cemetery at a later date.

## Ralph B. Mills Jr.

Ralph B. Mills Jr., 85, of Mashpee died March 29 at Falmouth Hospital. Mr. Mills, who was known as Buzz, was a former resident of

Pocasset. The son of Ralph B. Mills and Marguerite (Povey) Mills, he was originally from Rhode

Island. He was born and raised in Providence, attending Moses Brown High School there, prior to earning his bachelor's degree at Hobart College in Geneva, New York. His childhood summers were spent in Mashpee, where his affinity for sailing began at the Megansett Yacht Club.

During his college years Mr. Mills was an active member of the Kappa Alpha Fraternity, Kappa Beta Phi secret society, and the Hobart Alumni Association. He also played varsity football and used his expertise in yachting to restart the college sailing club, serving as vice commodore and later as commodore.

Following his graduation he served for two years in the US Army as an ordnance supply specialist stationed in Yokohama, Japan.

Mr. Mills married and settled in Cumberland, Rhode Island, working for several years as an institutional sales representative for the H.J. Heinz company. In 1969, he joined the family business at Standard Engineering, in Pawtucket, where he went on to become president and owner of the company.

He was an active member for several years of the Kiwanis Club in Cumberland and a competitive tennis player. An accomplished musician, he played banjo and clarinet, having become proficient on the latter instrument at a young age.

Mr. Mills continued his yachting passion by sailing as captain on his boats Sundowner I and Sundowner II, and once crewed on the schooner Bill of Rights. Over the years, he took his family by boat to destinations in Narragansett Bay as well as Cape Cod and the islands.

After 25 years of self-employment, Mr. Mills sold his business and moved with his family to Cape Cod. He worked until his retirement at Books are Fun, a Reader's Digest publishing company.

Mr. Mills shared the Cape Cod summer tradition with his family in Pocasset until settling there the year around in 1983. As an active member of that community, he served as vice president of the Pocasset Heights Improvement Association; he also was a baritone member of the popular singing group The Surftones.

He became a Mashpee resident in 1988, and participated in activities at the senior center and in its book club. His volunteer work included putting out a monthly newsletter and running the Brown Bag Program, which helped to feed many local seniors.

Mr. Mills continued to play music and sing his entire life and was fond of popular music, classical, jazz, Dixieland, and bluegrass. In addition to clarinet he played a variety of stringed instruments including ukulele, guitar, mandolin, zephyr harp along with his favorite, the tenor banjo.

He leaves three children, Peter Mills of Falmouth, Kathy Kearney of Plymouth and Tripp Mills of Los Angeles, California; two grandchildren, Joe Kearney of Plymouth and Eloise Mills of Falmouth; and extended family.

He was preceded in death by his former wife of 40 years, Octavia (Tavie) Woods.

Visiting hours will be Sunday from 2 to 4 PM at Chapman Funerals & Cremations, 74 Algonquin Avenue in Mashpee. Burial will be private at Massachusetts National Cemetery in Bourne.

## Dolores M. Perry

Dolores M. (Daisy) Perry, who had a 50-year career as a registered nurse, died April 3 at Royal Megansett Nursing & Retirement Home in North Falmouth.

She was the wife of Donald L. Perry. They had been married for 63 years at the time of her husband's death in July 2019.

A member of the Class of 1950 at Wareham High School, she continued her education at St. Anne's Nursing School in Fall River.

Ms. Perry, who was known as Dec, worked as a registered nurse from her graduation in 1953 until her retirement in 2001.

During those years she worked as an operating room nurse at Tobey and Falmouth hospitals; she also was head of the pediatrics department and a hospital supervisor. Her final position was as assistant director of nursing in Naples, Florida.

She and her husband raised their three daughters in West Falmouth before moving to Florida. There the couple enjoyed traveling, boating and socializing. Ms. Perry also loved quilting and reading.

She leaves her children, Jane E. Perry of East Falmouth, Nancy A. Frasier of Cataumet, and Joan D. Pollitt of East Falmouth; her brother and sisters, Donald L. Dastous, Roberta Besse, Patricia O'Connor and Joyce Teller; and extended family.

Burial was yesterday at Massachusetts National Cemetery in Bourne.

**NICKERSON - BOURNE FUNERAL HOMES**

Committed to Serving You Since 1985

SANDWICH 508-868-3511

BOURNE 508-759-3511

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100 Teaticket Highway, East Falmouth

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Whiteback Restaurant, Inc., dba Whiteback Restaurant, Stuart Coggeshall, Manager, to amend his Year-Round Common License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of secured outdoor seating area to the right of premises. Description of premises: one-story building with three rooms, outdoor fenced-in patio area, take-out window for food, menus and tables, restrooms, basement and attic used for storage. Two entrances and two exits. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

BOARD OF SELECTMEN  
Peter J. Meier  
Judith MacLeod Froman  
George G. Slade, Jr.  
Janet P. MacDonald  
Mary Jane Mastrangelo

Very truly yours,  
Marene V. McColeen  
Town Administrator

April 8, 2022

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12

that application has been received from Applicant Post #5888, V.F.W. Building Association, Inc. dba Applicant Post #5888, Patrick J. Ruggins, Manager, to amend his Year-Round Common License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of secured outdoor seating area to the rear of the establishment. Description of premises: 1st floor, 12,000 sq. ft. building with 12,000 sq. ft. restrooms, party, outdoor deck, 2 storage areas, 2 entrances/exits, 2nd floor, 4 offices, 2 storage areas, 1 restrooms, 1 kitchen, 2 storage areas, 2nd floor, 2 storage areas, 2 entrances/exits. Secured outdoor seating area to the rear of the establishment. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

BOARD OF SELECTMEN  
Peter J. Meier  
Judith MacLeod Froman  
George G. Slade, Jr.  
Janet P. MacDonald  
Mary Jane Mastrangelo

Very truly yours,  
Marene V. McColeen  
Town Administrator

April 8, 2022

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with provisions of Chapter 131, Section 40 of MGL as amended and Town of Bourne Wetland Protection Bylaw as amended that Atlantic Concrete Construction, Inc. has petitioned the Board of Selectmen to amend its license for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of secured outdoor seating area to the rear of the establishment. Description of premises: 1st floor, 12,000 sq. ft. building with 12,000 sq. ft. restrooms, party, outdoor deck, 2 storage areas, 2 entrances/exits, 2nd floor, 4 offices, 2 storage areas, 1 restrooms, 1 kitchen, 2 storage areas, 2nd floor, 2 storage areas, 2 entrances/exits. Secured outdoor seating area to the rear of the establishment. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

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Town Administrator

April 8, 2022

This disclosure is required by the Massachusetts Department of Public Utilities

**Content Label for Cape Light Compact Retail Access Electricity Supply Customers**

Data for this label is provided by NextEra Energy Services, Cape Light Compact's selected utility.

The electricity you consume comes from the New England power grid, which receives power from a variety of power plants and transmits the power throughout the region as needed to meet the requirements of all customers in New England. When you choose a power supplier, that supplier is responsible for generating and purchasing power that is added to the power grid to an amount equivalent to your electricity use. "System Power" includes the mix of power generating resources in the regional electricity market.

Although the power delivered to Compact customers comes from the regional New England power grid, the Compact's supplier provides 100% renewable energy to Compact customers. The renewable energy is provided by the Compact's supplier through a combination of renewable energy sources, including wind, solar, hydro, and other renewable energy sources. The Compact's supplier is committed to providing 100% renewable energy to Compact customers by 2030. The Compact's supplier is committed to providing 100% renewable energy to Compact customers by 2030. The Compact's supplier is committed to providing 100% renewable energy to Compact customers by 2030.

NextEra Energy Services will update this label and emissions data to its customers quarterly, allowing customers to compare data among the companies providing electricity service on Cape Cod and Martha's Vineyard.

**Generation Prices\***

- Residential customers: prices in effect for Dec. 2021 - June 2022 are 14.69¢ per kWh
- Commercial customers: prices in effect for Dec. 2021 - June 2022 are 14.49¢ per kWh
- Industrial customers: prices in effect for March 2022 - June 2022 are 11.29¢ per kWh

\*Prices include an add-on of \$0.001/kWh for the Cape Light Compact Operating Fund. These prices do not include regulated charges for customer service and delivery. These charges are billed by your local distribution company for a breakdown of supply pricing, visit [capelightcompact.org/power-supply](http://capelightcompact.org/power-supply).

**Air Emissions**

Emissions for each of the following pollutants are presented as a percent of the regional average emission rate based on the System Mix. System average emission rates were prepared for New England Power Pool (NEPOOL) by New England and are based on data from Q4 2020 - Q3 2021 for residential, commercial and industrial rates.

Nitrogen Dioxide (NO<sub>2</sub>) is formed when fossil fuels and biomass are burned at high temperatures. They contribute to acid rain and ground level ozone (smog), and may cause respiratory illness in children with frequent high level exposure. NO<sub>2</sub> also contributes to oxygen depletion of lakes and streams which is a threat to the health of the water.

Sulfur Dioxide (SO<sub>2</sub>) is formed when fossil fuels are burned, primarily coal and oil. It is a health irritant to the respiratory system, and contributes to acid rain and ground level ozone. SO<sub>2</sub> combines with water and oxygen in the atmosphere to form acids, which cause the acid rain and the acids in lakes and streams, and accelerates the decay of buildings and monuments.

Carbon Dioxide (CO<sub>2</sub>) is released when fossil fuels (e.g., coal, oil and natural gas) are burned. Carbon dioxide, a greenhouse gas, is a major contributor to global warming.

**Disclosure Label Based on Data from Q4 2020 - Q3 2021**

Power Source	System Mix Percentage	Power Attribute Content†
Air-source heat pump	0.08	
Biomass	2.03	
Coal	0.66	
Diesel	0.91	
Digester Gas	0.10	
Efficient Resource (Maine)	0.90	
Energy Storage	0.04	
Fuel Cell	0.02	
Ground- and water-source	0.49	
Heat pump	0.05	
Hydroelectric/hydro	5.95	
Hydrokinetic	0.00	
Jet	0.01	
Landfill Gas	0.01	
Liquid Biofuels	0.06	
Municipal Solid Waste	0.67	
Natural Gas	46.09	
Nuclear	25.60	
Oil	4.57	
Solar Photovoltaic	4.87	
Solar Thermal	0.01	
Traffic-to-energy	2.31	
Wind	3.52	
Wood	1.04	
<b>TOTAL</b>	<b>100</b>	

Based on data from Q4 2020 - Q3 2021  
Actual totals may vary slightly from 100% due to rounding.

Emission Type	Lbs. per MWh	% NEPOOL
Nitrogen Dioxide (NO <sub>2</sub> )	0.6747	100
Sulfur Dioxide (SO <sub>2</sub> )	0.3971	100
Carbon Dioxide (CO <sub>2</sub> )	740.68	100

†New England Power Pool (NEPOOL) is a regional electric utility pool serving the New England area. NEPOOL is a not-for-profit organization. NEPOOL's emissions data is based on data from Q4 2020 - Q3 2021.

Cape Light Compact • 1.800.381.9192 • Fax: 774.330.3018 • [capelightcompact.org](http://capelightcompact.org)

## LEGAL NOTICES

visions of Chapter 131, Section 40 of MGL as amended and Town of Bourne Wetland Protection Bylaw as amended that Atlantic Concrete Construction, Inc. has petitioned the Board of Selectmen to amend its license for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of secured outdoor seating area to the rear of the establishment. Description of premises: 1st floor, 12,000 sq. ft. building with 12,000 sq. ft. restrooms, party, outdoor deck, 2 storage areas, 2 entrances/exits, 2nd floor, 4 offices, 2 storage areas, 1 restrooms, 1 kitchen, 2 storage areas, 2nd floor, 2 storage areas, 2 entrances/exits. Secured outdoor seating area to the rear of the establishment. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

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Very truly yours,  
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Town Administrator

April 8, 2022

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Town Administrator

April 8, 2022

## **TOWN OF BOURNE LIQUOR HEARING NOTICE**

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Whaleback Restaurant, Inc., d/b/a Whaleback Restaurant, Stuart Coggeshall, Manager, to amend his Year Round Common Victualer License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises to include the addition of Secured outside seating area to the right of premise. Description of premises: One story building with three rooms, outdoor fenced-in patio area, take-out window for food, men's and ladies restrooms, basement and attic used for storage. Two entrances and two exits. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 19th at 7:45 p.m.

### **BOARD OF SELECTMEN**

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George G. Slade, Jr.

Jared P. MacDonald

Mary Jane Mastrangelo

Very truly yours,

Marlene V. McCollem

Town Administrator

April 8, 2022





# TOWN OF BOURNE

## Board of Selectmen

24 Perry Avenue - Room 101  
Buzzards Bay, MA 02532-3496  
www.townofbourne.com

Phone: 508-759-0600 x1503  
Fax: 508-759-0420



### APPLICATION FOR THE USE OF TOWN PROPERTY

Individual/Organization CAPE COD CANAL REGION CHAMBER OF COMMERCE

Address (mailing) 70 MAIN ST. BUZZARDS BAY, MA 02532

Home/Business Address \_\_\_\_\_

Home Telephone # \_\_\_\_\_

Business Telephone # 508-759-6000 x12

Contact Person MARIE OLIVA

Email address: MOLIVA@CAPECODCANALCHAMBER.ORG

I (we) request the use of the following town owned property:

Name: BUZZARDS BAY PARK

Location: 70 MAIN ST. BUZZARDS BAY, MA 02532

Purpose: \*\*\* CONCERTS BY THE CANAL

\*\*\*Please indicate if a tent will be used or food served/available at event\*\*\*

Date(s) THURSDAY EVENINGS - JULY - AUGUST

JULY 7, 14, 21, 28 AUGUST 4, 11, 18, 25

Time(s)

From 5:30 PM (time first person will arrive)

To 8:45 PM (time last person will leave)

From \_\_\_\_\_ (time first person will arrive)

To \_\_\_\_\_ (time last person will leave)

\*\*\*\*\* **Copy of Liability Insurance with town named as additional insured** \*\*\*\*\*

(PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM)

I (we) agree to pay the Town of Bourne a fee, if required, for use of such facilities

Estimated Attendance 3-400 AVERAGE

Will the affair be policed? Yes \_\_\_\_\_ No X

Will admission be charged: Yes \_\_\_\_\_ No X

Signed Marie Oliva

Identification Presented \_\_\_\_\_

### HOLD HARMLESS AGREEMENT

It is agreed by CAPE COD CANAL REGION CHAMBER OF COMMERCE  
Hereinafter called the Organization, that the Town of Bourne be absolved of any and all liability brought about by actions of the participants and/or patrons of the organization while using the facilities of the Town of Bourne for the purpose of

It is further agreed that the Organization accepts responsibility for any and all damages caused by the participants and/or patrons of the Organization that are determined to be above and beyond what is considered normal wear and tear of the facilities.

Signature of Organization Marie Oliva

Printed Name MARIE OLIVA

Title PRESIDENT & CEO Dated 3/17/22

\*\*\*\*\*

### FOR TOWN ADMINISTRATOR'S USE ONLY

Estimated Facility Costs \_\_\_\_\_

Total Estimated Costs \_\_\_\_\_

APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_

Town Administrator

Marlene V. McCollem

Approval is contingent upon your acceptance of the estimated costs as listed above. If for any reason, you no longer wish to use our facility, please contact us immediately.



# Town of Bourne Interdepartmental Advisory Form



<b>Start Date:</b>	3/21/2022
<b>Owner/Applicant:</b>	Marie Oliva [508-759-6000 x12] <span style="background-color: black; color: black;">[REDACTED]</span> moliva@capecodcanalchamber.org Cape Cod Canal Region Chamber of Commerce
<b>Project Location:</b>	70 Main Street, Buzzards Bay, MA 02532
<b>Nature of Request:</b>	2022 Summer Concerts in the Park Every Thursday evening July and August 2022 [7/14/22>8/25/22] 7/7,7/14,7/21,7/28,8/4,8/11,8/18,8/25 5:30 p.m. - 8:45 p.m. Estimated Attendance: 300-400 No Food Open to the public at no charge
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	23.2	<b>Parcel:</b>	4, 5	<b>District:</b>	
-------------	------	----------------	------	------------------	--

☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>		<b>Frontage:</b>		<b>Zone:</b>	<b>DTC</b>
<b>Resource District:</b>	No	<b>Town Road:</b>	Yes	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	Yes
<b>Flood Zone:</b>	AE 16	<b>Within 100' of Wetland:</b>	Yes				

Owner:

Remarks:

4/6/2022

Date

Timothy P Lydon

Department Head

☐ **Planning Department/Planning Board:**

☒ **Concurs**

☐ **Does Not Concur**

Remarks: Temporary street banners require Select Board approval per Zoning Bylaw sec. 2866.

3/23/2022

Date

Jennifer Copeland

Town Planner

☐ **Conservation Commission:** ☐ Must File ☐ Determination ☐ Notice of Intent  
☒ Need not File

Remarks:

4/6/2022

Timothy P Lydon

04/14/22 2:15 PMM:\public\_share\Routing Slips\2022 Summer Concerts - Chamber of Commerce.docx

---

Date Conservation Agent

---

☐ Board of Health: ☒ Concur ☐ Does Not Concur

Remarks:

---

3/25/2022 K.Shea  
Date Health Agent

---

☒ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks:

---

4/13/2022 KMurphy/ag  
Date Building Inspector

---

☐ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

---

4/8/2022 Maria Simone/Admin  
Date Department Head

---

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks: N/A

---

3/23/2022 A Dastous  
Date Town Collector

---

☐ Town Clerk:  
If not corporation has business certificate been issued? ☐ Yes ☒ No

Remarks: Not Applicable

---

3/21/2022 CCobb  
Date Clerk's Office

---

☐ Assessors:  
This individual has (have) completed the Form of List? ☐ Yes ☒ No

Remarks: na



3/30/2022

JPotter

Date

Assessors Office

☐ Department of Public Works: ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks:

3/22/2022

Matthew Quinn

Date

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

3/21/2022

Chris Southwood

Date

Department Head

☐ Recreation Department: ☒ Concurs ☐ Does Not Concur ☐ Not Under Jurisdiction

Remarks: Will put on bournerec.com event calendar after Select Board approval

3/28/2022

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concurs ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

3/21/2022

Lt. John R. Stowe Jr.

Date

Department Head

☐ Fire Department: ☒ Concurs ☐ Does Not Concur

Remarks:

3/21/2022

David S. Pelonzi, Assistant Chief

Date

Department Head

☐ Town Administrator/Board of Selectmen: ☐ Concurs ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/11/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER C.L. HOLLIS INSURANCE 140 Marion Rd  Wareham MA 02571	CONTACT NAME: Cheryl L. Hollis PHONE (A/C, No, Ext): (508) 295-9500 FAX (A/C, No): (508) 295-9898 E-MAIL ADDRESS: cherylllee@insurehollis.com
INSURED Cape Cod Canal Region Chamber of Commerce 70 Main St  BUZZARDS BAY MA 02532	INSURER(S) AFFORDING COVERAGE INSURER A: Continental Casualty Co (cna) INSURER B: Travelers Insurance INSURER C: Westchester Insurance INSURER D: INSURER E: INSURER F:

## COVERAGES

CERTIFICATE NUMBER: CL2151805880

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY			4017413446	04/24/2021	04/24/2023	EACH OCCURRENCE \$ 2,000,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						GENERAL AGGREGATE \$ 4,000,000
							PRODUCTS - COMP/OP AGG \$ 4,000,000
							BAIL \$ 1,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO						BODILY INJURY (Per person) \$
	OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
	SCHEDULED AUTOS						\$
	NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTION \$						
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			6HUB-9F46452-7-21	02/10/2022	02/10/2023	PER STATUTE <input checked="" type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

TOWN OF BOURNE ARE ADDITIONAL INSUREDS PER WRITTEN CONTRACT FOR CONCERTS BY THE CANAL, MAIN STREET BUZZARDS BAY ON THURSDAY EVENINGS IN JULY & AUGUST OF 2022.

## CERTIFICATE HOLDER

## CANCELLATION

TOWN OF BOURNE 24 PERRY AVENUE  BUZZARDS BAY MA 02532	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	---

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## ***CHILDREN'S MENTAL HEALTH WEEK PROCLAMATION 2022***

**Whereas**, good mental health is a key component in a child's healthy development and Children's Mental Health Week provides the opportunity to focus on this important matter, while celebrating the accomplishments of children and families affected by mental health concerns; and

**Whereas**, according to the United States Department of Health and Human Services, one in five children is diagnosed with a mental health condition; and

**Whereas**, research has shown early identification and appropriate treatment of mental health disorders among children and adolescents provide them better opportunities to lead full and productive lives; and

**Whereas**, children and youth with mental health problems and their families benefit from access to timely services and supports that are family-driven, youth-guided and culturally appropriate; they also benefit from the integration of behavioral health in primary care, education, and child welfare; and

**Whereas**, it is important that children and adolescents, along with their families and communities, learn about warning signs of mental health disorder and where to obtain necessary assistance and treatment; and

**Whereas**, the involvement and partnership of family members in the care and treatment of children and youth is essential to positive outcomes; and

**Whereas**, Children's Mental Health Week was developed by families of children with emotional, behavioral and mental health needs, to focus on the needs of their children and families; in celebrating this year's theme: "Action Changes Things" it is fitting to increase public awareness among all Massachusetts citizens of this important issue; and

**Whereas**, obtaining a full and accurate diagnosis of a child requires gathering information from diverse sources, including the family, school and others involved with the child; and

**Now, Therefore, I** \_\_\_\_ (Name) \_\_\_\_\_, \_\_\_\_ (Title) of the (Name of State or City), do hereby proclaim May 1st - 7th, 2022 as

***CHILDREN'S MENTAL HEALTH ACCEPTANCE WEEK***



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

*December 15, 2021*

**MBTA COMMUNITIES: HOW TO COMPLY IN 2022**

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New section 3A to the Zoning Act (Chapter 40A of the General Laws) requires each of the 175 MBTA communities to have a zoning district in which multifamily zoning is permitted as of right, and that meets other requirements set forth in the statute. An MBTA community that does not comply with Section 3A is not eligible for funding from the Housing Choice Initiative, the Local Capital Projects Fund, or the MassWorks Infrastructure Program.

This document describes the actions MBTA communities must take to remain eligible for these funding sources for the next One Stop application cycle, which formally opens on May 2, 2022 and closes on June 3, 2022. These requirements supersede and replace the Preliminary Guidance for MBTA Communities Regarding Compliance with Section 3A of Chapter 40A (By Right Multifamily Zoning) issued on January 29, 2021.

**How to Comply in 2022**

Simultaneously with the release of these 2022 compliance requirements, the Department has issued Draft Guidelines for public comment, which can be found here: [www.mass.gov/mbtacomunities](http://www.mass.gov/mbtacomunities). To remain in compliance with Section 3A while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must take the following actions by no later than 5:00 p.m. on May 2, 2022:

1. Include a presentation of the Draft Guidelines in a meeting of the Select Board, City Council or Town Council, as applicable;
2. Complete and submit the MBTA Community Information Form, found here: [www.mass.gov/forms/mbta-community-information-form](http://www.mass.gov/forms/mbta-community-information-form); and
3. Submit updated GIS parcel maps to MassGIS if the most recent updated parcel maps were submitted prior to January 1, 2020. DHCD will contact each of the 14 MBTA communities that need to submit updated GIS parcel maps.

Up-to-date standardized parcel maps are important to assist your community in determining whether an existing or proposed new multi-family zoning district meets the criteria established in the Draft Guidelines. To submit updated parcel update, or if you have questions about it, please contact MassGIS staff Craig Austin [craig.austin@mass.gov](mailto:craig.austin@mass.gov).

These requirements are effective as of December 15, 2021 and will remain in effect until the issuance of final compliance guidelines, or until modified or revoked by DHCD.



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

**DRAFT Compliance Guidelines for Multi-family Districts**  
**Under Section 3A of the Zoning Act**

**1. Overview of Section 3A of the Zoning Act**

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

*An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

**2. Definitions**

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.



“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

### **3. General Principles of Compliance**

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

#### 4. **Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

#### 5. **Determining “Reasonable Size”**

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

##### a. *Minimum land area*

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

##### b. *Minimum multi-family unit capacity*

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.

A compliant district's multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

<b>Category</b>	<b>Minimum multi-family units as a percentage of total housing stock</b>
Rapid transit community	25%
Bus service community	20%
Commuter rail community	15%
Adjacent community	10%

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of  $7,500 \times 0.25 = 1,875$  multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district's unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

## **6. Minimum Gross Density**

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A's minimum gross density requirement if the following criteria are met.

### *a. District-wide gross density*

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

### *b. Achieving district-wide gross density by sub-districts*

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute's density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

## **7. Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

## 8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

### *a. General rule for measuring distance from a transit station.*

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

### *b. MBTA communities with some land area within 0.5 miles of a transit station*

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

### *c. MBTA communities with no land area within 0.5 miles of a transit station*

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

## 9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

*a. Requests for determination of compliance*

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with;
  - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
  - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
  - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.



## Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

## Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

### *b. Action plans and interim compliance—New or amended district*

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

*c. Timeframes for submissions by MBTA communities*

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

**10. Renewals and Rescission of a Determination of Compliance**

*a. Term and renewal of a determination of compliance*

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

*b. Rescission of a determination of compliance*

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.

**11. Effect of Noncompliance**

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

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BARNSTABLE, MASSACHUSETTS 02630

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CAPE COD  
COMMISSION

March 8, 2022

Jennifer Copeland  
Assistant Town Planner  
Town of Bourne  
24 Perry Avenue  
Buzzards Bay, MA 02532

Dear Ms. Copeland:

Thank you for your request for District Local Technical Assistance (DLTA) funding. While we had many requests and were unfortunately unable to fund them all through this year's DLTA program, I am pleased to report that the Commission will be funding your request for technical assistance related to interim compliance requirements for MBTA communities.

Staff will be in touch to coordinate an appropriate scope of work and timeline. As you know, all work must be completed by the end of December.

Sincerely,

Kristy Senatori  
Executive Director

cc: Marlene McCollem, Town Administrator



# D R A F T

Board of Selectmen

Minutes of Regular Joint Session with Finance Committee

April 26, 2021

Via Zoom

\*\*\*\*\*

In attendance: Judith Froman, Chair; George Slade, Clerk; Peter Meier, Jared MacDonald, and James Potter

Chair Froman called to order at 7:07 PM

Conservation Commission presented by Sam Haines

FY22 Sewer Budget Discussion

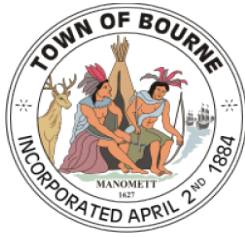
Statement regarding a statement that the Finance Committee made about the FY22 Sewer Budget by Chair Judy Froman.

Consensus Exercise, regarding the FY22 Sewer Budget, conducted by M J Mastrangelo.

Motion: to adjourn by Slade, seconded by MacDonald. Unanimously voted 5-0-0 at approximately 8:00 PM

*Respectfully submitted,*

*Kim Johnson*



## Selectmen's Correspondence

April 19, 2022

- A. Cape Edwards – JBCC – Tours Flyer
- B. DEP letter re Old K Range Munitions Response Area Draft Feasibility Study
- C. DEP letter re PFAS at the tank truck rollover sites





## Massachusetts Army National Guard **Environmental and Readiness Center**

CAMP EDWARDS ARMY NATIONAL GUARD TRAINING SITE

# TOUR CAMP EDWARDS

- ★ Camp Edwards, on Joint Base Cape Cod, is hosting tours of the training area.
- ★ This is an opportunity for participants to see firsthand and learn about Camp Edwards' Soldier training venues, Natural Resources Program and habitat conservation work, and the Impact Area Groundwater Cleanup Program.
- ★ Tour dates are: Saturday, April 23  
Saturday, June 18  
Friday, July 15  
Saturday, August 20  
Friday, September 16  
Saturday, October 15
- ★ Each tour runs from 9 a.m. to 1 p.m.

## **Tour Dates and Registration Information**

Each tour is limited to 36 people and spots will be filled on a first come, first served basis.

To register a tour, please send an email no later than noon on the Thursday prior to the tour to: [Emily.d.kelly2.nfg@army.mil](mailto:Emily.d.kelly2.nfg@army.mil) with your name and telephone number.

A confirmation email will be sent with further information including directions, meeting location and parking.

**Learn more about Camp Edwards'  
training venues and habitat protection at:  
[www.massnationalguard.org/ERC/index.html](http://www.massnationalguard.org/ERC/index.html)**



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

April 11, 2022

Air Force Civil Engineer Center/JBCC  
Attn: Ms. Rose H. Forbes  
Remediation Program Manager  
322 East Inner Road  
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**  
Release Tracking Number: 4-0000037  
Joint Base Cape Cod (JBCC), **Draft**  
**Feasibility Study Old K Range Munitions**  
**Response Area - RCL, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has received the response to comments letter (the RCL) from the Air Force Civil Engineer Center (AFCEC) dated August 2, 2021 issued for the document “**Draft Feasibility Study Old K Range Munitions Response Area**” (the Draft FS) dated April 2021 and the red-lined Draft Feasibility Studies dated September 2021 and March 2022. The Draft FS was prepared to develop and evaluate potential remedial alternatives to eliminate or mitigate exposure to munitions and explosives of concern (MEC), munitions constituents (MC) and risks to human health and ecological receptors at the Military Munitions Response Program (MMRP) Old K Range Munitions Response Area (Old K Range MRA). MassDEP has the following comments on the RCL and the red-lined Draft FS.

1. MassDEP notes that the Draft FS was prepared by the AFCEC based on the Old K Range Munitions Response Area Remedial Investigation (RI) Report that was finalized by the AFCEC on October 17, 2019, without resolution of MassDEP’s comments on the RI. MassDEP continues to have outstanding concerns with the adequacy of the site characterization and risk characterization upon which the Draft FS is based. MassDEP’s more than eighty comments on the Draft FS submitted to the AFCEC on July 19, 2021 reflected MassDEP’s continuing concerns with the RI and identified additional concerns with the Draft FS. Unfortunately, the AFCEC RCL does not respond adequately to many of MassDEP’s comments and concerns. Rather than identifying each comment response in this letter, MassDEP recommends that the AFCEC, the EPA and MassDEP meet to discuss the resolution of outstanding MassDEP technical comments on the Draft RI Report, which have been carried through to the Draft FS, and the responses to MassDEP comments on the Draft FS as well as the goal of creating a path forward for the Old K Range MRA that is mutually agreeable. MassDEP has summarized specific concerns with the RCL and with the FS below.
2. MassDEP does not agree that sufficient MEC and MC data were collected at the Old K Range MRA to adequately determine the nature and extent of contamination, to verify the Old K Range MRA conceptual site model, to appropriately characterize the risk of harm to health, safety, public welfare, and the environment and therefore to allow for appropriate risk management decisions. The extent of

surface and subsurface material documented as safe (MDAS - to include practice rockets) and material documented as an explosive hazard (MDEH - to include munitions items containing high explosive) the AFCEC believes to be remaining within the Old K Range MRA very likely does not accurately represent the full nature and extent of munitions items present. The level of investigation performed by the AFCEC at the Old K Range MRA is not commensurate with the type and amount of hazardous material (MEC and MC) released and is therefore inadequate for determining the risk of harm to public safety and the environment posed by the Old K Range MRA.

3. Page 1-1, Section 1, Introduction:

The text states **"Additionally, this FS establishes procedures for addressing any future potential release of MC associated with breached or leaking MEC which may contain explosive filler or from a MEC item that requires detonation-in-place."** The Draft FS does not establish any procedures for addressing future potential release of MC associated with breached or leaking MEC which may contain explosive filler. The Draft FS developed and evaluated potential remedial alternatives to eliminate or mitigate exposure to MEC and MC. Please correct the text.

4. Page 1-3, Section 1.2, Purpose and Scope:

The text states **"Recommendations from this FS are intended to aid in selecting the preferred remedial alternative to address the probability of encountering MEC and addressing any MC released in the future at the non-operational portion of the Old K Range MRA."** The Draft FS needs to be revised to aid in selecting: (1) a remedial alternative to address both the investigated and the uninvestigated MEC; and (2) a remedial alternative to address the MC which currently exists at the Old K Range MRA and not solely MC which will be released in the future. As previously stated, MassDEP continues to have outstanding concerns with the adequacy of the site characterization and risk characterization upon which the Draft FS is based. Sufficient MEC and MC data were not collected at the Old K Range MRA to adequately determine the nature and extent of contamination, to verify the Old K Range MRA conceptual site model, to appropriately characterize of risk of harm to health, safety, public welfare, and the environment and therefore to allow for appropriate risk management decisions.

5. Page 2-21, Section 2.4, Munitions and Explosives of Concern Conceptual Site Model:

The text states **"MC data have indicated that there is no current source associated with the historical use of the site as a rocket range. In addition, a review of available MEC data (investigations, removal actions, and construction reports) indicate that the type, explosive configuration (primarily non-HE; less than 4% of more than 500 items identified to date were determined to be MDEH), and condition (i.e., no items identified as breached or leaking) indicate that the remaining ordnance items would not likely constitute a future source of MC that would pose an unacceptable risk to human health."** MassDEP disagrees with this statement. MassDEP continues to have outstanding concerns with the adequacy of the site characterization and risk characterization upon which the Draft FS is based. The MEC and MC investigation at the Old K Range MRA is incomplete and therefore there is inadequate site data to support the conclusion that there is no current source associated with the historical use of the site as a rocket range or that the remaining ordnance items would not likely constitute a future source of MC that would pose an unacceptable risk to human health. Additional investigation of MEC and MC needs to be proposed to fill data gaps as a pre-remedial design effort. Existing surface and subsurface MEC data and the MEC hazard assessment indicate that MEC remain at the site; and, as a result, the alternatives proposed in the draft FS are not adequate, and therefore more robust, proactive, and effective remedial alternatives need to be developed and evaluated as part of the CERCLA FS process.

6. Page 3-4, Section 3.2.1, Development of Preliminary Remediation Goals:

The text states **“The following PRG was selected for the Old K Range MRA: Address any direct contact risk (explosive) by current and anticipated future human receptors to MEC in the surface and subsurface soil to the depth of proposed Site disturbance.”** Please specify the depth of proposed Site disturbance. MEC needs to be investigated and removed from the subsurface until no further geophysical response is recorded.

7. Page 4-5, Section 4.1.4.1, MEC Removal (Retained), Implementability:

The text states **“Because MEC detection technologies are limited, a MEC removal would reduce the exposure to MEC but would not remove all MEC hazards at the site. A removal would be difficult to implement based on current site conditions (i.e., portions of the MRA are heavily forested and the site contains a complex underground cable network associated with the USCG antennas).”** MassDEP notes that a MEC removal would be challenging to implement but would still be effective. Underground cables at the site would complicate a MEC investigation and removal, however, MEC detection technologies and methodologies exist for investigations performed in forested areas. The AFCEC has provided no supportive, convincing reasoning why MEC investigation and MEC removal cannot be performed around the USCG antennas and infrastructure. MEC investigation and removal in forested areas and around the USCG antennas need to be more fully evaluated in the Draft FS.

8. Page 4-5, Section 4.1.4.1, MEC Removal (Retained), Cost:

The text states **“In addition, the technology would not be effective without the addition of LUCs, is not easily implementable, and would be costly. However, a partial removal has been retained for alternative development.”** MassDEP disagrees that MEC removal would be difficult to implement and would not be effective. Both full and partial MEC removal need to be retained for alternative development.

9. Page 5-1, Section 5, Development and Screening of Alternatives:

The Draft FS proposes the following Land Use Control remedial alternatives - Alternative 2: long term monitoring (LTM) with Groundwater Monitoring, UXO Construction Support, and Partial Annual MEC Sweeps; Alternative 3: LTM with Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps; and Alternative 4: LTM with Groundwater Monitoring, UXO Construction Support, Partial Annual MEC Sweeps and Partial Fencing. There is no appreciable difference between the proposed ‘partial’ annual sweeps and the proposed ‘full’ annual sweeps, therefore Alternatives 2 and 3 are essentially the same alternative and should be combined as one alternative.

10. Page 5-16, Section 5.6, Alternative 5: Partial MEC Removal with Long-Term Management, Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps:

This proposed alternative does not propose an adequate investigation and removal of MEC from the Old K Range MRA and therefore does not adequately address the risk to human health, safety, and the environment. Especially in the Rocket Range MRS (grassy and forested portions), a remedial alternative which does not propose to investigate and remove 100% of the MEC allows for a continued human safety risk. As much of this area is mown yearly, even Alternative 5 poses an unacceptable risk that a mower or other worker might encounter or trigger MEC at the ground surface.

Additionally, this alternative 5 would fail to remove MEC such that MC could migrate to and contaminate the underlying groundwater. The Old K Range MRA is located within the Upper Cape Water Supply Reserve (Reserve) and is hydrologically upgradient of Upper Cape Water Supply Cooperative Well 1 and Well 2, which supply drinking water to the towns on upper Cape Cod. The

Reserve is co-located within Camp Edwards' 15,000-acre northern training area and was established by the Commonwealth of Massachusetts per Chapter 47 of the Acts of 2002, as public conservation land dedicated to three primary purposes: water supply and wildlife habitat protection, the development and construction of public water supply systems, and the use and training of military forces of the commonwealth (provided that such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection). There is an opportunity at the Old K Range MRA to proactively protect human safety and the public water supply groundwater resource, however, the current set of remedial alternatives proposed in the Draft FS fail to do so. MassDEP requests that Alternative 5 be revised to include additional investigation of MEC and MC to fill data gaps as a pre-remedial design effort and revised to include an improved scope for the proposed annual MEC sweeps.

11. Page 5-16, Section 5.6.1, Partial Munitions and Explosives of Concern Removal:

The text states **"A partial MEC removal would be conducted in 15.44 acres of the MRA identified as a high anomaly density area and assumed rocket range target area (Figure 5-4a). The partial MEC removal would include a full surface and subsurface removal (up to a depth of 12-in. bgs, the depth of which the ordnance of interest is anticipated based on the ordnance trajectory and field data) of MEC and MD by a qualified UXO team."** The proposed partial MEC removal limited to the high anomaly density area and assumed rocket range target area is not adequate. Additional buried MEC are likely located outside of the high-density area in the central portion of the Rocket Range AOI. In addition, MEC was observed to be present to the northwest of the Rocket Range AOI. MassDEP requests that a new alternative be proposed which includes additional investigation of MEC and MC to fill data gaps as a pre-remedial design effort, full (100%) MEC and MC removal with long-term management, groundwater monitoring, UXO construction support and full annual MEC sweeps.

MassDEP's primary concern remains that the AFCEC has not conducted investigations to adequately determine the nature and extent of contamination, to verify the Old K Range MRA conceptual site model, to appropriately characterize the risk of harm to health, safety, public welfare, and the environment and therefore to allow for appropriate risk management decisions. MassDEP takes this opportunity to reference the February 13, 2020 letter from Paul Locke to Suzanne Bilbrey in which MassDEP noted that outstanding concerns may affect MassDEP's ability to concur with the remedy at this Site. Given MassDEP's continued concerns summarized above, MassDEP reserves its authority under M.G.L. c. 21E, the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000, CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and any other applicable law, regulation or other authority to supplement the comments expressed herein, or to require further response actions including, without limitation, additional investigation, remedial measures and the implementation of LUCs.

Please incorporate this letter into the Administrative Record for the Old K Range MRA for the Military Munitions Response Program at Joint Base Cape Cod. If you have any questions regarding this letter, please contact me at (508) 946-2871.

Sincerely,



Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

Ec: Upper Cape Boards of Selectmen  
Upper Cape Boards of Health  
JBCC Cleanup Team  
MassDEP Boston/Southeast Regional Office



## Department of Environmental Protection

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Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

April 15, 2022

Air Force Civil Engineer Center/JBCC  
Attn: Rose Forbes  
Remediation Program Manager  
322 East Inner Road  
Otis ANG Base, Massachusetts 02542

RE: **BOURNE - BWSC**  
Release Tracking Number: 4-0000037  
Joint Base Cape Cod (JBCC)  
**Draft Action Memorandum Amendment**  
**Non-Time Critical Removal Action**  
**Replace Residential Drinking Water Wells**  
**with Municipal Water, Tanker Truck**  
**Rollover Sites, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document **"Draft Action Memorandum Amendment Non-Time Critical Removal Action Replace Residential Drinking Water Wells with Municipal Water, Tanker Truck Rollover Sites"** dated March 2022 (the TTRS Action Memorandum Amendment). The purpose of the TTRS Action Memorandum Amendment is to authorize a second Non-Time Critical Removal Action (NTCRA) at the Tanker Truck Rollover Sites (TTRS). The original Action Memorandum for the TTRS authorized the connection of four residences with private drinking water wells impacted by per- and polyfluorinated alkyl substances (PFAS) to the Town of Bourne municipal water supply. The second removal action authorized in this TTRS Action Memorandum Amendment provides municipal water connections for three additional residences with private drinking water wells impacted by PFAS attributed to the TTRS. MassDEP offers the following comments on the TTRS Action Memorandum Amendment.

Page 2-3, Section 2.4 Other Actions to Date:

The text states **"PFOS at concentrations exceeding the EPA lifetime HA had been detected at four of the eight private residential wells sampled (Figure 3 and Appendix A). The homeowners were notified and AFCEC provided bottled water, starting in spring 2016, until AFCEC-owned and -maintained whole-house water filtration systems were installed as part of a time-critical removal action (AFCEC 2018a). Granular activated carbon (GAC) filtration systems were installed at three residences in December 2016/January 2017 with bottled water continuing at the fourth residence (part-time resident)."** As the AFCEC is aware, MassDEP has been providing bottled water to three residences along Valley Farm Road that have private wells that have been impacted by concentrations of PFAS below the Environmental Protection Agency (EPA) lifetime health advisory (HA) for PFAS, but above the PFAS6 Massachusetts

This information is available in alternate format. Contact Glynis Bugg at 617-348-4040.

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Maximum Contaminant Level (MMCL), to mitigate exposure to PFAS6 concentrations above the MMCL. MassDEP requests that the following or similar text be included in Section 2.4 of the TTRS Action Memorandum Amendment: *"The MassDEP provided bottled water to the three property owners where the summation of the PFAS6 detections in the residential wells exceeded the MMCL of 20 ng/L but were below the EPA lifetime HA of 70 ng/L for the sum of PFOS and PFOA."*

Please incorporate this letter into the Administrative Record for the Tanker Truck Rollover Sites study area. If you have any questions regarding this matter, please contact me at (508) 946-2871 or Elliott Jacobs at (508) 946-2786.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Pinaud", enclosed within a circular stamp or seal.

Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

P/ej

Ec: Upper Cape Boards of Selectmen  
Upper Cape Boards of Health  
JBCC Cleanup Team  
MassDEP Boston/Southeast Region