

## **Over Objections, Board Approves Amplified Music In Falmouth Heights** (Falmouth Enterprise, 4/1/2022)

A decision to allow live amplified outside music at a Falmouth Heights restaurant spurred a prickly debate at the select board meeting on Monday night, March 28.

The board approved an entertainment license for Shipwrecked restaurant, formerly the British Beer Company, at the corner of Grand and Central Park avenues. After hearing from irked neighbors who are against any amplified music the board voted for a compromise, allowing it three hours a day until 6:30 PM, Friday through Monday.

The heart of the issue is the restaurant is in an area zoned for business but sits among residential homes in a seaside neighborhood.

“We have to be practical and strike a balance. It’s a business in the Heights and they have a really short season to bank money,” select board member Megan English Braga said. “Live music does draw people in, but I understand we all want to have peaceful enjoyment of our property.”

Shipwrecked general manager Robert Loewen presented the application to the board during the select board meeting, asking for amplified music in the courtyard for seven days a week from 2 to 8 PM. Last summer, the restaurant was allowed nonamplified music on Saturdays and Sundays from 3 to 6 PM.

“As you are aware Falmouth Heights is a busy place in the summer and this affects our musicians’ ability to be heard within the confines of the courtyard. Without amplification, cars and motorcycles makes it nearly impossible to guests not seated directly in front of the musicians to hear them,” he said.

Outside live music would be with a solo or duo act who want to use a microphone and plug into a speaker, Mr. Loewen clarified.

Throughout last season, he said, he and staff were in regular communication with the direct abutters to make sure they were not being bothered by the afternoon music. However, he did note that many musicians last summer did plug in, going against the license.

“The actual abutters did not express any concern, so I didn’t know this was an issue,” he said. Select board chairman Douglas C. Brown told Mr. Loewen the board recently heard from more than 25 Falmouth Heights residents complaining about the volume of the music.

“We received a surprising number of emails with genuine concerns,” he said, noting last year a condition of the entertainment license was to contain the music to be heard only within the restaurant property.

“It’s déjà vu all over again,” said David Buzanoski, president of the Falmouth Heights-Maravista Neighborhood Association. He mentioned other establishments in Falmouth Heights that played music, to the annoyance of neighbors.

“This has happened with Silver Shores Shanty, with The Black Dog, and now Shipwrecked. The issue is volume. If they were playing at the fairgrounds, that is one thing, but it is a totally different story when it is in a residential neighborhood,” he said.

Mr. Buzanoski admitted to enjoying music there, but said the issue is the music will get louder when competing against the traffic and conversation among patrons.

“The town needs to set a policy and a standard to adhere with associated penalties, or nothing will change,” he said.

Resident Lorraine Luchner contradicted Mr. Loewen’s account of communicating with abutters. “No one came to us, and when we called to complain, we were told we have the license so we can continue,” she said. “The amplification was bombarding my house.” She suggested that all music be played inside the restaurant.

Joseph H. McSorley of Harbor Avenue said amplification will attract young people looking to get drunk.

“They will gather, park all over our neighborhood, and bring in nips. We don’t want large groups of kids coming down, getting intoxicated,” he said.

He added that the manager was asking for seven days a week as a starting point for negotiations with the board.

“What they really want is three nights, which is probably what they get tonight,” Mr. McSorley said.

Kevin P. Klauer, the attorney representing Shipwrecked, said there has been a restaurant with the same use at that location for more than 50 years.

“It is zoned for business, but I realize there are residential neighbors, so there needs to be some give and take on both sides,” he said.

He offered to further restrict the hours and days of the entertainment license.

He said the restaurant is not seeking performances from 2 to 8 PM each day, but wanted flexibility to have music a few days a week, taking into account bad weather, scheduling and other concerns.

“I think the team at Shipwrecked has been very respectful and is invested and part of the community. They provide something Falmouth does not have a lot of. For the town with the second-largest coastline in the state, there are not that many beachfront dining places where you can sit by the water, eat outside and listen to music in the background, nothing raucous, just background music,” Mr. Klauer said.

Before the board made its decision to curtail the hours and days listed on the application, Ms. Braga noted the license holder is responsible for being receptive to neighbors and their concerns.

“On the flipside, hopefully residents can understand this is a year-round business rooted in their community,” she said.

Mr. Brown reminded Mr. Klauer and Mr. Loewen that the music must remain at a level that patrons can talk over and be heard.