

WEDNESDAY

MARCH 5<sup>TH</sup>

2014

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
WEDNESDAY, MARCH 5, 2014  
WORK SESSION  
2:30 p.m.**

**Location:**      Timothy Smith Room

- 1.0      Nauset Spit Policy – Orleans Board of Selectmen Correspondence
- 2.0      Municipal Water – Updated Estimate, Schedule, and Mapping
- 3.0      Warrant Article and Public Hearing Article Review
- 4.0      Cell Tower Lease – Boston University

**Upcoming Meetings**

|                                  |                  |                               |
|----------------------------------|------------------|-------------------------------|
| <i>Monday, March 17, 2014</i>    | <i>5:00 p.m.</i> | <u><i>Regular Session</i></u> |
| <i>Wednesday, March 19, 2014</i> | <i>2:30 p.m.</i> | <i>Work Session</i>           |

*The listing of matters includes those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.*

*This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at [www.eastham-ma.gov](http://www.eastham-ma.gov)*



# TOWN OF ORLEANS

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BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

I.D. Nauset Spit  
policy

3/3  
agade

February 19, 2014

John F. Knight, Chairman  
Eastham Board of Selectmen  
2500 State Highway  
Eastham, MA 02642

ADMINISTRATION

FEB 24 2014

RECEIVED

RE: Nauset Spit

Dear Mr. Knight:

On behalf of the Orleans Board of Selectmen, I am writing as a follow up to our joint meeting in Eastham last month regarding Nauset Spit. During our discussion, it was mentioned that Orleans may need an Order of Conditions from the Eastham Conservation Commission for its Off Road Vehicle (ORV) program on that portion of beach that now extends into Eastham. This would be in addition to the existing Order of Conditions from the Orleans Conservation Commission that we have been applying to all of Nauset Spit since 1991. It was also mentioned that Eastham may need to amend its general bylaw to permit the operation of ORV's on this same section of beach. Finally, the possibility of Eastham residents purchasing Orleans resident only stickers to operate ORV's on Nauset Spit was mentioned as well.

While there was no decision reached regarding any of these issues, at the conclusion of our joint meeting you indicated that the Eastham Board of Selectmen would be scheduling a further discussion at an upcoming meeting and possibly formulating a proposal for Orleans to consider regarding the ORV program on Nauset Spit.

At this point, Orleans is proceeding with our final preparations for the upcoming 2014 ORV season that begins on May 1<sup>st</sup> and we would appreciate receiving an update from Eastham so that we may respond in a timely manner.

Sincerely,

Sims McGrath Jr., Chairman  
Board of Selectmen

Cc: John Kelly, Town Administrator  
Dawson Farber, Natural Resources Manager  
Michael Ford, Town Counsel

BOS ~~HD~~. Agenda info  
3/5

## Sheila Vanderhoef

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**From:** sunshine committee <stopthesham@outlook.com>  
**Sent:** Sunday, February 23, 2014 11:48 PM  
**To:** Sims McGrath; d dunford; captainjh3@aol.com; (jfuller184@comcast.net); (alanmcclennen@gmail.com) Cc: John Kelly (jkelly@town.orleans.ma.us); (mdfesq1@verizon.net); (aimeeeeckman@earthlink.net); Sheila Vanderhoef; Nan Balmer; (lsburt@hotmail.com); (knighteastham@yahoo.com); (wallace.adams70@yahoo.com); (mmcd33@comcast.net)  
**Subject:** Congratulations And Apologies To The Town of Eastham...

Although Attorney Ford still seems to have difficulty understanding what accretion really means in the context of migrating inlets along a barrier beach, given the February 4th meeting, he does appear to have acknowledged that Eastham has regulatory jurisdiction over the disputed shifting sands. However, since Mr. Ford and the Orleans Board of Selectman seem intent on claiming "ownership" of said barrier beach, perhaps it's time for the Eastham Tax Collector to present the overdue tax bill to the Orleans Town Administrator...

Apologies to all in Eastham who've had to endure this embarrassing fiasco. I've witnessed a lot of stupidity over the years in municipal governments across New England over the past 25 years - but this episode has to rank at the very top.

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## Sheila Vanderhoef

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**From:** markcc@comcast.net  
**Sent:** Wednesday, April 03, 2013 8:40 AM  
**To:** Sheila Vanderhoef  
**Subject:** Nauset Spit 2013

The town of Orleans has released the 2013 information for ORV use on Nauset Spit 2013. They are again showing ORV access all the way up to the inlet, well with in the town of Eastham. Do the selectmen have any plans to finally address the issue this year? It has been a few years now that they have intentionally violating the town ordinances. News article It may be time to have the beach patrol boat stop on the spit and issue tickets.

Thank you

Mark Russell  
81 Northwest Street  
Eastham

3/5  
Nauset Spit

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**Sheila Vanderhoef**

**From:** Bob Johnson <oldcapecod@hotmail.com>  
**Sent:** Monday, January 20, 2014 12:31 PM  
**To:** Sheila Vanderhoef

I agree with the Selectman Board that the Town of Eastham should take control of the Town's legal claim of its portion of the Nauset Beach access from Orleans to the land out to the "spit".

Also, lets get the "Orleans Rotary" renamed as its land mass according to all maps is clearly within the land mass area of EASTHAM and should be properly identified as the "EASTHAM ROTARY". This gives the town a much greater identification to tourism and more.

Please forward this to all Board of Selectman members for action.

Thank you for your attention,

Bob Johnson



Comment Neil Andres  
DPW Supt

Dear Selectmen

On behalf of the Town of Eastham, our Board has identified two options to manage the section of the Nauset Spit located in Eastham.

### **Do Nothing Option**

Eastham's bylaw, which prohibits driving on this section of beach, will be enforced. Enforcement of the bylaw will be conducted by the Cape Cod National Seashore as the area is within the Seashore's Boundary. Hearing no response from Orleans, this option will become effective on Memorial Day, May 26, 2014. ?

### **Intermunicipal Agreement**

If an intermunicipal agreement regarding the shared use of Nauset Spit in Eastham can be executed, Eastham's Board of Selectmen will put an Article on the Annual Town Meeting warrant to remove the prohibition from driving on Nauset beach. The following terms would be acceptable to our Board.

1. This agreement is subject to a vote at the Eastham Annual Town meeting to lift the restriction on driving on the ocean beaches *all beaches?*
2. Eastham residents may purchase an Off Road Vehicle Permit from the Town of Orleans for use on Nauset spit.
3. The permits shall be valid only for use on Nauset Spit
4. The Sticker shall be the same price as an Orleans resident permit and convey the same rights as those permits issued to Orleans residents;
5. All revenue from the sale of permits to Eastham residents shall go to Orleans,
6. Orleans will manage that section of Nauset Spit in Eastham and be granted enforcement powers by the Town of Eastham for said management.
7. A joint application (Orleans/Eastham) will be submitted to the Eastham Conservation Commission for the operation of the beach in Eastham. Management of the section of Nauset Beach shall be in conformance with that Order of Conditions.
8. Access for Eastham residents to Nauset Spit may be restricted when vehicle access to the section of Nauset Spit in Eastham is closed due nesting birds.
9. This agreement may be terminated by Orleans if the inlet shifts to the south of the Orleans/Eastham boundary.

Given the summer season is rapidly approaching; your prompt response to these suggested options is appreciated.

4.0 Cell Tower  
Lease



Crown Castle  
3530 Toringdon Way  
Suite 300  
Charlotte, NC 28277

Ashley Haake  
Tel: 704-405-6523  
Fax: 724-416-6153  
Ashley.Haake@crowncastle.com

March 3, 2014

RE: Reduction in Rent for Boston University Collocation  
Site Address/Name/Id: 2770 Rear Nauset Rd./ RI518/Town Lot 25/ 826969

Dear Ms. Vanderheof and Board of Selectmen:

Boston University (BU) has approached Crown to place equipment on the cell tower and the premises located at the above referenced site address. BU's proposed equipment will service its on-campus radio station. Since BU is a publicly funded university and does not have the funds that large broadcasting or television stations have, Crown will be charging BU a base rent of \$3000-\$35000 per month. Crown's typical base rent for a large broadcasting or television station, with the same equipment proposed by BU, would be \$4500-\$4700 per month. This rent is generally higher than a typical carrier such as Verizon or Sprint because broadcasting antennae take up more vertical space on the tower and are heavier than typical carrier antennae.

The Town's Lease at this site requires 80% of the base rent to be paid to the Town while 20% of the base rent is paid to Crown. As a result of offering BU an affordable rent, Crown will not be receiving the amount it would have received if charging BU the standard rate. Please support BU's student radio station and support Crown's decision to offer BU affordable rent by allowing BU's base rent to be split so that 50% will be paid to the Town and 50% will be paid to Crown.

Crown acknowledges that this new rent split will only apply to Boston University and will not apply to any other carriers or broadcasting stations in the future. Please let me know how the Town would like to proceed. You can contact me at 704-405-6523 or at Ashley.Haake@crowncastle.com. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashley Haake'.

Ashley Haake  
Real Estate Specialist – East Area