

**MONDAY**

**JUNE 16<sup>TH</sup>**

**2014**

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, June 16, 2014  
5:00 p.m.**

**Location:**        Earle Mountain Room

**I.        SELECTMEN/PUBLIC INFORMATION**

**II.       APPOINTMENTS**

5:00 P.M.        Aquaculture License Expansion of Lease Area – Nauset Marsh, Paul Dunne  
5:10 P.M.        Committee Appointments – Finance Committee

**(This Portion of the Meeting is a Joint Meeting with the Finance Committee)**

– Aimee J. Eckman to Fill Unexpired Term of Steve Cole (joint vote)  
– William O'Shea New Term Selectmen's Appointment

**III.      ADMINISTRATIVE MATTERS**

**A. Action/Discussion**

1.        Approval of FY15, LAND Grant Application for Acquisition of Special Turtle Breeding Area – Dick Hilmer, Deputy Natural Resources Officer
2.        Approval of Recycling Grant Application – Neil Andres, DPW Superintendent
3.        Consideration of Paddle Board Operators License- Mark Powers, Beach and Recreation Services Director
4.        Approval of Safe Routes to School Infrastructure Assessments Grant
5.        Year End Municipal Transfers Chap 44, Section 33B
6.        Transient Vendors Licenses

**B. Discussion**

1.        Orleans Correspondence to Request Joint Meeting with Orleans Board of Selectmen on Nauset Spit Use
2.        Timothy Smith Loan Candidate Review

***Note: Other than public hearings, all times are approximate and items may be taken out of order.)***

**IV.      TOWN ADMINISTRATOR'S REPORT**

**V.       OTHER BUSINESS – MINUTES**

June 11, 2013 Work Session  
June 11, 2013 Executive Session  
June 19, 2013 Work Session  
April 30, 2014, Executive Session  
May 7, 2014, Executive Session  
May 19, 2014, Executive Session  
May 21, 2014 Work Session  
June 2, 2014 Work Session  
June 2, 2014 Executive Session

**VI.      EXECUTIVE SESSION – Litigation Strategy/Collective Bargaining**

**Upcoming Meetings**

Monday July 7, 2014                      5:00 p.m.                      Regular Session

Wednesday, July 9, 2014                2:30 p.m.                      Work Session

***This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at www.eastham-ma.gov.***

***\*Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting. If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 5900 x207***

5:00  
p.m.

**LEGAL NOTICE  
TOWN OF EASTHAM  
PUBLIC HEARING  
AQUACULTURE LEASES**

Pursuant to M.G.L., Ch 130 s 57 and 60, the Eastham Board of Selectmen will hold a public hearing on Monday, *June 16, 2014* at 5PM., in the Eastham Town Hall, Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, concerning the following aquaculture license:

License Change to expand from 1/2 acre to 2 acre maximum

Paul Dunne, 43 Bayridge Road, Orleans, MA 02653, Site N66, Nauset Marsh

Application filed May 2, 2014

Friday, May 30, 2014 – Legal Notice published in Cape Codder

Friday, May 30, 2014 – Legal Notice posted – Natural Resources Office, Town Hall Lobby, Town Hall outside board

Be Hee MAR

# Town of Eastham

Natural Resources Department  
555 Old Orchard Road  
Eastham, MA. 02642



508 240-5972  
FAX 240-6687  
[natres@eastham-ma.gov](mailto:natres@eastham-ma.gov)

TO: Eastham Board of Selectmen

FROM: Michael J. O'Connor  
Senior Natural Resources Officer

RE: **Aquaculture License**

DATE: May 9, 2014

**Paul Dunne**  
43 Bayridge Rd.  
Orleans, MA 02653  
PO Box 29  
Eastham, MA 02642

**Site N66 1/2 Acre**  
Nauset Marsh

Mr. Paul Dunne has proposed expanding his aquaculture site in Nauset Marsh from an existing 1/2 acre to the two acre maximum. He obtained the site in March of 2011 and his license is valid until April 2023. He received approval for his proposed expansion from the National Seashore and has attached a sketch with coordinates of his expansion. I visited the site with Mr. Dunne and the Natural Resources Department approves of the expansion. Mr. Dunne holds a valid Eastham Commercial Shellfish Permit and is in compliance with the Eastham Aquaculture License Regulations. The Massachusetts Division of Marine Fisheries will have to survey the proposed area for shellfish suitability if approved.

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**June 11, 2014**

To: Board of Selectmen  
From: Sheila Vanderhoef, Town Administrator  
Re: **Committee Appointments**

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The following is the information needed to make two committee appointments.

**William F. O'Shea, Finance Committee**

The interview committee recommends the appointment of William F. O'Shea to the Finance Committee.

If the Board appoints him, his first term would commence July 1, 2014 and expire June 30, 2017.  
He seeks to replace Judy Cannon whose third term ends June 30, 2014.

**Aimee J. Eckman, Finance Committee**

The interview committee recommends the Appointment of Aimee J. Eckman to the Finance Committee.

If the Board appoints her, her first term would commence July 1, 2014 and expire June 30, 2016.  
She will be filling the unexpired term of Steven Cole who has resigned to become Town Moderator.

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**TERRAPIN COVE on the HERRING RIVER MARSH**  
**Town of Eastham**  
**FY 2015 LAND Grant Application**

**LIST OF ATTACHMENTS**

1. Project Description, Consistency with Planning Documents, Schedule
2. Appraisal Summary (full report attached separately)
3. Town Authorizations
  - A. Draft Town Meeting Article
  - B. Contractual Authorization for State Grant
4. Relevant Pages from Draft 2014 Open Space and Recreation Plan  
(Draft 2014 Update of OSRP submitted separately)
5. Parcel Information
  - A. Aerial Photograph
  - B. U.S.G.S. Topographic Map
  - C. Town Assessor Map
  - D. Record Plan
6. Resource Maps
  - A. BioMap2
  - B. Priority Habitat Map
  - C. Protected Open Space Context Map
  - D. Statewide Land Conservation Plan Map
  - E. ACEC Map
  - F. Wetlands Map
  - G. Outstanding Resource Waters Map
  - H. Scenic Landscape Map
7. Environmental & Cultural Sensitivity
  - A. MNHESP letter
  - B. MHC letter
8. Site Photographs
9. Letters of Support
  - A. Senator Dan Wolf
  - B. Representative Sarah Peake
  - C. Robert Prescott, Director, MassAudubon Wellfleet Bay Wildlife Sanctuary

Local Acquisitions for Natural Diversity (LAND) Grant Program

APPLICATION FORM – FY2015

Application deadline: June 18, 2014, 3:00pm

Please print double-sided

I. APPLICANT INFORMATION

Project name: Terrapin Cove on the Herring River Marsh

Municipality: Eastham

Municipal project manager:

This is the person who will be the day-to-day contact for the project and who will represent the municipality in communication with DCS. **Attach authorization from the Chief Executive Officer identifying the individual named below.**

Name: Sheila Vanderhoef

Affiliation with Municipality: Town Administrator

Address at City or Town Hall: 2500 State Highway

Eastham MA 02642

Phone Number: 508-240-5900 x207

Fax Number: 508-240-1291

E-mail address: svanderhoef@eastham-ma.gov

Date Prepared: \_\_\_\_\_

2. COVER LETTER

Summarize the project's importance to the community's natural resource protection and/or passive outdoor recreation needs. Identify any financial or other partnerships formed to advance the project, and summarize the anticipated project timeline.

3. PROJECT DETAILS

Municipal Population 2010: 4,956

Population 2000: 5,453

Seasonal population: 27,500

Describe seasonal population: year round + second-home summer residents + tourists/visitors

Property acres: 1.6

Number of parcels: 2

Interest municipality will acquire:

☒ Fee

☐ Conservation Restriction (CR)

☐ Both fee and CR

If both, describe: \_\_\_\_\_

Parcel information:

County: Barnstable

Watershed: Cape Cod

Assessor's map/lot number: Map 17 Lots 522 & 525

Current owner(s) Paradox Partners

**Access:**

Does property have frontage on a street?

☒ Yes

☐ No

If yes, list street(s): Blue Bill Lane and Widgeon Drive

If *no*, describe how the public can access the property through adjacent landholdings. Grant funds are used to purchase land for conservation and public passive recreational use. Properties that do not have suitable public access will not be funded.

Can the property be safely accessed by foot or bicycle?

☒ Yes

☐ No

**Zoning:** Residential

**Past use(s):** vacant woodland

**Present use(s):** vacant woodland enhanced for Diamondback Terrapin nesting habitat by limited clearing.

**Proposed use(s):** vacant woodland enhanced for Diamondback Terrapin nesting habitat by limited clearing.

**Are there buildings or structures on the property?**

☐ Yes

☒ No

If yes, list each and indicate current and planned use. The LAND Program is intended to preserve undeveloped land, not to purchase buildings. Buildings are ineligible for funding. Any buildings proposed to be kept must serve a legitimate conservation, outdoor education, or public passive recreational use.



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Will this project involve the removal of structures? ☐ Yes ☒ No  
Will this project involve the remediation of a greyfield, brownfield, or developed site? ☐ Yes ☒ No

If a brownfield, attach a copy of the most recent site assessment, either MCP Phase I or II, or ASTM Phase I or II, indicating the nature of the contamination and the remediation required for proposed use. Include in the Project Description a discussion of the importance of remediating the site, the plan for remediation, clear identification of disbursement of liability (e.g., will the town take it or will it reside with the current owner?), and any specific stewardship that will be undertaken to ensure that the site does not in the future pose undue risk to the public due to currently existing contamination. Also provide a remediation timeline that includes funding sources. Reminder: site remediation must be completed before reimbursement.

#### 4. ACQUISITION AND FUNDING DETAILS

<u>Appraisal Report #1</u>	<u>Appraisal Report #2 (if land valued at over \$750,000)</u>
Valuation: \$ _____	Valuation: \$ _____
Appraiser: Appraisal Co. of Cape Cod	Appraiser: _____
Valuation _____	Valuation _____
Date: _____	Date: _____

##### Acquisition details:

Negotiated Sale: ☒ Yes ☐ No  
Do you have a Purchase & Sales Agreement or Agreed Price? ☒ Yes ☐ No  
If yes, amount: \$ \_\_\_\_\_  
Is Clear Title available? ☒ Yes ☐ No  
If no, is an eminent domain taking anticipated? ☐ Yes ☐ No  
If yes, proposed pro tanto award amount: \$ \_\_\_\_\_

\*If clear title is not available, the applicant may decide to acquire the property by a friendly taking (eminent domain) process to clear the title. It is best to know if there is a potential title problem as soon as possible since this can complicate the acquisition process. Land lacking clear title will not be reimbursed.

Can this project be completed in next the Fiscal Year, FY2016 (July 1, 2015 – June 30, 2016)?

☐ Yes ☒ No

##### Funding request:

Recipients of LAND grant funding are reimbursed *after* they have expended the total project cost and submitted proof of payment. See section 2E in RFR for eligible expenditures. The total project cost must be raised or appropriated by the municipality. Costs incurred prior to grant approval and contract execution will not be reimbursed. The reimbursement rate is 52-70%, based upon a municipality's Equalized Valuation Per Capita. See the DCS website for a list of rates.

List your anticipated expenditures and requested grant amount below.

Reimbursement rate: 52%

Item	Amount	Grant request amount
Property acquisition*	\$	\$
Recording fees	\$	\$
Title certification	\$	\$
Survey	\$	\$
<b>Total</b>	\$	\$

\*Acquisition amount must be the appraised value or agreed upon purchase price, whichever is less.

Will funds from the Community Preservation Act (CPA) be used? ☒ Yes ☐ No  
*Use of CPA funds require the conveyance of a permanent Conservation Restriction (CR), within the meaning of Ch. 184, to an eligible non-profit organization.*  
Have you identified an organization willing to hold the CR? ☒ Yes ☐ No  
Name of organization: Massachusetts Audubon Society

Are you seeking funds from other sources or partners? Please list:

We anticipate that our project partner, MassAudubon, which has been monitoring the Diamondback Terrapin nesting at this site for years, will be contributing financially towards this acquisition.

## 5. PROJECT DESCRIPTION

Describe in a two page attachment the following:

- Description of the property, including natural resource, recreation, historical, educational, or agricultural values.
- Purpose of acquisition and proposed uses
- Consistency with Statewide Comprehensive Outdoor Recreation Plan (SCORP) and community Open Space & Recreation Plan (OSRP)
- Project schedule
- Consistency with any nearby State Priority Development or Preservation Areas as shown on the South Coast Rail Corridor Plan or the 495/MetroWest Development Compact Plan, or other regional plan.
- Plans for use of local wood in signage, waterbars, footbridges, etc.

## 6. PROJECT QUALITY

**Landscape preservation:**

How much protected conservation land does this project abut? Over 230 acres

**Recreational opportunities:**

**Municipal Open Space and Recreation Plan (OSRP):**

To apply for this grant you must have a current, approved OSRP, or have submitted a draft OSRP by the grant application deadline. To be eligible to apply with only a draft, a municipality must have completed the public participation process.

List the goals, objectives, or action plan items in your current or draft OSRP this project meets. Attach to your application copies of the relevant pages (not the whole plan). References to 2014 Draft OSRP:

	<b>Goal, objective, or action plan item from current OSRP</b>	<b>Page no.</b>
1	Goal 1: Provide Open Space and Recreation Opportunities to Maintain Eastham's Rural Character	85
2	Objective: Preserve and enhance the availability of open space and provide wildlife habitat, recreational opportunities, and protect the natural resources, groundwater quality, air quality, and character of Eastham, consistent with the Regional Policy Plan.	85
3	Action: Continue to work cooperatively with the Eastham Conservation Foundation, local non-profit land trusts, state & federal programs to identify, acquire, & manage open space and conservation restrictions	85
4	Goal 4: Protect and Manage Critical Natural Resources	86
5	Action: Continue to protect areas of land, both upland and coastal, where the interaction of people and nature has produced an area of distinct character.	87
6	Goal 5: Protect and Manage Wetlands Wildlife and Plant Habitat	87
7	Objective: Prevent loss or degradation of critical wildlife and plant habitat,... and to maintain existing populations and species diversity.	87

What public recreational opportunities will the project provide?

Check the box that best describes your project. Clarify in the space below if necessary.

*Recreational opportunities will be verified by DCS during the site visit.*

- ☐ Trail-based activities (e.g. hiking, Nordic skiing, biking, horseback riding)
- ☐ Water-based activities (e.g. canoeing, swimming, fishing, skating)
- ☐ Wilderness activities (e.g. camping, hunting)
- ☒ Historic, cultural, or environmental education
- ☐ Community gardening or other community agriculture

Additional description: Our intended focus is to provide on-site environmental education programs, not only on Diamondback Terrapins, but also the role upland habitats play in climate change adaptation and in the health of the salt marsh.

### **Biodiversity and resource protection:**

Portion of the project that lies within or abuts MA Natural Heritage and Endangered Species Program (MNHESP) BioMap2 designated areas:

Core Habitat: 1.6 acres (100%)

Critical Natural Landscape: 1.6 acres (100%)

Project is located in an area identified as of importance for climate change adaptation, as defined by The Nature Conservancy's Resilient Sites for Terrestrial Conservation Focal Areas map (link to map is available on the DCS website at <http://www.mass.gov/eea/dcs-grants>) **[map will be updated]**

☐ Yes

☒ No

## Working lands:

Is the property currently enrolled in any of the following? **NO**

☐ Chapter 6I or 6IA ☐ Forest Stewardship Program ☐ Forest or Farm Viability program

Will active forest management or agriculture continue or begin *after* the acquisition?

Note: agriculture and forestry activities must be compatible with conservation and public use of the property.

☐ Yes ☒ No

If yes, describe forestry or farming planned:

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## Water resources:

Portion of the property that is 0-300ft from ocean, lake, pond, river, stream, wetland, OR within an existing public drinking water supply area (Zone I/II or A/B),  
OR over a medium- or high-yield aquifer:

☐ None ☐ 1-24% ☐ 25-50% ☒ >51%  
(100% high-yield aquifer)

## 7. MUNICIPAL AUTHORIZATION:

Attach a certified copy of the Town Meeting or City Council vote, or draft language. Vote must conform to sample vote language criteria, available as Attachment E of this application, or online from DCS.

Does this project have town meeting/city council approval? ☐ Yes ☒ No

If not, what is the scheduled date for the vote? Fall 2014 or Spring 2015

## 8. OTHER IMPORTANT DOCUMENTATION:

1. **USGS topographic map** with an outline of the Project boundary. Include the location, acreage, ownership and use of other public or quasi-public open space abutting, or close to, the Project on the topographic map. Show current use of adjacent private lands. If applicable, show proximity to Priority Development and Preservation Areas as shown on the South Coast Rail Corridor Plan or the 495/MetroWest Development Compact Plan or other regional plan. This map will be used by DCS staff to perform a site inspection.
2. **Plot plan or survey map** showing the Project boundary. The Project area must be shown in enough detail to be legally sufficient to identify the lands to be protected. A registered survey plan with deed references or assessor's map with block and lot number are acceptable.
3. **Draft Conservation Restriction (CR)** – If your project involves the purchase or conveyance of a CR, please complete a separate CR application and submit a draft restriction along with this application. The CR application is available under "Publications" at the DCS website at [www.mass.gov/eea/dcs](http://www.mass.gov/eea/dcs). To obtain a copy of the Conservation Restriction Handbook, visit the DCS website, or contact Nicole Sicard. Submit the draft CR to:  
Nicole Sicard

Executive Office of Energy and Environmental Affairs  
100 Cambridge St., Suite 900  
Boston, MA 02114  
617-626-1011

4. **Other state agency review** – If it is not possible to include responses in the application package to DCS, attach a copy of your cover letter requesting their input.
  - *Massachusetts Natural Heritage and Endangered Species Program*  
(<http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>).
  - *Massachusetts Historical Commission*  
Send the MHC a PNF (<http://www.sec.state.ma.us/mhc/mhcpdf/pnf.pdf>) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. If a Conservation Restriction is part of your project, you must notify and submit it to MHC for review. See these websites for any questions:  
<http://www.sec.state.ma.us/mhc/mhcpdf/pnfguide.pdf> and  
<http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>.
5. **Brownfields:** If the property to be acquired is a brownfield site, the applicant should submit documentation of the nature of contamination, the type of remediation required, and an estimate of the cost and time required for remediation. This should include a map of contaminant locations. Massachusetts Department of Environmental Protection maintains a database of known, current, waste sites and pollutant releases at <http://db.state.ma.us/dep/cleanup/sites/search.asp>. A more detailed, site-specific environmental cost estimate (or MCP Phase III Completion Report including a cost estimate) from a Massachusetts Licensed Site Professional will be required if a project is selected to receive funding (see <http://db.state.ma.us/dep/lsp/lspsearch.htm> for a list of LSPs). Applicants must prove that the site has achieved closure under MGL 21e by submitting either a Response Action Outcome (RAO) or Remedy Operation Status (REMOPS) prior to the end of the fiscal year of the award, before reimbursement will be made. If an Activity Use Limitation (AUL) deed clause is part of the RAO, a copy must also be submitted and approved before reimbursement.

## 9. SIGNATURES

**Attach municipality's legal authority to apply for the grant, and the Chief Executive Officer's legal authorization to execute contracts.** This is a resolution, motion or similar action that has been duly adopted or passed as an official act of the community's governing body that authorizes the filing of the application, including all understandings and assurances contained therein.

Chief Executive Officer **Sheila Vanderhoef, Town Administrator** Date: \_\_\_\_\_  
Type Official's Name

**Conservation Commission members:**

Signature	Printed Name
	Chair

**ATTACHMENTS – use this as a checklist.**

1. Municipal CEO's Authorization of Project Manager
2. Appraisal report(s)
3. Project narrative
4. Maps of values and resources protected, proximity to other conservation lands
5. Documentation of rare species from the MA Natural Heritage and Endangered Species Program
6. Documentation of historic resources from the MA Historical Commission
7. Draft Conservation Restriction (if applicable)
8. Brownfields documentation (if applicable)

If selected for LAND funding, the Respondent will be required to execute the following forms in order to complete a contract:

- LAND Project Agreement
- Commonwealth Standard Contract
- Commonwealth Standard Terms & Conditions
- Contractor Authorized Signatory Listing

# Town of Eastham

Department of Public Works  
555 Old Orchard Road  
Eastham, MA. 02642



508 240-5973  
Fax 508 240-6687

III A  
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To: Nan Balmer, Assistant Town Administrator

From: Neil Andres, Superintendent DPW

Date: June 6, 2014

RE: Recycling Grant

This year's MassDEP SMRP grants include a new grant category called the Recycling Dividends Program (RDP). It's a rewards program, so you get the money upfront based on how many points you earn. You can spend it on replacement equipment and roll it over into future years if you want to save up for a larger purchase. Based on a review by the County Eastham would be eligible for \$2,800. This could be spent on updating signage and repairs to transfer station facilities including the swap shop.

Eastham would also be eligible for a small e "small scale initiatives" category as well, which should get us another \$750 for recycling education. This could be used for a direct mailing similar to the rigid plastic post card we sent out previously

There is no match to apply for these grants and the submission process is electronic. I recommend we apply for the grants

III A.3

### III. A. 3. Consideration of Paddleboard Operators License

**THIS REQUEST HAS BEEN WITHDRAWN**





## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

III A4

June 16, 2014

Mr. Clinton Bench, Deputy Executive Director  
MassDOT Office of Transportation Planning  
10 Park Plaza, Suite 4150  
Boston, MA 02116

*RE: Safe Routes to School (SRTS) Infrastructure Assessments Letter of Municipal Support*

Dear Mr. Bench:

On behalf of The Eastham Elementary School, the Town of Eastham is pleased to support their request for a no-cost infrastructure assessment as part of the Massachusetts Department of Transportation (MassDOT) Safe Routes to School (SRTS) Infrastructure Program.

To meet the program requirements, we have designated Nan Balmer, Assistant Town Administrator (508-240-5900 x 211) as the municipal liaison for this assessment. This will include attending a kickoff meeting at the school, reviewing preliminary recommendations, and answering questions related to municipal infrastructure. We will direct all relevant municipal department heads to cooperate with your consultants and to provide them with any information they require in order to conduct the infrastructure assessment.

Upon completion of the draft infrastructure assessment report and development of preliminary recommendations, we will facilitate municipal review of the recommendations. We recognize that these recommendations may include a project to be advanced through the MassDOT SRTS Infrastructure Program. Through this program, MassDOT designs and builds infrastructure improvements identified in SRTS infrastructure assessments using funds based on the current Federal Highway Administration (FHWA) program guidelines.

In order to advance a project through the MassDOT SRTS Infrastructure Program, we recognize that the Town of Eastham would have certain key responsibilities:

- Review and Endorsement of Conceptual Recommendation. Upon completion of a draft assessment report with a project that is recommended for MassDOT SRTS Infrastructure Program implementation, we will review, comment on, and provisionally endorse the conceptual recommendation/design through relevant Town departments (including schools, public works, legal, and others as needed).

- Public Review and Official Endorsement. Upon finalization of the conceptual recommendation, we will work with MassDOT to facilitate public review and endorsement by the Eastham Board of Selectmen.

- Right-of-Way Process and Property Acquisition. We agree to execute the right-of-way process, consistent with all municipal construction projects managed by MassDOT. We understand that the cost associated with the acquisition of right-of-way or easements will be the Town's responsibility if a project advances.

Thank you. If you have any questions about our request, please contact our municipal liaison, designated above.

Sincerely,

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Linda S. Burt, Chair

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John F. Knight, Vice Chair

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Martin F. McDonald, Clerk

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Wallace F. Adams II

---

Elizabeth Gawron

**EASTHAM BOARD OF SELECTMEN**



# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

*All departments 508 240-5900 Fax 508 240-1291*

[www.eastham-ma.gov](http://www.eastham-ma.gov)

11A  
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To: Sheila Vanderhoef, Town Administrator  
Cc: Finance Committee & Board of Selectmen  
From: Diane Rommelmeyer, Town Accountant  
Re: Recommendation re Departmental Adjustments  
Date: June 9, 2014

**FISCAL YEAR 2014**

The following is a list of the year-end inter-departmental transfers required:

<u>FROM DEPARTMENT</u>	<u>TO DEPARTMENT</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
Library Wages	Town Report/Town Meeting Exp	\$ 2,025.00	Used Gym instead of Auditorium - required chairs
Police Salaries	Dispatch Salaries	1,000.00	Backup coverage during training, etc
	DPW Landfill Well Risk Account:		
Town Insurance	"	9,700.00	Additional funds needed for
Insurance Benefits	"	23,000.00	reporting and testing
Bulk Fuel	"	5,700.00	
Administration Wages	"	11,600.00	
	Total	\$ 53,025.00	

Fir Comm Brian / Fred  
6-5



III A. 6.

**MEMO:**

To: Sheila Vanderhoef, Town Administrator

From: Vicky Anderson

Date: June 16, 2014

**Re: Transient Vendor Permits**

Please find attached Transient Vendor Applications for consideration and approval by the Board of Selectmen. In each case, the \$20.00 fee has been received.

Vendors seeking permits at this time are:

Wesley Plank  
64 Whidah Drive  
Harwich MA 02645

Donna Credit  
2 Sophie Anne Drive  
Yarmouth Port MA 02675

Eleftherios Simijis  
P. O. 8862  
Warwick RI 02888

Eastham Dog Owners Association  
P. O. Box 274  
Eastham MA 02642

Teresa Cetto  
P. O. Box 673  
South Dennis MA 02660

Mary Anne Tessier  
14 Halyard Road  
Yarmouth Port MA 02675

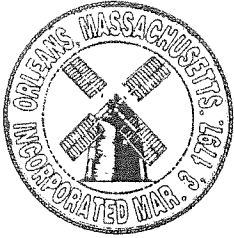
Lynne Puhalla Carlson  
51 Oak Street  
North Attleboro MA 02760

Tim Cromarty  
115 Essex Road  
Old Saybrook CT 06475

Patricia Kelly  
P. O. Box 1183  
N. Eastham MA 02651

III B

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# TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 — Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

May 21, 2014

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

RE: Nauset Spit

Dear Mr. Knight:

On behalf of the Orleans Board of Selectmen, I am writing to provide the Eastham Board of Selectmen with an update on the recent actions taken by the Orleans Board concerning the ongoing management of the town's off road vehicle (ORV) program on Nauset Spit.

With respect to ongoing beach management, Orleans will continue to manage the portion of Nauset Spit located in the Town of Eastham, as we have historically, under the provisions of the Orleans Order of Conditions, and Federal and State Guidelines for rare and endangered species. In addition, we will continue to enforce Orleans ORV Rules and Regulations insofar as they affect the Endangered Species Act, from April 1 through the end of fledge season each year.

As for ORV operations in Eastham, in addition to the new warning sign, we will also post separate and distinct signage when the beach is closed to comply with state and federal regulatory management guidelines. With respect to specific enforcement of Eastham's driving prohibition bylaw, we would request further information/clarification from your Board as to how Eastham proposes to enforce the bylaw this summer so that we may properly inform beach users and ORV sticker holders.

Sincerely,

John F. Kelly  
Town Administrator

Cc: Board of Selectmen  
Nate Sears, Natural Resource Manager  
Tom Daley, DPW/Natural Resources Director

ENTERING  
TOWN OF EASTHAM

NO VEHICLES  
BEYOND THIS POINT

PER EASTHAM BYLAW

\* \* \* \* \*

SUBJECT TO  
**\$200 FINE**

# INFORMATION



INFO

6/18  
agarden

June 6, 2014

Sheila Vanderhoef, Town Administrator  
Town of Eastham  
2500 State Hwy, Town Hall  
Eastham, MA 02642

ADMINISTRATION

JUN 09 2014

RECEIVED

Dear Ms. Vanderhoef,

With the approval of a water supply and distribution system at the May town meeting, the town is now poised to begin a multi-year, \$45 million design and construction project.

In July, 2004, the Legislature passed Chapter 193 of the Acts of 2004, the Massachusetts Public Construction Law Reform Act, requiring public agencies to contract for the services of an owner's project manager to serve as the public agency's agent and consultant during the planning, design and implementation of a contract to construct public buildings estimated to cost over \$1.5 million. This owner's project manager is to provide advice and consultation with respect to all aspects of the project including oversight of both the design (consultant) engineer and construction contractors. Although this law pertains to building construction, many Massachusetts communities are utilizing an owner's project manager on horizontal construction (i.e. water mains, pumping stations) to ensure that they are getting the most cost effective service not only from the construction contractors, but also from their design professionals and other sub-contractors.

As an Eastham taxpayer for over 37 years and as a registered professional engineer with over 40 years of experience in the New England waterworks industry, I believe that the town should give serious consideration to contracting for the services of an owner's representative to ensure that we get the most cost effective project possible given this huge investment in public funds.

I would be happy to meet with you to further discuss the benefits of implementing this law which was passed specifically to promote increased accountability and competition in public construction projects.

Very truly yours,



Walter E. Pitts, PE  
60 Runway Lane

Cc: Board of Selectmen



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642  
All Departments 508-240-5900  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

June 9, 2014

Sheila Vanderhoef  
Town Administrator  
2500 State Hwy  
Eastham Ma, 02642

RE: PB 2011-16 Decision Date March 27, 2013

Dear Sheila,

Upon the Planning Board's request on May 21, 2014 and your memo on May 3, 2014, I conducted a site visit at 186 Brackett Rd. Unit 4 Map-8 Parcel-188D.

I found the property to be in violation of the conditions set forth in the Special Permit grant. I will commence enforcement immediately.

Sincerely,

Tom Wingard  
Building Commissioner/  
Zoning Enforcement Officer  
Town of Eastham

INFO

cc: BOS 6/16/14  
r.p.b.

INFO

## Sheila Vanderhoef

---

**From:** Shana Brogan <dpw@eastham-ma.gov>  
**Sent:** Wednesday, June 11, 2014 10:24 AM  
**To:** Sheila Vanderhoef  
**Subject:** Fines Issued, Update, Etc.

Hello Sheila,

Just incase you get any visitors/calls - I will update Nan when she returns as well:

-\$1,400 in fines were issued to 35 Duck Marsh Lane (determined and voted by the commission): Unpermitted permanent dock, dug-in stairs, fill, tree/shrub removal. Reported by a neighbor.

- Herring Rise Assn. Crosby Village Road, Pond large floating weed matting to be removed by June 30th (voted by the commission). No open cons comm permit, and navigation hazard in a Great Pond. Reported by a neighbor.

- 555 Hay Road - Violation letter issued for tree removal, no fines (none likely), reported by DNR.

Thank you,  
Shana

Shana Brogan  
Conservation Agent  
Natural Resources/DPW assistant  
508-240-5971

INFO.



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544  
All departments 508-240-5900 • Fax 508-240-  
1291 [www.eastham-ma.gov](http://www.eastham-ma.gov)

June 4, 2014


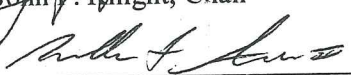
Michelle Tassinari, Legal Counsel  
Elections Division  
Secretary of the Commonwealth  
One Ashburton Place Room 1705  
Boston, MA 02108

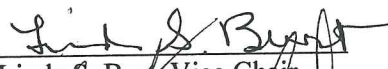
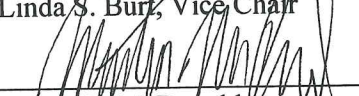
Dear Ms. Tassinari,

At the June 2, 2014 Town of Eastham Board of Selectmen's meeting, the Board of Selectman voted to unanimously authorize the purchase and use of two of the newly certified ImageCast voting machines.

It is our understanding that the new machines would be authorized by the state for use at the November 4, 2014 State Election.

Sincerely,

  
John F. Knight, Chair  
  
Wallace F. Adams II, Clerk

  
Linda S. Burr, Vice Chair  
  
Martin F. McDonald

  
Elizabeth Gawron

**EASTHAM BOARD OF SELECTMEN**

A TRUE COPY ATTEST

  
TOWN CLERK  
EASTHAM



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Eastern Massachusetts National Wildlife Refuge Complex  
73 Weir Hill Road  
Sudbury, MA 01776



May 16, 2014

Mr. Timothy L. Roper, Chair  
Chatham Board of Selectmen  
549 Main Street  
Chatham, MA 02633

Dear Chairman Roper:

ADMINISTRATION

MAY 30 2014

RECEIVED

Thank you for your correspondence dated May 15, 2015 in which you transmitted the resolution approved at the Special Town Meeting opposing the boundary of the Monomoy National Wildlife Refuge and our management of uses within the refuge. I appreciate being given the opportunity to make some remarks before the vote.

In your letter, you express disappointment that the public comment period for the draft comprehensive conservation plan/environmental impact statement will not be extended. We have extended the comment period until July 9, 2014 and we moved the public hearing until June 17, 2014 to accommodate the Town's original request. At this time, we believe the previously granted 30-day extension provides adequate time for review and comment by Chatham residents, landowners, business owners, and visitors.

The public comment period is very important, and we want to make sure that there are many opportunities for stakeholder engagement in this process. We would be happy to offer additional meetings with Town officials and committees to further clarify aspects of the draft plan and understand your concerns. Please let me know if such meetings would be helpful, and the areas of greatest concern where the Town would like additional information.

If you have any further comments or questions, please contact me at 978-443-4661 x11 or by e-mail at [libby\\_herland@fws.gov](mailto:libby_herland@fws.gov).

Sincerely,

Elizabeth A. Herland  
Project Leader  
Eastern Massachusetts NWR Complex



Cc:

Senator Elizabeth Warren

Senator Edward Markey

Representative William Keating

State Senator Dan Wolf

State Representative Sarah Peake

Board of Selectmen Chairs:

Harwich, Orleans, Brewster, Yarmouth

Dennis, Wellfleet, Truro, Provincetown

~~Eastham~~, Barnstable, Falmouth, Bourne, Sandwich, Mashpee

wfo



Paul J. Diodati  
Director

# Commonwealth of Massachusetts

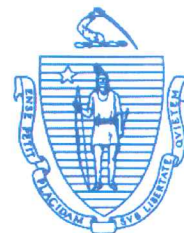
## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick  
Governor

Richard K. Sullivan, Jr.

Secretary

Mary B. Griffin

Commissioner

May 23, 2014

Sheila Vanderhoef, Town Administrator  
Town of Eastham  
2500 State Highway  
Eastham, MA 02642

ADMINISTRATION

MAY 29 2014

RECEIVED

Dear Ms. Vanderhoef:

Thank you for submitting a grant application to Public Access Grant DMF-14011. I regret to inform you that the Massachusetts Division of Marine Fisheries cannot fulfill your application at this time. We received many excellent proposals similar to yours, but unfortunately have limited funding.

This grant request will be reissued in the near future with additional funding. If you wish for this project to be reconsidered at that time, please inform Ross Kessler, Public Access Coordinator ([ross.kessler@state.ma.us](mailto:ross.kessler@state.ma.us)) when the grant announcement is published. There will be no requirement to refile the application unless there are substantial project changes.

Thank you for your interest in this project. I hope that we can work together in the near future.

Sincerely,

*Paul J. Diodati*

Paul J. Diodati  
Director

Cc: R. Kessler (*MarineFisheries*)  
P. Caruso (*MarineFisheries*)  
K. Creighton (*MarineFisheries*)

INFO



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

Julie Grauer C.F.M.  
FEMA Region 1  
Natural Hazards Specialist  
99 High Street 6<sup>th</sup> Floor  
Boston, MA 02110

### Annual Town Meeting Town of Eastham May 5, 2014

Article 20. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham Zoning Bylaw Section IV Flood Plain, as required by Federal Law and

Replace Zoning By-Law Section IV A in its entirety:

The installation of underground systems for the storage of petroleum products (including but not limited to oil, gasoline, kerosene, and any hazardous materials) shall be prohibited in the 100 year flood plain (Zones A, AE, and VE on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency for the Town of Eastham). Storage system shall mean storage tank and all supply lines between storage tank and burner. Underground shall mean under the surface of the earth or under pavement, including cement floors of cellars or basements. Storage systems may be located in basements or cellars provided they are on or above the paved floor of the cellar or basement.

by adding a new Section IV, E that reads as follows:

E. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

And further to delete in its entirety Section A of Article II and replace it with the following:

ARTICLE II. -- FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

SECTION A. -- FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special



flood hazard areas within the Town of Eastham designated as Zone A, AE, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Eastham panel numbers 25001C0244J, 25001C0263J, 25001C0264J, 25001C0407J, 25001C0409J, 25001C0417J, 25001C0426J, 25001C0427J, 25001C0428J, 25001C0429J, 25001C0433J, 25001C0436J, 25001C0437J, and 25001C0441J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

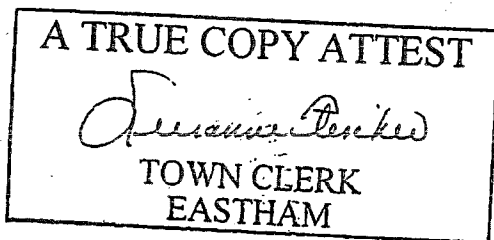
And further to replace Article III Use Regulation #2, and #3 with the following:

2. Prohibit man-made alteration of sand dunes and salt marshes within Zone VE, which would increase potential flood damage.
3. Provide that all new construction within Zone VE be located landward of the reach of mean high tide.

And further to amend the Article V = Definitions by striking out the words ~~ZONE V-130~~ so that the definition reads as follows:

ZONE VE (for new and revised maps) -- means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

Passed necessary 2/3rds vote unanimously as declared by Moderator



# Proposed Mobile Office Trailer Site Plan at the Eastham Town Hall



Raised Entrance & Exit  
Platform with ADA Ramp

60'x12' Trailer Units  
720 Square Feet Each x 2

Undisturbed Vehicular Circulation