

# AGENDA

Monday

August 18<sup>th</sup> 2014



Public  
Information

## Eastham Conservation Commission

555 Old Orchard Road  
Eastham, MA 02642



508-240-5971  
Fax 508-240-6687

August 13, 2014

Town of Orleans  
Office of the Board of Selectmen  
19 School Road  
Orleans, MA 02653

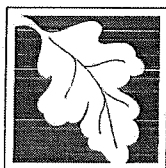
Dear Orleans Board of Selectmen,

The Town of Orleans is operating an over sand vehicle program for its residents within the Town of Eastham on Nauset Spit. This program permits up to two hundred vehicles to drive on Coastal Beach, Coastal Dune, and Barrier Beach. An order of conditions permit is required from the Conservation Commission to operate this program in the Town of Eastham. Therefore, an enforcement order is enclosed for the Town of Orleans to cease and desist the operation of the program in Eastham. The Conservation Commission will ratify this enforcement order at their next public meeting.

Sincerely,

Stephen Smith  
Conservation Commission Chairman

cc. Mass DEP, Lakeville  
Orleans Conservation Commission

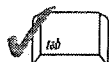


Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

## A. Violation Information

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab  
key to move  
your cursor -  
do not use the  
return key.



This Enforcement Order is issued by:

Eastham  
Conservation Commission (Issuing Authority)

August 13, 2014  
Date

To:

Town of Orleans  
Name of Violator  
19 School Road, Orleans, MA 02653  
Address

### 1. Location of Violation:

Property Owner (if different)

Nauset Spit Barrier Beach

Street Address

Eastham

02642

City/Town

Zip Code

25, 26, 26A

Assessors Map/Plat Number

Parcel/Lot Number

### 2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The Town of Orleans oversand vehicle program is being conducted without a permit from the Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Upto two hundred vehicles are being driven on the coastal areas per day.

## B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**B. Findings (cont.)**

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name \_\_\_\_\_

Dated \_\_\_\_\_

File Number \_\_\_\_\_

Condition number(s) \_\_\_\_\_

☐ The Order of Conditions expired on (date):

\_\_\_\_\_ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☒ Other (specify):

\_\_\_\_\_ The activity is being conducted without a permit from the Eastham Conservation Commission.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before

\_\_\_\_\_ Date

for the following:

\_\_\_\_\_  
\_\_\_\_\_

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**WPA Form 9 – Enforcement Order**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Order (cont.)**

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date \_\_\_\_\_

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Cease and disist operation of the oversand vehicle program in the Town of Eastham.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Shana Brogan

Name

508-240-5971

Phone Number

Mon.-Fri, 8AM - 4PM

Hours/Days Available

Issued by:

Eastham

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Stephen Smith, Conservation Commission Chair

7012 3050 0000 3205 1506

Signature of delivery person or certified mail number

## Laura Gillespie-Lee

---

**From:** Shana Brogan <conservation@eastham-ma.gov>  
**Sent:** Wednesday, August 13, 2014 3:27 PM  
**To:** Sheila Vanderhoef  
**Cc:** Laura Gillespie-Lee  
**Subject:** Nauset Spit Enforcement Order, Orleans, CCNS  
**Attachments:** 20140813151803485.pdf

Hello,

I've spoken with the Conservation Agent in Orleans, who now has a copy of the enforcement order. The order is attached. The Orleans BOS may be speaking about it tonight. The enforcement order is in the mail as well to the CCNS. The commission will ratify the order as required at their next meeting on August 26th. It is likely Orleans representatives may attend the meeting.

Please let me know if you have any questions.

Thank you,  
Shana

Shana Brogan  
Conservation Agent  
Town of Eastham  
508-240-5971 x 603



## Laura Gillespie-Lee

---

**From:** Laura Gillespie-Lee  
**Sent:** Friday, August 15, 2014 11:06 AM  
**To:** 'townadministrator@town.orleans.ma.us'  
**Cc:** Sheila Vanderhoef (svanderhoef@eastham-ma.gov)  
**Subject:** Nauset Spit  
**Attachments:** Nauset Spit.pdf

Attn: John Kelly

Good Morning,

Attached is from Sheila Vanderhoef concerning the Nauset Spit.

Please let Sheila know if you have any questions.

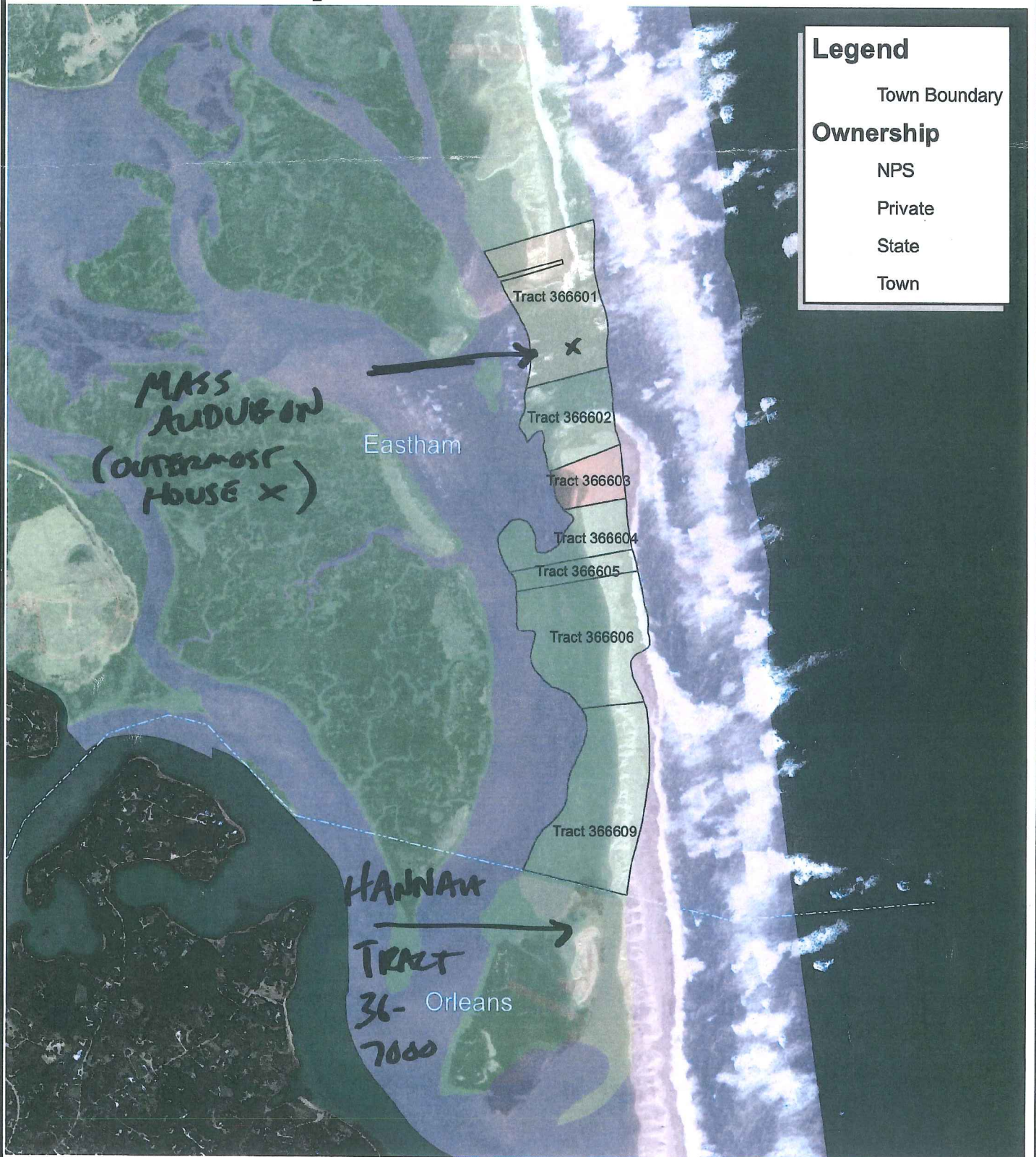
Thank you,

Laurie Gillespie-Lee  
Administrative Assistant  
Town of Eastham  
2500 State Highway  
Eastham, MA 02642

Telephone: 508-240-5900, ext 207  
Fax: 508-240-1291  
E Mail: [admin2@eastham-ma.gov](mailto:admin2@eastham-ma.gov)



# Nauset Spit



## Legend

Town Boundary

## Ownership

NPS

Private

State

Town

0 0.5 1 Miles



Produced by CACO Planning

FILE: Nauset Spit.mxd

June 2011





7/27/14

# Eastham Conservation Commission

555 Old Orchard Road  
Eastham, MA 02642



508-240-5971  
Fax 508-240-6687

August 13, 2014

George Price  
National Park Service  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

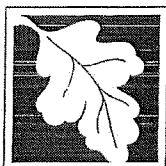
Dear Mr. Price,

The Town of Orleans is operating an over sand vehicle program for its residents within the Town of Eastham on Nauset Spit. This program permits up to two hundred vehicles to drive on Coastal Beach, Coastal Dune, and Barrier Beach. An order of conditions permit is required from the Conservation Commission to operate this program in the Town of Eastham. Therefore, an enforcement order is enclosed for the Town of Orleans to cease and desist the operation of the program in Eastham. The Conservation Commission will ratify this enforcement order at their next public meeting. An enforcement order has also been issued to the Town of Orleans for this reason.

Sincerely,

Stephen Smith  
Conservation Commission Chairman

cc. Mass DEP, Lakeville

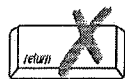
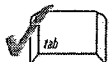


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return key.



This Enforcement Order is issued by:

Eastham  
Conservation Commission (Issuing Authority)

August 13, 2014  
Date

To:

National Park Service - Cape Cod National Seashore  
Name of Violator  
99 Marconi Site Road, Wellfleet, MA 02667  
Address

1. Location of Violation:

Property Owner (if different)

Nauset Spit Barrier Beach

Street Address

Eastham

02642

City/Town

Zip Code

25,26,26A

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Operation of an oversand vehicle program within the Town of Eastham without an Order of Conditions from the Town of Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Up to two hundred vehicles are being driven on the coastal areas per day.

## B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

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Name \_\_\_\_\_

Dated \_\_\_\_\_

File Number \_\_\_\_\_

Condition number(s) \_\_\_\_\_

☐ The Order of Conditions expired on (date):

\_\_\_\_\_ Date \_\_\_\_\_

☐ The activity violates provisions of the Certificate of Compliance.

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☒ Other (specify):

The Town of Orleans oversand vehicle program is being conducted without a permit from the Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Up to two hundred vehicles are being driven on the coastal areas per day.

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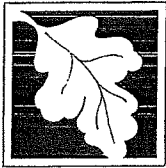
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**C. Order (cont.)**

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

\_\_\_\_\_

Date

for the following:

\_\_\_\_\_

\_\_\_\_\_

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Cease and disist operation of the oversand vehicle program in the Town of Eastham.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Phone Number

Monday - Friday, 8AM - 4PM

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Conservation Commission

Conservation Commission signatures required on following page.



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Signatures:

\_\_\_\_\_  
Stephen Smith, Conservation Commission Chair

\_\_\_\_\_  
\_\_\_\_\_

7012 3050 0000 3205 1520

\_\_\_\_\_  
Signature of delivery person or certified mail number



III A  
3

To: Joan Plante Treasurer/Collector  
Diane Rommelmeyer, Town Accountant

From: Sheila Vanderhoef, Town Administrator

Date: August 13, 2014

**RE: Fresh Water Pond Support Fund**

At a public meeting held on Monday, August 18, 2014, the Board of Selectmen voted to establish a gift fund under the provision of M.G.L. Chapter 44, Section 53A, for the purposes as outlined below. Said fund is to be known as the Fresh Water Support Fund.

**Fresh Water Support Fund**

The Board of Selectmen, in accordance with M.G.L. Chapter 44, Section 53A, hereby establishes a gift fund to be known as the "Fresh Water Pond Support Fund" to accept funds from any and all individuals, clubs, private non-profits, or corporations interested in supporting the maintenance, water quality improvement projects, educational materials and enhanced access and use to Eastham's fresh water ponds. Expenditure of funds within such account shall be made upon the recommendation of the Town Administrator, the Health Agent and the approval of the Board of Selectmen.

III A 4



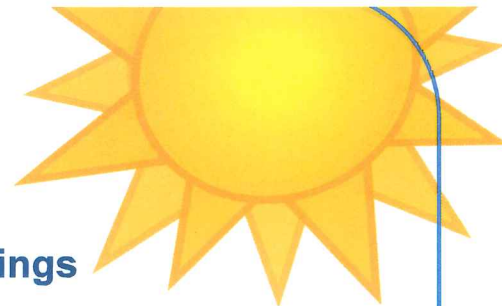
# Town of Eastham

587 kW Photovoltaic Solar System

2,024 Solar Modules

Annual Solar Production: 715,000 kWh

Will provide 110% of the electricity for Town Buildings  
Equal to the electricity to power 67 homes



A project of the Cape & Vineyard Electric Cooperative and the Town of Eastham



CVEC founded and funded by the Cape Light Compact



For More Information: [www.cvecinc.org](http://www.cvecinc.org)

Solar Sign. Final Draft 8/11/14  
Size 96" x 24"

Neil Andres will be town's contact with CVEC  
for installation.



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-

1291 www.eastham-ma.gov

III A  
5

**August 18, 2014**

To: Sheila Vanderhoef, Town Administrator

From: Vicky Anderson

**Re: Transient Vendor Permits**

Please find attached Transient Vendor Applications for consideration and approval by the Board of Selectmen. In each case, the \$20 fee has been received.

Vendors seeking permits at this time are:

Karen Lang  
19 Aldena Road  
Worcester, MA 01603

Stanley & Gloria Holt  
15 Captain Michaels Road  
Eastham, MA 02642

Janis Porter  
P.O. Box 834  
S. Orleans, MA 02662

Nancy Wagstaff  
26 Turning Way  
Harwich, MA 02645

Kenneth & Theresa Chad  
30 Narraganset Avenue  
Worcester, MA 01607

Ronald P. Hunter  
PO Box 923  
East Dennis, MA 02641

Linda Riehl  
P.O. Box 1153  
Wellfleet, MA 02667

Betty Winslow  
151 Satucket Road  
Brewster, MA 02631

Dolores Chase  
10 Pinas Way  
Harwich, MA 02645

Francis J. Kennedy  
3 Driscoll Circle  
Randolph, MA 02368

Lucy L. Saad  
119 Constant Lane  
Cotuit, MA 02635

Edith Yerardi  
9 Main Street, Apt 2K  
Orleans, MA 02653

Teri Danek  
203 State Street  
Brewster, MA 02631

Joyce Lynch  
15 Market Place, Unit C  
West Chatham, MA 02667

Paula & Steve Sears  
121 North Main Street  
S.Yarmouth, MA 02664

Randy & Elaine Fisher  
5 Walden Place  
Dennis, MA 02638

Jeanne McMakin  
P.O. Box 13  
North Eastham, MA 02651

Susan Silver  
15 Gull Lane  
Eastham, MA 02742

Doris Harrahy  
10 Martha Avenue  
Eastham, MA 02642

Catherine Oliver  
34 Ravena Avenue  
Riverside, RI 02915-807

Gail Sparks  
P.O. Box 186  
N. Truro, MA 02652

Susan Hawley  
P.O. Box 652  
Harwichport, MA 02646

Mark Pieterzak  
12 High Street  
Wichendon, MA 01475

Audrey Vermont  
P.O. Box 195  
Brewster, MA 02631

## ***PROCLAMATION SUICIDE PREVENTION WEEK***

***WHEREAS***, In the United States, one person completes suicide every 13 minutes; and 108 people die by suicide each day in the U.S.; and

***WHEREAS***, suicide is the third leading cause of death for adolescents and young adults in Massachusetts and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

***WHEREAS***, suicide is a most tragic and disruptive event for families and communities ~ it is estimated that there are 5 million survivors who have lost a loved one to suicide; and

***WHEREAS***, suicide is a public health issue, it is a community problem and through education and awareness of the issue a great number of suicides can be prevented;

***THEREFORE***, we do hereby officially designate the week of September 8 - 14, 2014 as “**SUICIDE PREVENTION WEEK**” in

II A 7

SS: Barnstable County

**GREETINGS:**

## Eastham Town Hall Precinct 1

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this                      day of                      , 2014

## SELECTMEN OF THE TOWN OF EASTHAM

I have posted attested copies of this warrant at the Post Office in Eastham and North Eastham at least seven days before the date of this election.

Constable

Date \_\_\_\_\_

A True Copy Attest:

Susanne Fischer  
Town Clerk

# INFORMATION

ADMINISTRATION

AUG 06 2014

RECEIVED

255 Foxwood Drive  
Eastham, MA 02642

August 4, 2014

To the Eastham Selectmen:

PROPOSED SOLUTION FOR NAUSET SPIT.

Recognize that Orleans owns the spit according to state law.

Revise the Eastham - Orleans border to reflect this fact.

Run the new border approximately southeast from the existing border along the middle of the water between Orleans and Stony Island, around Weeset Point, then northeast between Stony Island and New Island and out through the Nauset Inlet.

Recognize that this new border will be somewhat flexible according to the whims of the sea.

Sincerely yours,



George L. Muller

Eastham Taxpayer



## 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)

August 7, 2014

Town of Orleans  
David Dunford Chair and Members  
Orleans Board of Selectmen  
19 School Road  
Orleans, MA 02653

Dear Selectmen,

As you are no doubt aware, the town of Eastham is actively engaged in the development of a partial municipal water system. This portion will provide enhanced fire protection to approximately 80% of Eastham properties and water service opportunity to approximately 2000 properties. Our focus in this portion of the development is the installation of the system "backbone" that can be expanded to serve all properties in town should the voters choose to do so.

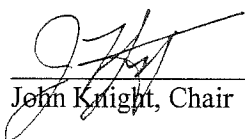
We would like to discuss the provision of an emergency interconnect between the Orleans and Eastham systems. State guidelines on water systems encourage the provision of emergency interconnects. The interconnect could serve as a drinking water source in an emergency, for either system, if needed. The current concept plan shows the interconnect occurring in Orleans, south of the Rotary in the general area of the Courthouse where you currently have water service. Before we proceed to final design of this area, we would like to discuss with you the potential for this interconnect and how it might benefit both towns.

We already have a joint meeting scheduled for September 10 and could add this to the agenda at that time or we can schedule a separate meeting to discuss this. We would have our engineer attend any discussion to assist in answering any technical questions you or your staff may have.

We look forward to hearing from you soon on this matter.

Respectfully,

Eastham Board of Water Commissioners

  
\_\_\_\_\_  
John Knight, Chair





## 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)

August 7, 2014

Town of Orleans  
David Dunford Chair and Members  
Orleans Board of Selectmen  
19 School Road  
Orleans, MA 02653

Dear Selectmen,

This letter is to confirm the attendance of the Eastham Board of Selectmen on the September 10, 2014 scheduled joint meeting at 6:30 p.m. at the Orleans Town Hall. The primary topic for discussion will be the use of the Nauset Spit by off road vehicles.

Our local Conservation Commission has issued an order to "cease and desist" in the use of this area by vehicles. The order will be issued to the Town of Orleans due to the management of your staff that invites users to the area and the vehicle patrols by that staff. The Town has also issued an order to the National Park Service as they have plans that indicate they are the owner of a portion of the impacted beach area. And finally our local Conservation Commission has notified your Conservation Commission of the violation of the limitations of their order to use the beach for off road vehicles. We read that order to be limited to land within the Town of Orleans.


We understand that both Boards are getting pressure in both directions on this issue and hope to use our time to begin to develop a use strategy that is jointly supported and consistent with the laws and regulations in each town where the land is located.

We look forward to the meeting on September 10<sup>th</sup>.

Thank you in advance for your attention to this matter.

Respectfully,

Eastham Board of Selectmen

  
Linda Burt, Chair



## 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)

August 15, 2014

CDR Maguire  
Attn: Anthony J. DiLuzio  
11<sup>th</sup> Floor  
211 Congress Street  
Boston, MA 02110

RE: Eastham Water Project

Dear Mr. DiLuzio:

Thank you for your expression of interest in providing professional assistance to the Town of Eastham on the above mentioned project.

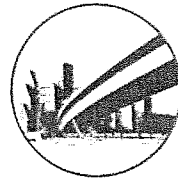
While this project does not require by statute and OPM services, it is our intent to seek such support. When the RFP for these services is released, we will send you a notice should you want to respond.

If you need anything further at this time, please address your correspondence to my attention at the Eastham Town Hall as noted on this letter.

Respectfully,

Sheila Vanderhoef  
Town Administrator

cc: **Board of Selectmen**  
Capital Projects Committee - Water



**CDR** | MAGUIRE

August 5, 2014

John F. Knight, Chair  
Eastham Board of Selectmen  
15 Beverly Road  
PO Box 642  
North Eastham, MA 02651

Re: Eastham Water Project

Mr. Knight,

I am writing to express CDR Maguire Inc.'s interest in providing OPM services for the proposed Eastham Town Wide Water Project.

Since the inception of the OPM requirement in 2004 CDR Maguire has provided this valuable service to municipal clients on more than \$400,000,000 in construction. From Police to Fire Stations, from K-12 public Schools Town Hall additions and renovations, our OPM group services project large and small with the dedication and commitment you expect for your project. All of our OPM staff members have been certified by the Massachusetts Certified Public Procurement Officials program administered by the Office of the Inspector General. They hold the degrees in Architecture and a variety of engineering and construction disciplines with the appropriate licenses and registrations where required.

CDR Maguire has been in business for more than 75 years providing Architecture, Engineering and Planning throughout New England. With more than 150 employees in 4 offices covering New England, your project will have a depth of experience and resources of a firm known for delivering its clients projects on time and on budget. With in-house water engineers located in our Providence office your OPM team will have a vast array of talent poised and ready to assist in any hurdles or challenges your project may encounter.

Please accept this letter of interest for your project. I look forward to responding to your RFQ and, if you should have any questions during the process please do not hesitate to contact me.

Respectfully submitted,

**ANTHONY J DiLUZIO**  
**DIRECTOR OF A/E/OPM**  
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