

# AGENDA

Monday

March 2, 2015

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, March 2, 2015  
5:00 PM**

**Location:**        Earle Mountain Room

**I. PUBLIC/SELECTMEN INFORMATION**

**II. APPOINTMENTS**

5:00 p.m.        Eastham Chamber of Commerce Warrant Article Request for Funding –  
                         Jim Russo, Executive Director  
5:15 p.m.        WBUR – Request for Cell Tower Extension for Antenna – Karl Voelker, Director of Engineering  
5:30 p.m.        Municipal Water Project Update – Mark White, Environmental Partners

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

**III. ADMINISTRATIVE MATTERS**

1. Action/Discussion
  - a) Appointment Visitors' Tourism and Promotion Services Board – Edward Atwood
  - b) Local Initiative Program Application - 1195 Massasoit Road and 2 Rabbit Run- Affordable Housing Trust Representative
  - c) Acceptance & Recognition - Timothy Smith Fund Donation
  - d) Discussion/Review of Warrant Articles
    - (1) Expansion of Room Tax
    - (2) Driving on Nauset Spit
    - (3) Municipal Water
    - (4) Tri Town Decommissioning Article
  - e) Special Municipal Employee Request – Zoning Board of Appeals
  - f) Reappointment Cape Cod Commission Representative – Joyce Brookshire

**IV. OTHER BUSINESS/CORRESPONDENCE/MINUTES**

**V. TOWN ADMINISTRATOR'S REPORT**

**Upcoming Meetings**

Wednesday, March 4, 2015	2:30 PM	Work Session
Monday, March 16, 2015	5:00 PM	Regular Meeting
Wednesday, March 18, 2015	2:30 PM	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](http://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***

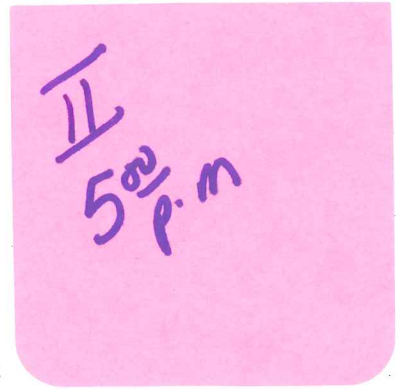
ADMINISTRATION

JAN 29 2015

RECEIVED



**Eastham**  
chamber of commerce



January 26, 2015

Linda Burt, Chairperson  
Eastham Board of Selectmen  
2500 State Highway  
Eastham, MA 02642

Dear Ms. Burt:

I am writing on behalf of the Eastham Chamber of Commerce regarding the Annual Town Meeting to be held in May 2015.

I would like to ask for your continued assistance in funding the Eastham Visitor Information Booth. I have attached the article from prior town warrants and changed the summary slightly to reflect this past season and its accomplishments.

The Eastham Chamber is appreciative of the Town's past support and hopes that it recognizes the intrinsic value that it represents to the community as a whole.

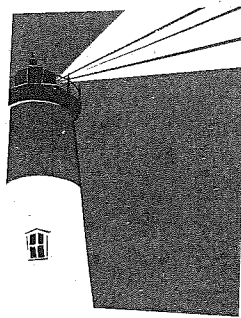
We feel that with the help of our wonderful, professional staff we are doing an exceptional job representing and presenting the Town of Eastham to our visitors and guests. Through the efforts put forth by the Chamber, this staff manages the traffic that moves through Eastham capturing a significant amount of tax revenue for Eastham that might otherwise be received by other town halls. In the 2014 season, as in the past, both Best Read Guide Distribution and the Cape Cod Chamber again recognized the Eastham Information Booth to be the busiest town visitor booth on the Cape based on their delivery volume. We are also a major reference source for Eastham's many second home owners seeking local services.

We would like to be placed on an upcoming Selectmen's meeting agenda to discuss the details of this warrant article. Please contact me with your next available opening. I look forward to hearing from you.

Sincerely,

Jim Russo  
Executive Director

cc: Sheila Vanderhoef, Town Administrator  
Desiree Cole, President  
Wallace F. Adams II, Selectman  
Elizabeth Gawron, Selectman  
John F. Knight, Vice Chair, Board of Selectmen  
Martin F. McDonald, Clerk, Board of Selectmen  
Russell French, Chair, Finance Committee



**Eastham**  
chamber of commerce

### **Proposed Article for 2015 Annual Meeting**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$16,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth; or take any action relative thereto.

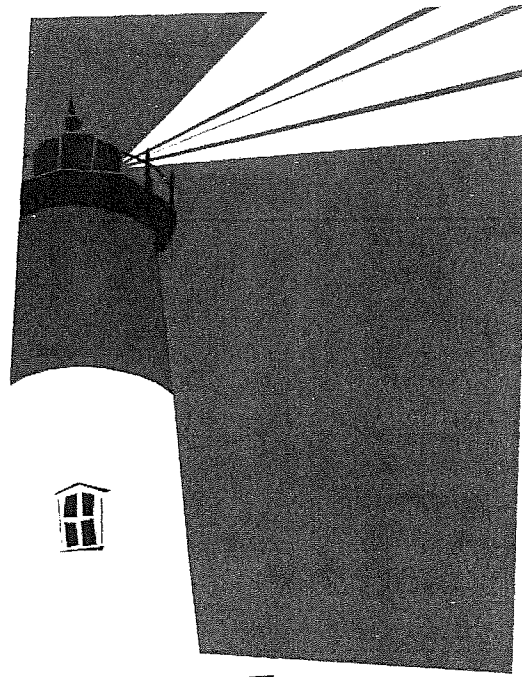
By Board of Selectmen/Chamber of Commerce

#### **Summary:**

The Chamber of Commerce has established a solid history of operating the Eastham Visitor Information Booth successfully for the past several years. Significant cosmetic improvements to the building are made each year in response to visitor needs and consequently, their appreciation. During the first three years of the Chamber's contract to operate the booth, the Chamber paid the town to defray the cost of employee salaries and benefits. Having satisfied the Town's concern that the employees' standards and relations were maintained, the town voted at the May 2005 Town Meeting to grant \$12,000 to the Chamber for the salaries of the staff.

After enduring a \$2,000 budget cut in 2010 the Chamber still maintained the quality of service to the community. In 2013 the Town granted \$11,000 for the Chamber's services and in 2014 restored the grant to \$12,000 as first approved ten years ago in 2005.

With constant escalating costs and the need to continue making visitor service improvements, and most importantly, maintaining a sufficient standard of employee wages than those of the Town, the Chamber requests the approval of this article to narrow the salary gap as ordered by the original Board of Selectmen that moved to have the Chamber manage this operation.



**Eastham**  
chamber of commerce

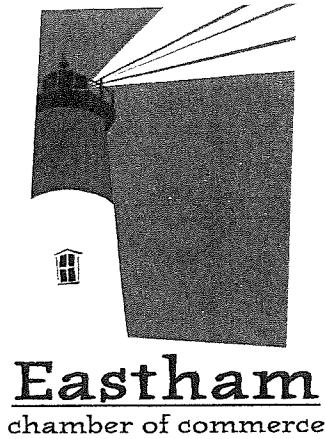
Presentation  
to the  
Town of Eastham  
Board of Selectmen

ADMINISTRATION

JAN 28 2015

RECEIVED

Eastham Visitor Information Booth  
Funding Request



January 26, 2015

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Eastham Board of Selectmen  
2500 State Highway  
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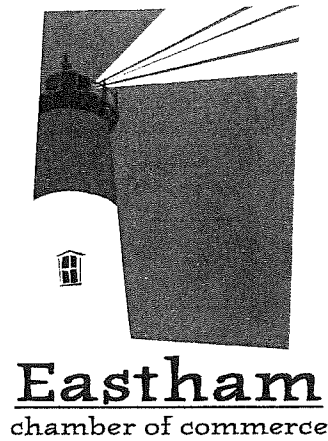
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## Eastham Chamber of Commerce Information Booth Expenses

	Actual 2014	Actual 2013	Actual 2012
Direct Labor	13,718	12,928	11,654
Payroll Taxes & Expenses	1,557	1,481	1,086
Worker's Comp	69	65	58
<b>Total Labor</b>	<b>15,344</b>	<b>14,474</b>	<b>12,799</b>
Indirect Labor	5,591	5,428	4,995
Location Liability Insurance	200	200	200
Internet Access	427	420	431
Bookkeeping	577	599	699
Supplies and Petty Cash	243	463	324
New Equipment	605	294	0
Guide / Map Handouts	7,245	7,306	7,905
<b>Total Expenses</b>	<b>30,232</b>	<b>29,184</b>	<b>27,353</b>





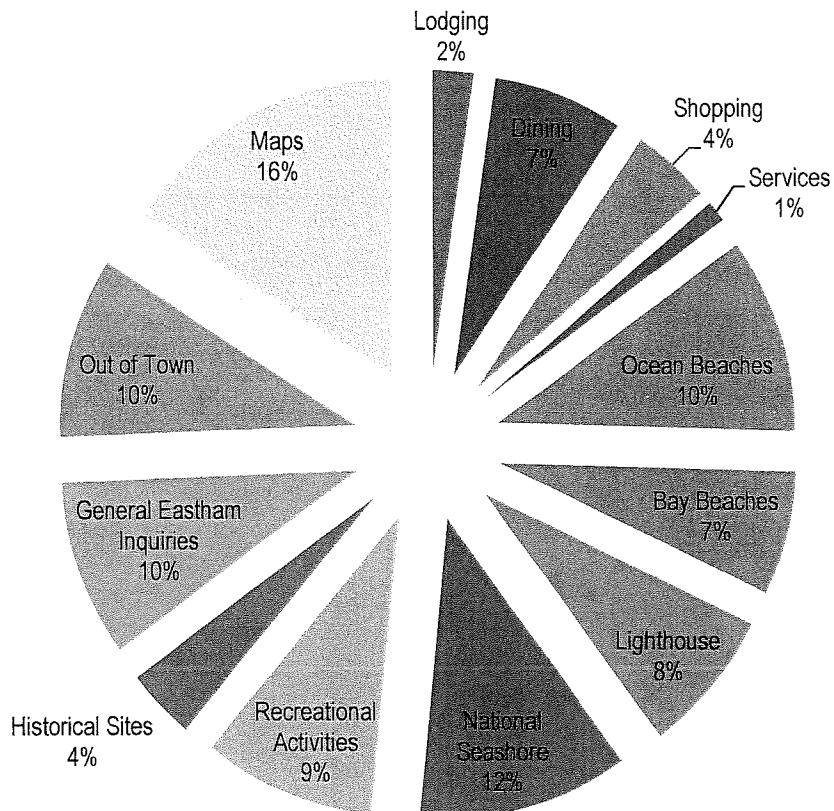
## Visitor Information Specialists



Eastham's Visitor Information Specialists pride themselves on being prepared to answer the multitude of questions that our visitors present. The specialists update their source information regularly throughout each day keeping all data current.

*Connecting visitors to Eastham businesses and local points of interest.*

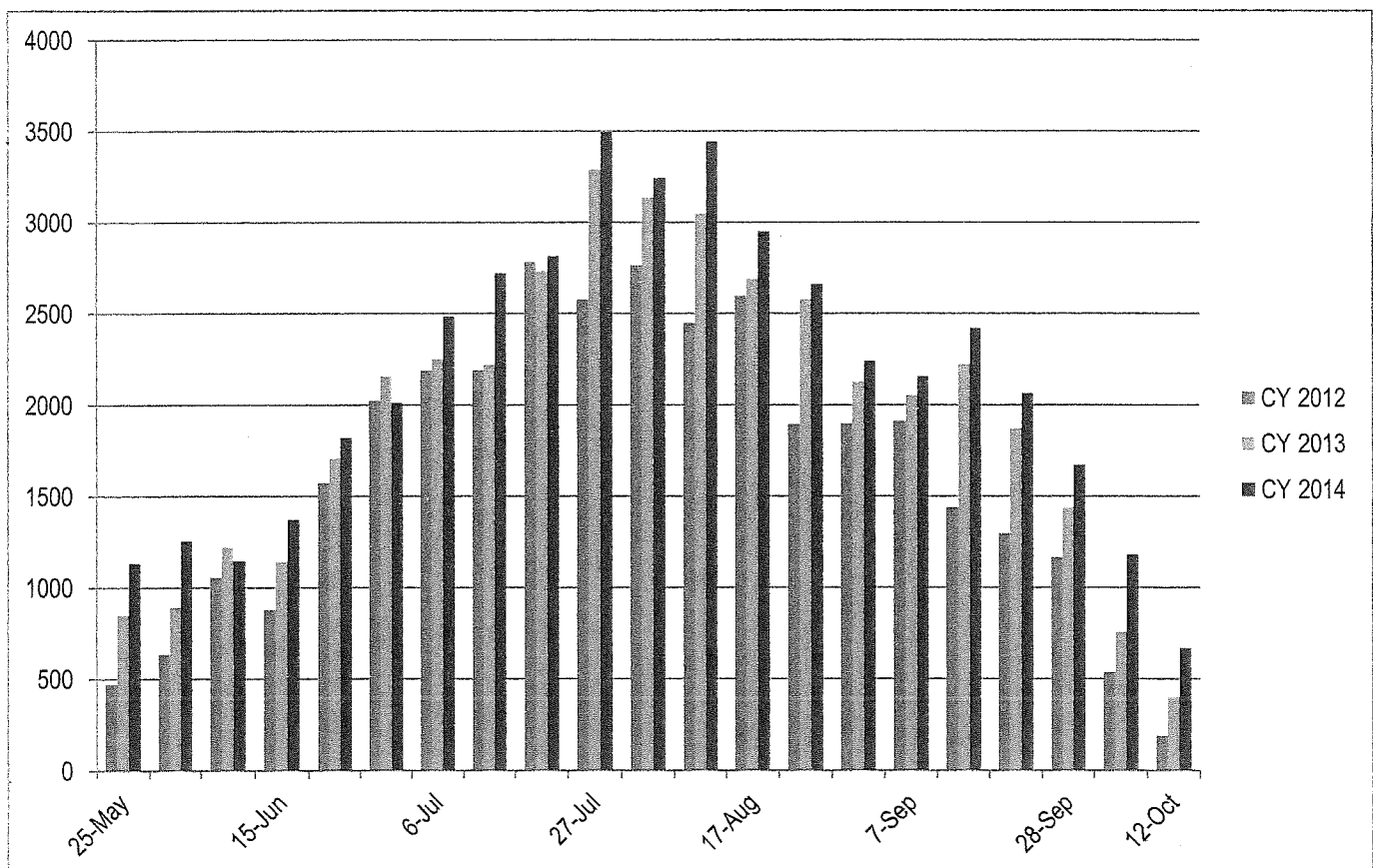
## Distribution of Referrals



## Information Booth Visitors by Month

Month	Visitors per Month	Days Open	Average Visitors per Day
May	1,427	9	159
June	6,335	30	211
July	10,464	31	338
August	12,742	31	411
September	7,330	30	244
October	2,722	15	181
<b>Totals</b>	<b>41,020</b>	<b>146</b>	<b>281</b>

## Visitors Per Week



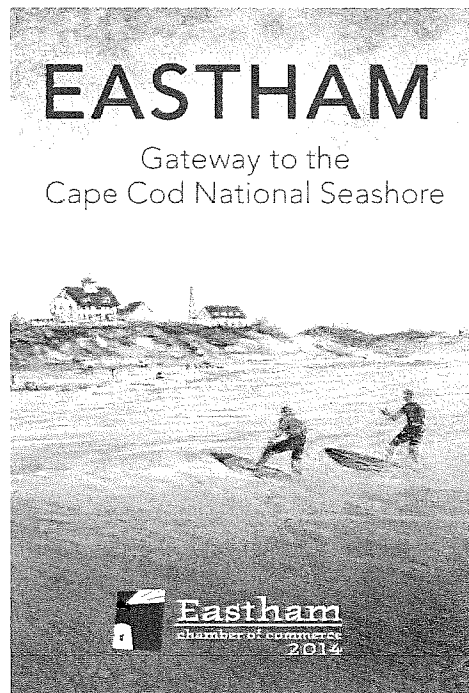
## Information Booth "Top 5"

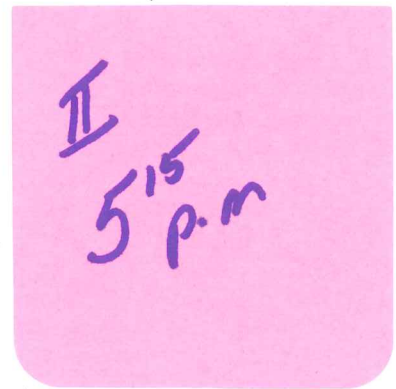
### Guest Origins

<u>State</u>	<u>Country</u>
Massachusetts	Canada
Conneticut	United Kingdom
New York	Germany
New Jersey	France
Pennsylvania	Australia

### Types of Inquiries

<u>Activity</u>	<u># Requests</u>
Directions/Maps	16,415
National Seashore Questions	12,046
General Eastham Inquiries	9,204
Ocean Beaches	11,000
Recreational Activities	9,752
All other inquiries	44,831





February 24, 2015

Sheila Vanderhoef  
Town Administrator  
2500 State Highway  
Eastham, MA 02642

Dear Ms. Vanderhoef,

Thank you for taking the time to speak to us concerning our proposal for the tower at Nauset Road in Eastham. Boston University is pleased to be a tenant on the Nauset Road tower (owned by Crown Castle) for our new Cape Cod station WBUH. The improvements we seek would lead to a long-term commitment to this tower site and continued revenues for the Town of Eastham. We would like to present our request for improvements to the Board of Selectmen in Eastham at our earliest opportunity. Per your recommendation, this letter summarizes the changes we would like to make.

Our proposal is to elevate the WBUH FM antenna from its current position on the tower, 120 feet above ground level, to the top of the tower which will result in a more favorable antenna height of approximately 210 feet above ground level. The increase in height will improve coverage for WBUH listeners. In addition, it gets the WBUH antenna out of the way of cellular maintenance climbers who currently have to climb through and potentially over the existing FM antenna.

To accomplish this increase in elevation, Boston University proposes to add a 20 foot extension to the top of the tower, increasing its overall height from 196 feet to 216 feet. The extension would be narrower than the upper section of the tower on which it would be placed.

The top of the tower currently is five feet across. The new extension would be three feet across.

The extension would be designed to be compliant with Massachusetts Building Code (which references Revision G of the ANSI/TIA-222 national standard for tower construction). This extension would be built with only enough height to mount a single FM antenna array. The array consists of four elements ("bays") and is Shively model 6600-4SS. The antenna design uses "Half-wavelength spacing" of the elements to minimize the amount of radio energy on the ground around the tower. Emissions will be fully compliant with Commonwealth and FCC regulations, which will be verified after construction. The antenna will occupy the full 20 foot height of the extension.

The proposed increase in height does change the FAA requirements for the tower. Once the tower is above 200 feet tall (216 feet proposed) it will require some aircraft safety lights. The technology in aircraft safety lights has improved significantly in recent years. With LED lighting, the safety lights are now designed to focus their light very horizontally to be seen by aircraft and be not as visible on the ground. A light will be placed on top of the tower and another pair about half way up (110 feet more or less).

The top beacon would flash white in the daytime and red at night. The mid-level lights (2 – each on opposite sides of the tower) are red and only come on at night.

Boston University understands there may be some negative reaction to the addition of tower lighting. We feel the site is located favorably on the town land in such a way that there will be no detrimental impact from the new lighting. Our study suggests that few abutters, if any, would be affected due to the extensive geographic spacing and vegetative borders that shield the tower from virtually all residents in its current state. We propose the absolute minimum height required to relocate our antenna, in our effort to minimize impacts. Boston University is prepared to demonstrate a "view test" of the proposed extension if the Board determines it is necessary to do so.

Additionally, Boston University plans to use an LED lighting system which greatly improves on the performance of traditional incandescent beacons. These new systems are configured to minimize downward illumination through lenses that focus the illumination horizontally and up into aviation airspace. Specifications for a typical "neighborhood friendly" lighting system will be discussed in our presentation to the Board of Selectmen and some examples of area towers will be provided.

In addition, while the lighting is designed to be of little impact to the surrounding area, Boston University would be willing to consider reasonable mitigation as requested by the Town of Eastham such as through the installation of indigenous evergreen plantings on town land adjacent to abutting properties.

One final issue: Boston University believes our proposal does not require additional review by the Cape Cod Commission. Section Three of Chapter A of the Enabling Regulations Governing Review of Developments of Regional Impact (revised November 2014) lays out the conditions under which a development project would be classified as a Development of Regional Impact. Any project which exceeds the thresholds in this section qualifies as a DRI. In paragraph (i), subsection (2) existing towers are permitted to increase their height by a maximum of 20 feet without being classified as a DRI, and therefore such a change does not require submission to the Cape Cod Commission for prior approval.

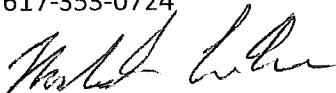
Boston University would like to thank the Board of Selectmen of the Town of Eastham for their consideration of our proposal and would respectfully request a chance to present it in the near future.

Sincerely,



Karl Voelker  
Director of Engineering  
WBUR Boston University  
[kvoelker@bu.edu](mailto:kvoelker@bu.edu)  
617-353-0720

Michael LeClair  
Chief Engineer  
WBUR Boston University  
[mleclair@bu.edu](mailto:mleclair@bu.edu)  
617-353-0724





## Eastham Water System

### Board of Selectmen Meeting

February 17, 2015

**Environmental Partners**  
GROUP

A partnership for engineering solutions.

www.envpartners.com

## Activities since late January

- Permitting
- Start of bidding activities
- Easement issues
- SRF Loan Application

II  
5:30 pm

## Permitting Successes!

- MEPA Environmental Impact Report
- Cape Cod Commission DRI



Our Interns

A partnership for engineering solutions.



## Permitting Successes! MEPA Environmental Impact Report



- Secretary's Certificate issued January 30<sup>th</sup>
- Conditions for:

Endangered Species

Botanical survey

Turtle Management

Archaeological Evaluations

Mass. Historic Commission

National Seashore

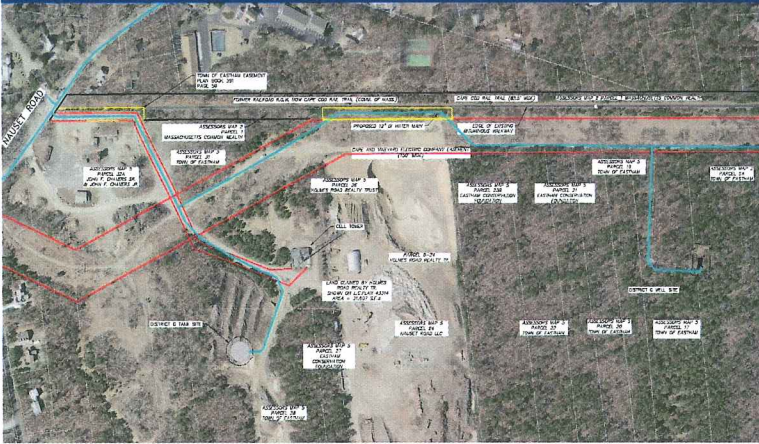
A partnership for engineering solutions.





## Botanical Survey Area

### Common's Panic Grass



# Permitting Successes!

## Cape Cod Commission DRI

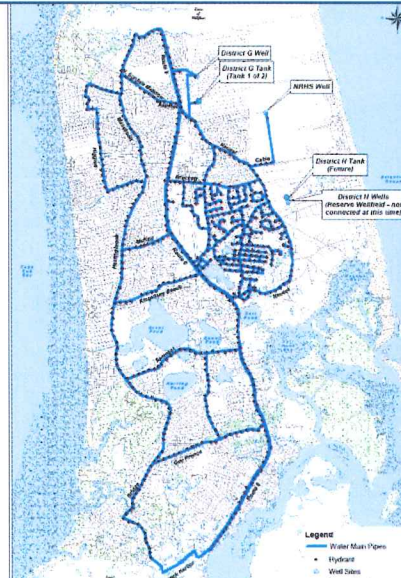


- DRI Hearing – February 5<sup>th</sup> (Barnstable)
- Conditions for: Endangered Species Archaeological Evaluations Hatches Creek Monitoring Invasive Species Management Plan Construction Debris Plan



## Archaeological Evaluation (Contracts 3 – 8)

- Reconnaissance survey
- Recommendations for field investigations
- Shovel test pits
- Report to MHC and CCNS
- Performed by PAL



# DEP Water Withdrawal Permit

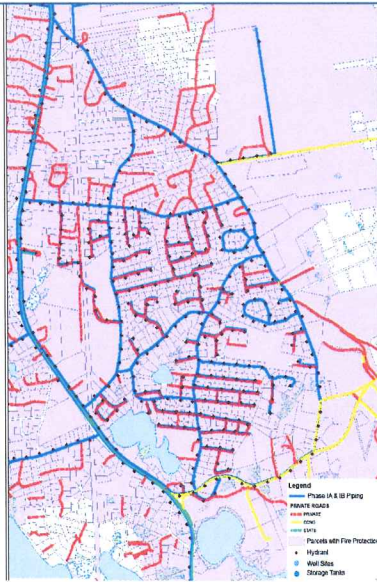
- Submitted Sept. 24<sup>th</sup>
- DEP comments received Jan. 30<sup>th</sup>
- Responded Feb. 11<sup>th</sup> (< two weeks)
- Includes small mitigation requirement
  - Only for “build-out” demand
  - Fertilizer bylaw offered for mitigation
- Draft permit by end of February?





## Easements

Landfill Area  
(Contract 4):  
Private Roads



## Landfill Area Private Road Easements

- Information letter to be issued to property owners
  - Need BOS review/approval of draft letter
- Public information session in March
  - Date to be determined by BOS
- Easement action by Water Commissioners
  - In March, after public information session
  - Formally called "Order of Taking"



## Other Easements Needed

- DCR – at District G
- NRHS – wellfield access
- Private property owners
  - Linda Lane
  - Jack-cin Drive
  - Along Route 6 Corridor (13 total)



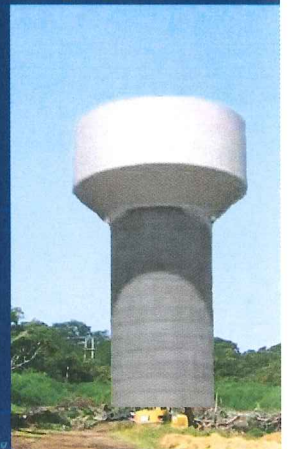
## District G Water Storage Tank (Contract 1)



DEP permit  
received Feb. 12

3id solicitation

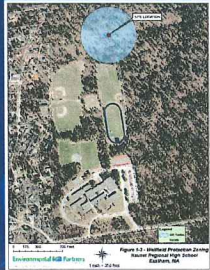
Advertising started Feb 13  
Bid Opening on March 11  
Recommendation for award  
March 16 or 18





## District G and NRHS Well Fields (Contract 2)

- Design nearly complete
- To be submitted to DEP for approval this month
- Need to coordinate advertising/award with SRF (NHESP and easement issues)



A partnership for engineering solutions

## Water main installations Landfill Area (Contracts 3 & 4)

- Design completed
- Review by W&S done
- Submit to DEP this month
- Bid solicitation this spring



A partnership for engineering solutions



## Water main installations Landfill Area (Contracts 3 & 4)

- Before award complete:
  - Easements
  - Archaeological investigation
  - Seashore Right of Way & Special Use Permit
- Coordinate award with SRF

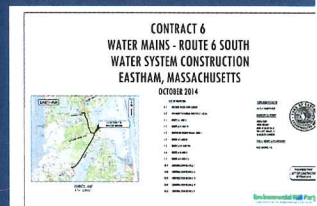
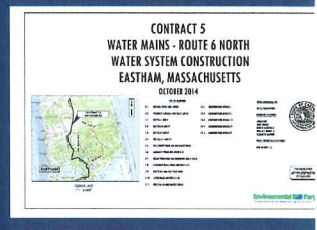


A partnership for engineering solutions



## Distribution System: Route 6 (Contracts 5 & 6)

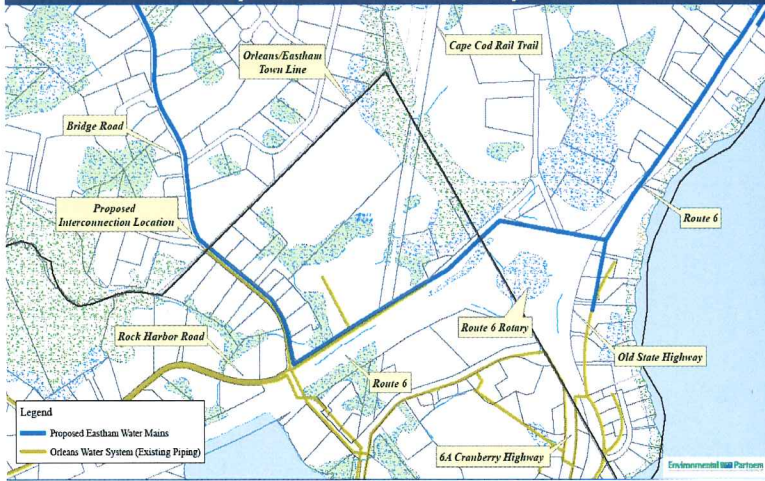
- Design to be completed late Feb/early March
- Submit to MaDOT mid-February
- Con. Comm. RDA Hearing for northern half (Contract 5): March 10<sup>th</sup>
- Con. Comm. NOI for southern half (Contract 6) in April



A partnership for engineering solutions



## Contract 8: Orleans Water System and Loop

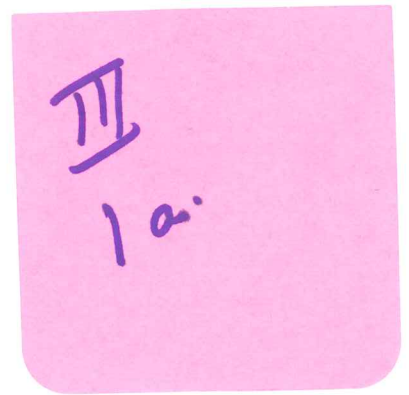


## DISCUSSION

A partnership for engineering solutions







**March 2, 2015**

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

**Re: Committee Appointment- Edward Atwood**

*Visitors' Tourism and Promotion Services Board- Member at Large*

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The following is the information needed to make a committee appointment.

**Edward Atwood**-*Visitors' Tourism and Promotion Services Board- Member at Large*

The interview committee recommends the appointment of Edward Atwood to the Visitors' Tourism and Promotion Services Board.

If the Board appoints him, his first term on the VSB will commence March 2, 2015 and expire June 30, 2017. He is to replace Barbara Stahl whose term ended June 30, 2014.

**Search Committee Interview Form For** Edward Atwood For  
Visitor Tourism + Promotion  
Services  
Date and Time 2-24-15  
Town Hall, Eastham MA

**Interview Panel**

Selectmen Liaison Elizabeth Gawron

Search Liaison Gloria Schrapfer

Committee Chair Bonnie Nuendel - (co-chair)

**Applicant(s)**

Edward Atwood

Recommendations of the Interview Panel to the BOS

The Panel has selected:

Edward Atwood

This Recommendation is based on:

Edwards experience

E. Gawron

Selectmen Liaison

+ Bonnie Nuendel for Prudence Kerry

Committee Chair

Gloria H. Schrapfer

Search Committee Liaison

**Selectmen Liaison must present this form to the Town Administrator.**

# Visitors' Tourism & Promotion Services Board Charge

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## THE COMMONWEALTH OF MASSACHUSETTS *In the Year One Thousand Nine Hundred and Ninety-Eight*

### AN ACT AUTHORIZING THE TOWN OF EASTHAM TO ESTABLISH AN EASTHAM PROMOTIONS FUND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Eastham may establish a special account to be known as the Eastham Promotions Fund into which account shall be deposited certain receipts which comprise a portion of the local room occupancy excise received annually by said town under the provisions of Section 3A of Chapter 64G of the General Laws as set forth in Section 2. Said fund shall be maintained as a separate account in the town treasury.

**SECTION 2.** For the purpose of establishing that portion of the local room occupancy excise that may be deposited in the Eastham Promotions Fund, the town of Eastham may deposit, commencing in fiscal year 1999, \$10,000 from said excise receipts, and the same amount in each subsequent fiscal year, unless said amount is increased by the Board of Selectmen. All interest earned from said fund shall be deposited in the general fund of said town.

**SECTION 3.** There is hereby established in the town of Eastham a Visitors Tourism and Promotion Services Board consisting of five members to be appointed by the Board of Selectmen as follows: two members nominated by the Eastham Chamber of Commerce, one member nominated by the Eastham Forum, and two members at large. If any of the organizations with nominating privileges hereunder cease to exist or operate, said Board of Selectmen may appoint in place of such nominees individuals qualified to serve on said Visitors Services Board, as appointees-at-large. Said Board of Selectmen shall fill any vacancies in said Visitors Tourism and Promotion Services Board in like manner.

**SECTION 4.** Said Visitors Service Board shall recommend to the annual town meeting, programs and projects that enhance the beautification, recreational resources, public safety promotional and marketing activities, events, services, and public improvements which are of clear mutual interest to the residents and visitors of the town of Eastham, and which strengthen said town as an attractive center for tourism, conventions, and related purposes of the visitor industry. The cost of such programs shall not exceed the funds available in the Eastham Promotions Fund, and shall be used for public improvements, including beautification, recreational resources, and public safety related to the mutual needs of visitors and residents with the balance available for promotional programs and projects.

**SECTION 5.** Upon approval of the programs, services and other projects set forth in Section 4, the visitors tourism and promotion services board with the approval of the Town Administrator may expend from said special revenue fund for the uses authorized by town meeting, and may for the purposes of this section designate funds to be expended under the direction of the Eastham department of public works or other town agency as applicable; or obtain competitive proposals or bids for any services, programs or projects to be provided by the town by vendor contracts, all in accordance with the requirements of Chapter 30B of the General Laws or any other general law governing public bidding and procurement as may apply to the program or project. Contracts for services, programs and projects authorized hereunder shall be awarded and executed by the town administrator on the recommendation of the Visitors Tourism and Promotion Services Board subject to compliance with applicable procurement laws of the commonwealth.

**SECTION 6.** This act shall take effect as of January 1, 1999.

**APPROVED:** House of Representatives, December 28, 1998; Senate, December 31, 1998; Acting Governor, January 9, 1999.

**Article 26-Adopted at Annual Town Meeting on May 19, 1998.**





SHEILA  
III 1 b.

## M e m o r a n d u m

**To:** Eastham Board of Selectmen  
**CC:** Sheila Vanderhoef, Town Administrator  
**From:** Alice Boyd, Bailey Boyd Associates, Inc.  
**Subject:** Request for Vote  
**Date:** January 12, 2015

Attached please find LIP (Local Initiative Program) Applications for two properties in Eastham that we would like to submit for inclusion on Eastham's Subsidized Housing Inventory.

The first unit is owned by the Eastham Affordable Housing Trust and is located at 1195 Massasoit Road and will be used as an affordable rental, perpetually deed restricted.

The second unit is a parcel of land donated to Habitat for Humanity of Cape Cod. A three-bedroom home will be built on this parcel and owned by a low-income family.

The Massachusetts Department of Housing and Community Development requires that the Selectmen vote to approve the submission of these LAU's (Local Action Units) and that a Certified Vote be submitted to DHCD with each of the applications. DHCD will then review the LAU's and send the final deed restrictions to the town and include the units on Eastham's SHI. These applications are the same as ones you've been approving in recent years.

Once DHCD returns the final LAU's and deed restrictions your Chairman will be asked to sign the documents based upon your vote.

**Suggested Motion #1:** The Town of Eastham Board of Selectmen approve the Local Initiative Program Application for 2 Rabbit Run, Eastham to be submitted to the Massachusetts Department of Housing and Community Development for inclusion on the town's Subsidized Housing Inventory.

**Suggested Motion #2:** The Town of Eastham Board of Selectmen approve the Local Initiative Program Application for 1195 Massasoit Road, Eastham to be submitted to the Massachusetts Department of Housing and Community Development for inclusion on the town's Subsidized Housing Inventory.

Many thanks.

# LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS

## Introduction

The Local Initiative Program (LIP) is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households.

The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B.

Local Action Units (LAUs) are created through local municipal action *other than* comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

The Department shall certify units submitted as Local Action Units if they meet the requirements of 760 CMR 56.00 and the Local Initiative Program Guidelines, which are part of the Comprehensive Permit Guidelines and can be found on the **DHCD website at [www.mass.gov/dhcd](http://www.mass.gov/dhcd)**

To apply, a community must submit a complete, signed copy of this application to:

Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Attention: Janice Lesniak, LIP Program Coordinator

Telephone: (617) 573-1327

Email: [Janice.Lesniak@state.ma.us](mailto:Janice.Lesniak@state.ma.us)

Rabbit Run

For review + certified  
votes. No signature  
required until DHCD  
has also approved.

## Community Support Narrative, Project Description, and Documentation

Please provide a description of the project, including a summary of the project's history and the ways in which the community fulfilled the local action requirement.

The Rabbit Run project came about as the result of a land donation. A private individual will be donated a one acre parcel to Habitat for Humanity of Cape Cod for the purpose of constructing affordable community housing.

The home will be built with Habitat's tried-and-true "sweat-equity" model. Our selected purchaser-family will partner with Habitat and devote 250 to 500 hours building their home alongside community volunteers. This promotes homeowners who are well educated on building and maintenance, and fosters a true sense of community. Habitat works closely with our buyers, not just through a rigorous application process, but throughout the construction period, providing significant homebuyer education including preparation for closing, budget counseling, and workshops in caring for their home and landscaping. Sweat equity and pre-purchase workshops have proven to be key elements in fostering successful homeownership.

Habitat also partners with our communities, seeking donations of materials, professional services, and labor. We strive to make our homes welcome in a neighborhood and to be good neighbors. Habitat works to create a collaborative spirit where a whole community can be actively involved in helping to address the affordable housing crisis.

Habitat has applied to the Eastham Community Preservation Committee for funding for the Rabbit Run project and has received the support of the Eastham Affordable Housing Trust.

## Signatures of Support for the Local Action Units Application

### Chief Executive Officer:

*defined as 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*

Signature: \_\_\_\_\_

Print Name: Linda S. Burt, Chair

Date: February 17, 2015

### Chair, Local Housing Partnership: (as applicable)

Signature \_\_\_\_\_

Print Name: Eileen Morgan, Chair

Date: February 17, 2015

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

ADMIN  
FEB 1  
RECEIVED

CAPE COD  
COMMISSION

February 5, 2015

Board of Selectmen  
Town of Eastham  
2500 State Highway  
Eastham, MA 02642

Dear Selectmen:

As you know, towns are requested to appoint a representative to the Cape Cod Commission for a term of three years. After reviewing our records, we noted that your town's appointment is due to expire April 24, 2015.

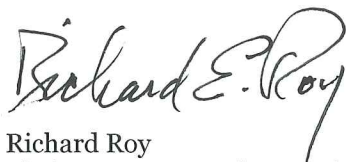
Your current member, Joyce Brookshire, has expressed her interest in serving another three-year term as the Eastham Representative. Therefore, at this time, I would ask your board to consider reappointing Ms. Brookshire for another three-year term, or make a new appointment **effective April 25, 2015 through April 24, 2018**. According to legislation, all appointments are for three years and all members must be residents and registered voters in Barnstable County.

As you consider this position, please know that I am available at your convenience to discuss it with you. Enclosed for your review is a "job description" that was approved by Commission members.

Please forward all appointment letters to Gail Hanley at the Cape Cod Commission office at the address above.

Thank you for your prompt attention to this matter.

Sincerely,



Richard Roy  
Chairman, Cape Cod Commission

Enclosure

RR/gph

cc: Joyce Brookshire



**A.** No. All deliberations on the project, including your analysis of how you will decide to vote on the project, must occur in the context of a posted public hearing and/or meeting.

**Q.** Since I am not on the subcommittee that is analyzing the DRI, do I have any limitations in speaking to the general public, town officials, or anyone else about a project?

**A.** Yes. As a member of the Commission, you are considered a quasi-judicial board member who will ultimately vote upon that DRI at the full Commission meeting. The policy applies equally to subcommittee members and the full Commission.

**Q.** Can you tell me more about what would be considered improper bias on my part as a Commission member reviewing a project?

**A.** Each member reviewing a project should be impartial with no preconceived conclusions about that project, in the same way a jury that hears a trial is impartial. Statements that a member makes—either before or during the DRI—that may be perceived as projecting the appearance of either a closed mind (whether it be about the project or the applicant), a conclusion on facts about that DRI that are made before the Commission hears the project, or an opinion about the facts of the project may be considered to show bias. In addition to specific statements made by you individually, bias may be shown by your membership in an interested organization that may have made statements that could possibly be imputed to you.

**Q.** Can I state my opinion on a pending DRI project in a letter to the editor of my local newspaper?

**A.** As a member of the quasi-judicial board who will ultimately vote on whether to approve or deny a project, Cape Cod Commission members should not express opinions in any forum that may be considered to show bias. For further detail, please see the *Cape Cod Commission Public Relations Policy* (approved July 9, 2007; page 5).

## The Roles and Responsibilities of Cape Cod Commission Members

**Cape Cod Commission**  
3225 Main Street • P.O. Box 226  
Barnstable, MA 02630

**Phone:** (508) 362-3828  
**Fax:** (508) 362-3136  
**E-mail:** [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)  
**Web sites:** [www.capecodcommission.org](http://www.capecodcommission.org)  
[www.capecodgroundwater.org](http://www.capecodgroundwater.org)  
[www.gocapecod.org](http://www.gocapecod.org)



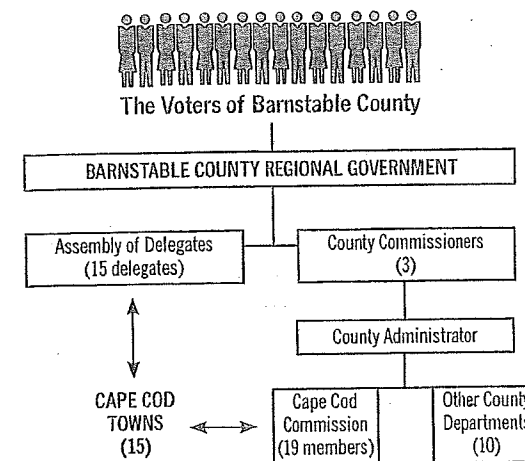
**BARNSTABLE COUNTY** encompasses all of Cape Cod. The regional government's basic structure is shown at right; it includes:

- the Barnstable County Assembly of Delegates, the **legislative branch**, which has one delegate from each of the 15 towns, elected to two-year terms by town voters. Each delegate's vote on the Assembly carries "weight" according to his or her town's population relative to the county's. For example, the Town of Barnstable's vote currently weighs more than 21.5 percent, while the Town of Truro's vote weighs less than 1 percent. The Assembly approves budgets for all county departments, as well as regional regulations and ordinances.

- the Barnstable County Commissioners, the **executive branch**, a three-member board, each of whom is elected to a four-year term. Along with the County Administrator, this body oversees county operations, facilities, and departments, including the Cape Cod Commission.

**THE CAPE COD COMMISSION (CCC)** was created in 1990 by an Act of the Massachusetts General Court (the state legislature), and it was confirmed by a majority of Barnstable County voters. The Commission is a unique department of Barnstable County, being funded by the Cape Cod Environmental Protection Fund, which is separate from the general county budget. The CCC's mission is to manage growth, to protect Cape Cod's unique environment and character, and to foster a healthy community for present and future generations.

As Barnstable County's regional land use planning and regulatory agency, the 19-member CCC consists of one member appointed to a three-year term by the Board of Selectmen from each of 14 Cape towns and by the Town Manager in the case of the Town of Barnstable; plus three members appointed annually by the Barnstable County Commissioners (one County



Commissioner, one Native American, and one Minority Representative); plus one Governor's Appointee, who is a non-voting member with a term coinciding with that of the Governor of Massachusetts. All CCC members are citizen volunteers who receive and evaluate information from the agency's professional staff, consider policies to guide the agency's activities, and make regulatory decisions about development proposals under the agency's jurisdiction.

The CCC is charged with preparing and implementing a regional land use policy for all of Barnstable County, known as the Cape Cod Regional Policy Plan (RPP). Approved as a county ordinance by the Assembly of Delegates, the RPP defines standards for development throughout Cape Cod. As mandated in the Cape Cod Commission Act, the Commission must initiate a review of the RPP at least every five years through a public process that solicits input from all citizens.

## Time Commitments

Being a member of the Cape Cod Commission is a serious responsibility. The work load

is considerable, and the time commitment is substantial. The rewards of being a member are equally great. Reviewing development proposals provides a great opportunity for CCC members to learn about all 15 Cape towns and to meet interesting people and see interesting places. Development reviews allow CCC members to influence growth and help ensure that it will not detract from the qualities and resources that make Cape Cod unique and valued.

### ■ Meetings of the CCC Board and Standing Committees

The full 19-member Cape Cod Commission board generally meets every other Thursday afternoon in the First District Courthouse of the Barnstable County Complex (off Route 6A) in Barnstable. Meetings last about two hours.

CCC members may also be asked by the board's chair (who is elected by the members annually) to serve on a standing committee. Participation is voluntary in the Regulatory and Planning standing committees; however, the Executive Committee's composition is prescribed by administrative regulations. Standing committees generally meet in the Commission office to discuss issues every other Monday.

### Additional Responsibilities

#### ■ Regulatory Responsibilities

CCC members are also expected to serve on regulatory subcommittees to review specific Development of Regional Impact (DRI) proposals. Members rely on the technical expertise of the agency's staff—a diverse group of professionals who gather and interpret data and provide advice on the interpretation of the Regional Policy Plan's standards—to make decisions. The evaluation of data and the decision making are vested in CCC members; in this way, members serve as "quasi-judicial" officials.

DRI subcommittees review written applications, materials, and reports; conduct required public hearings; and hold public meetings to discuss issues and concerns and to formulate their recommendations about the DRI decisions to be voted on by the full CCC board.

Depending on the nature and complexity of a development proposal, regulatory subcommittee work can require a significant commitment of time. Meetings may take place during the day and in the evening. Whenever possible, the first public hearing for each DRI is held in the town in which the project is proposed; other hearings and meetings may also be held there or in Barnstable. The final public hearing is always held during a meeting of the full board, at which time the DRI decision is finalized. Preparation for and travel to meetings add to the time commitment.

#### ■ Community Responsibilities

CCC members also serve as liaisons with their towns. Making periodic reports about CCC activities to the Board of Selectmen (or the Town Council, in the case of Barnstable) is an important duty. Within the limits defined by the state **Open Meeting Law** and the agency's own **Public Relations Policy** and the **Communications Policy for Cape Cod Commission Members** (see summary to right), members should make themselves available to answer questions, provide information to town officials and citizens, and submit annual reports about CCC activities.

#### ■ Regional Advisory Responsibilities

CCC members are an advisory board responsible for guiding many of the agency's policies and initiatives. Members may also be appointed to represent the agency on special committees or other boards. Most importantly, CCC members help the agency fulfill its mission and uphold the Cape Cod Commission Act and ordinances adopted by Barnstable County.

### ■ Communication Rules ■ for CCC Members

Cape Cod Commission (CCC) members serve in several different roles:

1. They are representatives of and liaisons to the 15 Cape towns and Barnstable County residents.
2. They are regional policy makers in issue areas such as land use, transportation, and affordable housing.
3. They are quasi-judicial board members regulating development proposals.

In the first two roles, CCC members are encouraged to communicate freely and regularly with local and county officials and the general public. In the third role, however, CCC members are more limited when and how they may communicate. Members of Development of Regional Impact (DRI) subcommittees and the full Commission serve in a quasi-judicial role during the pendency of DRI review (defined as "the time from which a DRI application is filed with, referred to, or jurisdiction is asserted by the Commission until the meeting in which the full Commission votes on the final decision or the DRI is withdrawn") and during the DRI appeal period. Each member must confine his or her review to the oral and written information received **during the public hearing process**.

The following questions and brief answers are designed to help CCC members understand the policies governing their communications. All CCC members should obtain a copy of the *Communications Policy for Cape Cod Commission Members* (approved June 12, 2008) to review the complete answers. Members should also review the *Cape Cod Commission Public Relations Policy* (approved July 9, 2007).

**For more information,  
contact the Commission Counsel.**

**Q** ■ I am on the subcommittee for a DRI that is being reviewed by the Cape Cod Commission. Can I speak to my town officials to give them updates on the status of the DRI review?

**A** ■ Yes. You may provide your town officials information on the status of a DRI under review, such as where the DRI is in the process, provided you are doing so in a posted open meeting for which minutes will be prepared.

**Q** ■ My Board of Selectmen wants me to appear before them so they can let me know the town's position on the project. This way I will know what position to take on the project. Is this allowable under the communications policy?

**A** ■ No. As a quasi-judicial board member, it is essential that you avoid all appearance of prejudgment of the project and/or bias. You may appear before the Board of Selectmen to give informational updates about the DRI process, but it is necessary to the process that you have not "prejudged" the project or predetermined your vote. Any testimony about the project itself should be made in the context of a DRI hearing or public meeting so that all members of the subcommittee may receive it. You may bring written comments from the town to the next posted DRI hearing. Town officials are also always welcome to attend and present their views.

**Q** ■ Can I take into consideration in my vote on a DRI information that was not part of the formal DRI process?

**A** ■ No. The reason the communications policy requires members to restrict their DRI review to information received as part of the DRI hearing process is to ensure that every member of the Commission is voting based upon the same information. Each CCC member should direct anyone desiring to give him or her information either to attend a public hearing or to send written information to the Commission so that it may be made part of the DRI record.

**Q** ■ I am on the subcommittee. Can I discuss with my fellow subcommittee members how they will be voting on the project prior to our scheduled subcommittee meeting?