<u>AGENDA</u>

Monday
October 19, 2015

TOWN OF EASTHAM AGENDA BOARD OF SELECTMEN Monday, October 19, 2015 5:00 p.m.

REVISED: October 16, 2015

Location: Earle Mountain Room

I. PUBLIC/SELECTMEN INFORMATION

II. APPOINTMENTS

5:05 p.m. Review Daversa Dog Hearing Decision – Chief Kulhawik, Diana Back, Dog Officer 5:15 p.m. Presentation/ Discussion LIP Proposal - Governor Prence Residences (former T-Time Property)

4790 State Highway

5:50 p.m. Eversource Injunction - Laura Kelley, POCCA Cape Cod

6:00 p.m. Municipal Water Update - Mark White, Environmental Partners Group

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

III. ADMINISTRATIVE MATTERS

A. Action/Discussion

- 1. First Right of Refusal G.L. c.61B, Section 9 Chapter Land, Lot 8 580 Dyer Prince Road
- 2. Conservation Restriction 600 & 630 Bridge Road
- 3. Committee Appointments Conservation Commission Thomas Durkin
- 4. Committee Appointments Board of Cemetery Commissioners Robert Carlson
- 5. Final Review Selectman Goals
- 6. Review/Adopt FY17 Budget Policy

IV. OTHER BUSINESS

V. TOWN ADMINISTRATOR'S REPORT

POSSIBLE EXECUTIVE SESSION

To discuss strategy with respect to landfill litigation cases when an open meeting may have a detrimental effect on litigating position of the public body and the chair is so declaring.

Upcoming Meetings

Wednesday, October 21, 2015	3:00 p.m.	Work Session
Wednesday, October 28, 2015	6:30 p.m.	Joint Meeting with Orleans, Brewster Selectmen
		@ Orleans Town Hall
Monday November 2, 2015	5:00 p.m.	Regular Session
Wednesday, November 4, 2015	3:00 p.m.	Work Session

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

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



TO: Chief Kulhawik, Deputy Chief Roderick, Administrator Vanderhoef, Members of Board

of Selectmen

FR: Officer Diana Back DT: October 8, 2015

RE: Orders for 50 Surrey Drive

I am writing to provide my feedback on what kind of fence should be used to contain Mia, the pit-bull at 50 Surrey Drive. The Animal Advisory Board has recommended that a 6 foot stockade fence is necessary for containment. The owner has communicated to me that he feels that is overkill for his small dog which is the height of his knee. The owner has further communicated difficulty in purchasing and installing a 6 foot fence.

Currently, a 6 foot stockade fence exists from the rear of the house, to an existing shed, which is the side of the property that faces Surrey Drive. That is the portion of the property where the concerned neighbors reside. There is also a 6 foot stockade fence behind Mr. Daversa's property, belonging to an abutter. Mr. Daversa's intention to comply with the order of containment for his dog is to complete a large enclosure in the rear of his property, using the existing fencing, and installing a four foot wire fence in the areas that are not currently fenced. The area would be for supervised play and supervised bathroom runs.

I observed the wire fence that Mr. Daversa began to install, on Friday afternoon, 9/18/15. According to Marty Haspel who also viewed the fence, it would be inadequate for containment in regard to the weight of the wire and the 4 foot height. I would agree with this finding if the enclosure was to be used for unsupervised containment, and/or if the determination had been that Mia is a dangerous dog, and/or if I had further complaints of the dog being loose.

At this time however, Mr. Daversa has stated that his dog would not be unsupervised in the enclosure and is filing an appeal for the 6 foot stockade fence recommendation made by the Animal Advisory Board. My opinion is that a four foot chain-linked fence is completely adequate to solve the former problem of the dog being loose. An area of supervised containment (where Mr. Daversa can throw the ball for Mia and/or his parents can let Mia out for "bathroom purposes"), would have prevented the former problems reported by neighbors.

Based on the fact that Mia has not been loose since the one and only complaint I received from neighbors (although 3 incidents were reported at that time), I do feel Mr. Daversa has taken this matter seriously. If the order is being made for an unsupervised contained area, I would certainly agree to the full recommendations of the Animal Advisory Board. If the order is being made for a supervised containment area however, I feel a 4 foot fence chain-linked fence would be sufficient in preventing future problems.

Lastly, in an attempt to assist Mr. Daversa with the financial strain of purchasing and installing appropriate fencing, I have located an Eastham resident who is able and willing to provide Mr. Daversa with a solid, chain-linked, 4-foot fence, formerly used as a kennel. If the Board decides this type of fencing is adequate, Mr. Daversa could use this fencing to complete an enclosure in the rear of his property and I will move forward in assisting Mr. Daversa with this fence. I appreciate everyone's help in this matter and will wait to move forward on helping with a fence, pending the Board's final decision.

The final matter I am requesting clarity on, are the re-enforcements ordered for screens. The two storm doors at the front and side of the house have glass on the lower portion of the doors, and screen on the top portions. It does not appear to me that Mia could jump high enough to

break through a screen on the front or side door. In conversation with Mr. Haspel, the rear slider screen door is the area that is being enclosed and thus would no longer require any alteration. Please let me know if anyone has any questions, and again, thank you for your assistance in this matter.

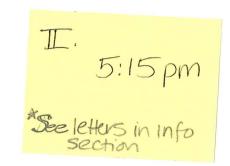
CC: Mr. John Daversa

CC: Members of the Animal Advisory Board



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 *All Departments 508-240-5900* www.eastham-ma.gov



DATE:

September 22, 2015

TO:

Eastham Planning Board
Eastham Zoning Board

FROM:

Paul Lagg, Town Planner

RE:

Overview: T-Time Property Affordable Housing Proposal

As you may already be aware there is a proposal to construct an affordable housing development at the "T-Time" property (4790 State Highway). I wanted to provide the boards with a summary of the proposal and a brief overview of the 40B Comprehensive Permit process. <u>Please Note: there has been no official filing for this project. This memo is just for general information purposes.</u>

PROPOSAL SUMMARY

A private developer, Stratford Capital Group has acquired a purchase and sales agreement on the property and is interested in constructing a "Friendly" 40B affordable housing development on the site. The developer has met with town staff and representatives from the Board of Selectmen, Planning Board, Affordable Housing Trust and the Community Development Partnership (CDP) to review preliminary concept plans. On September 16th, the developer presented proposed development plans to the Affordable Housing Trust and the Planning Board. The purpose of these informal presentations was to solicit feedback and identify areas of concern in preparation for an official presentation to the Board of Selectmen on October 19th.

The following points outline the proposed project::

- Site area: 10.86 acres
- 130 Total Units
- 10 Townhouse buildings / 2 Apartment Buildings
- 90% Affordable and 10% Market Rate (negotiable)
- Mix of 1 bedroom, 2 bedroom and 3 bedroom units
- Construction would be done in two phases (65 units per phase)
- All units would be rentals
- On-site package wastewater treatment plant
- Development would utilize public water supply system once available

Other Affordable Housing Developments by Stratford Capital Group:

- Yarmouth Simpkins School Apartments
- Bourne School building re-use
- Chelmsford Chelmsford Woods Residences

OVERVIEW OF THE STATE CHAPTER 40B COMPREHENSIVE PERMIT PROCESS

Ch. 40B is a state statute that encourages development of affordable housing by providing relief from local zoning requirements and a streamlined permitting process. There are two types of State regulated 40B projects:

- 1. Regular 40B
- 2. "Friendly" 40B a.k.a. Local Initiative Program (LIP) development

REGULAR 40B

In 1969, Massachusetts passed the Comprehensive Permit Law, also known as "40B," in the interest of increasing affordable housing stock in the state. If less than 10% of a town's year round housing stock is listed on the state's subsidized housing inventory (SHI), then a local zoning board of appeals (ZBA) can override the local zoning laws and grant a comprehensive permit to developments that include 20% to 25% units with long-term affordability restrictions.

• Local Zoning Boards of Appeal decide whether to issue Comprehensive Permits. The ZBA does have the ability to deny the 40B permit. However, ZBA discretion on whether or not to deny a 40B permit is limited where less than 10% of the year round housing stock is on the State's subsidized housing inventory (Eastham is currently at 1.9%).

FRIENDLY 40B

Introduced in 1990 as part of the Local Initiative Program (LIP), a "friendly" 40B is meant to allow towns to have more input and control.

- Developer meets with local officials and public early in the process to gain support for the project.
- Project proceeds as Friendly 40B only if the Board of Selectmen send a letter of support for the application to the Mass. Dept. of Housing and Community Development (DHCD).

THE KEY DECISION MAKERS IN THE 40B PROCESS ARE:

- The subsidizing agency, which must issue a project eligibility letter (typically, MassHousing, MA Dept. of Housing and Community Development or the Mass. Housing Partnership).
- The local ZBA, which decides whether to grant the permit and can impose conditions.
- the Housing Appeals Commission (HAC), which handles appeals of ZBA decisions. Where a town
 has less than 10% of its housing stock on the State's Subsidized Hosing Inventory (SHI), criteria for
 40B decisions generally (but not always) favor granting the permit.

PROCESS FOR COMMUNITY INPUT

In a Friendly 40B, Town staff, Planning Board, Affordable Housing Trust and other pertinent boards review and comment on the project and the Board of Selectmen signs a letter of support that is submitted to the Department of Housing and Community Development. The proposal is then processed through the local Zoning Board of Appeals which reviews the proposal and votes to either grant or deny the 40B permit. A Friendly 40B allows for multiple opportunities for public comment and review. Applicants are encouraged to hold two or more community meetings to engage the public as early as possible to present their ideas and obtain feedback. As previously mentioned, the developer has already met with staff and municipal boards informally on several occasions.

I want to make sure both the Zoning Board and the Planning Board have a solid understanding of the 40B process and what their respective roles are in the process. If this proposal proceeds through the 40B process there will be both a need and an opportunity for the Planning and Zoning boards to work together in reviewing the proposal. As we move forward, I will be happy to provide additional information and answer any questions you may have.





community development partnership

Governor Prence Residences

4790 State Highway, Eastham

FREQUENTLY ASKED QUESTIONS

What is the developer proposing to build?

Stratford Capital Group, a highly respected developer of affordable homes. has proposed to build and manage The Governor Prence Residences, 130 rental apartments on a 10 acre site formally occupied by the Tee Time Driving Range. The project will be developed in two phases with 65 units in each phase. Ninety percent of the homes will be affordable and will serve the housing needs of families and seniors from Eastham and the surrounding communities.

The apartments will be in nine buildings, spread around a village green containing a play area, community garden plots and green space. The development has 226 parking spaces for residents and guests (1.7 parking spaces per home) with 54 of the homes having a garage or car port. Many of the apartments will be on one floor making them easily accessible for elderly or handicapped residents.

The plans are for one, two and three bedroom homes, with a majority being one and two bedroom homes.

- One Bedroom 44 units
- Two Bedrooms 72 units
- Three Bedrooms 14 units.

Fourteen of the homes will be rented to market rate residents with the remaining 116 homes restricted to residents making 60% or less of Area Median Income.

The development will have an onsite manager housed in a community center building on the property. The development will have an onsite wastewater treatment facility.

Does Eastham really need this many affordable homes?

Eastham has the lowest percentage of affordable housing on Cape Cod with only 1.9% of the homes affordable. If this development is built, 7% of the housing in town will be affordable, getting the Town much closer to the state mandated goal of 10%.

All of the agencies providing affordable rental housing on the Outer Cape report long waiting lists for available homes. The addition of 130 new affordable rental homes will help meet this demand and provide opportunities for young families and seniors to live on the Outer Cape.

Employers and small businesses on the Outer Cape report significant challenges in hiring employees due to the lack of affordable housing.

Who is eligible to rent the apartments?

The apartments in this development will be available for individual and families who earn less than 60% of the median income in Barnstable County. A family of 2 with an income below \$42,000 or a family of 4 with income below \$52,500 would be eligible to rent the affordable homes. A single parent earning \$20 per hour would be elegible to rent one of these homes.

The rents will range from \$492 to \$682, \$820 to \$1,137, and \$920 to \$1,500 for one bedrooms, two bedrooms, and three bedrooms, respectively. The lower amount is for residents at 30% of area median income and the higher amount for residents at 60% of area median income.

The salary for a new kindergarten teacher in Eastham is \$46,410. A police officer comes in at \$43,000. This development will provide affordable places to live for people who work on the Outer Cape and can't afford rents that are driven by seasonal rentals.

Will there be a preference for people who live or work in Eastham?

There will be a preference for both families and seniors who live in Eastham; for prospective tenants, a lottery will be in place with a preference for those who live in Eastham and Lower Cape communities. The local preference will be defined/documented in the marketing plan/lottery system and approved by the Town and various lenders.

The developer recently completed a lottery for a similar development with 60 units located in Yarmouth and 86% of those units went to local residents.

Will this provide a place for seniors in our town to live?

Yes, this development has been designed to accommodate both seniors and families. A majority of the homes are one and two bedroom apartments – 44 one bedroom and

72 two bedroom. The two bedroom homes all have at least one bedroom on the first floor.

Will the buildings fit in with the neighborhood?

This is a tastefully designed development that will create a village type setting in North Eastham. A variety of living environments are offered- from the clusters of family townhomes that array around the roadway circling the site to a couple of three story multi-family structures that provide anchorage toward the back of the site with a large green open space at its center. The bulk of the site's existing vegetation and tree mass exists along the perimeter and will remain untouched- particularly toward the rear of the site along the bike path. Many of the homes will have garages or car ports. The entire development will be set back from Route 6.

Is there a better place to build a development this large?

This lot is the ideal location to build a development of this size. There are few residential abutters and the apartments will be within walking distance of North Eastham stores and restaurants. In addition, the development has access to public transportation and the bike trail.

The Property is located within the Town's North Eastham Village Gateway (NEVG) overlay zoning district, which encourages flexibility and variety in future developments while ensuring high quality materials and appearance of new buildings. The overlay district encourages strong residential neighborhoods, new higher density development and a pedestrian friendly and safe design. The Property meets the Town's goals of the NEVG district including the targeted densities and goals for workforce housing.

Couldn't Eastham's Affordable Housing needs be better met by building small, scattered site developments?

Small, scattered site developments are not economically viable – they are much more expensive to build and even more expensive to maintain. The Community Development Partnership (CDP) owns and manages two small scale rental developments in Eastham. One of these developments is five units and the other two units. In 2014, the Town of Eastham provided the CDP with over \$200,000 in Community Preservation Funds to finance significant repairs to the units. The CDP had to raise an additional \$200,000 from private sources to complete the necessary repairs. The expense of managing small scale rental properties makes it difficult to save for capital improvements – replacing roofs, windows and other maintenance that every home requires every 20 years.

What impact will the development have on local schools?

Enrollment in the Eastham Elementary School and the Nauset Regional Middle and High Schools has been declining over the past three years. In 2009, 225 students were enrolled in the Eastham Elementary School. As of October 1, 2015, 177 students were enrolled at the school. The Nauset Superintendents Office reports that the Elementary School building can accommodate 275 to 300 students.

The proposed development has 94 second/third bedrooms limiting the potential for a significant increase in school enrollment. Since the project will be built in two phases, the addition of new students would be phased in over at least two years.

What impact will the development have on town services (Police, Fire & Water)

The Property will be put on the Town's tax register and will pay annual real estate taxes to the Town. Both the Fire and Police departments were consulted in developing the proposal and their comments have been incorporated into the plans.

The property will be connected to the municipal water system now under construction.

Will this development increase our already congested traffic?

The Developer has proposed a single entry/exit on Route 6. The development is on the Flex bus and Plymouth & Brockton routes and plans include space for Flex busses and the school bus to pull off Route 6 to pick up and drop off residents. These affordable homes are within walking and biking distance of stores and services.

Plans for the exit are for a right turn only to Rt. 6 heading north. South bound cars will be able to use Railroad Avenue and the light at Nauset Road to head south on Rt. 6

Does this proposed project meet local zoning?

This project would be permitted under a State law known as 40B that is designed to encourage the development of affordable housing. The 40B law waives some local zoning requirements in exchange for a minimum of 25% of the development being affordable.

Ninty percent of the apartments in this proposal will be affordable – much higher than the 25% minimum. Bracket Landing, the development on Bracket Road, was built under 40 B and only a quarter of the units are affordable.

Does the proposal have to go to Town Meeting to get approval? Will the voters of Eastham have a say?

The Zoning Board of Appeals ("ZBA") along with the local boards, departments, and committees (E.g., Planning Board, Conservation Commission, Board of Health, DPW, Affordable Housing Partnership, etc.) will review and approve or deny the comprehensive permit application. The ZBA and local boards will be responsible for the following local concerns: (i) health, (ii) safety, (iii) environmental, (iv) design, (v) open space, (vii) planning, and (viii) other local concerns.

If this Developer does not move forward with this project, another Developer could build a similar or larger project on the same site and not be willing to work with the Town to make changes to address local concerns. Using the 40B law, another Developer could build a similarly sized project with only 25% of the units meeting the affordable housing needs of the community.

What else could be built at this site?

Another developer could propose a sub division for this site with no affordable units.

Won't this project be harmful to the environment?

The proposed development will contain an onsite sewage treatment plant that will prevent nitrogen and phosphorus from being discharged into the ground water and further damaging Eastham's fragile ponds and estuaries. This development is much better for the environment than filling the site with single family homes.

The developer is committed to building energy efficient apartments. The design team will be working with an Energy Star Homes provider- Conservation Services Group in the detailing of energy conservation measures, including a high performance envelope with insulation at the walls and tight air-sealing requirements at the new construction. Systems are designed with energy efficiencies that exceed the state building code requirements. All lighting, appliances, windows and roof shingles are Energy Star rated.

Why not build affordable ownership opportunities?

There is a huge demand for affordable rental housing on the Outer Cape and in the town of Eastham. Of the 1176 registered rentals in Eastham, only 24 are affordable year round rentals. Eastham's 2010 Housing Production Plan projected a need for at least 195 rental units for low- and moderate-income renters. Since 2010, only seven affordable rental units have been created in the Town.

Young people, often saddled with student loan debt, are in need of rental housing and are not yet ready to buy a home. In the last affordable ownership project in Eastham at Bracket Landing the affordable units did not sell.

Affordable ownership units do not appreciate in value with the market and owners are deprived of building equity at the market rate.

This document was prepared by the Community Development Partnership (CDP) in Eastham. The CDP advocates for the creation of more affordable homes on the Lower Cape and has extensive experience developing and managing affordable, safe, year round places for families to live.







community development partnership

www.capecdp.org

The Community Development Partnership supports an array of programs that strengthen our Lower Cape community, providing greater opportunities for all who live here to thrive.

Our work starts with creating affordable homes—so essential to a healthy economy, but a real challenge in communities like ours where seasonal and vacation dynamics drive the market beyond the reach of many who live and work locally all year round.

We also work to launch entrepreneurs and strengthen local businesses. We believe a vibrant future depends on sustaining traditional industries and inspiring new ones—especially when they're based on renewable natural resources such as fishing, farming, art and hospitality.

In all that we do, we aim to protect the natural environment around us—preserving the character and sustaining the future of this special place we call home.

To find out more, go to www.capecdp.org.





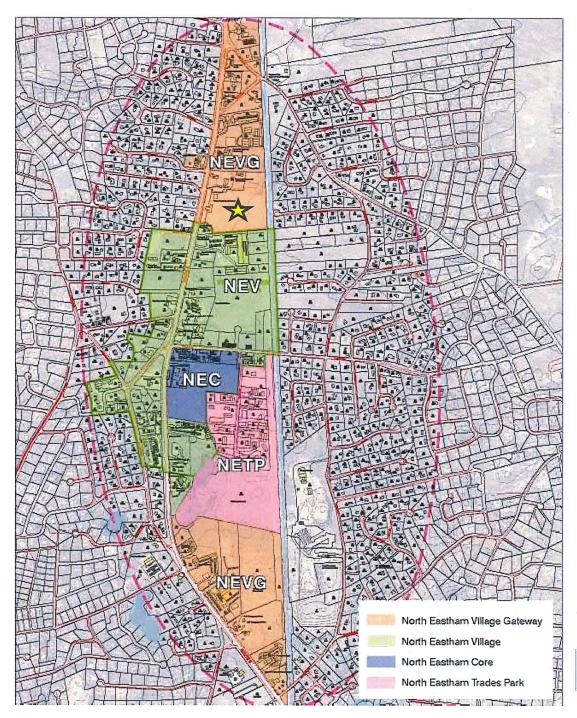
GOVERNOR PRENCE RESIDENCES

Town of Eastham Board of Selectmen October 19, 2015



















































G	overnor Pren	ce Resid	dences		
	Unit Type and Co	ount by B	uilding		
	Garden Apartment Building				
	1 BR	21	3R	38	R
	1 Bath	1 B	ath	1.5 B	lath
Third Floor	9	. 3		0	
Second Floor	8	6	5	0	
First Floor	5	6		1	
Subtotal	22	15		1	
Total Apartment Units	38				
Average SF by Unit Type	700		930		1,100
Average per Phase	15,400	4	13,950		1,100
Total Apt SF per Phase					30,450
		Town	nouses		
	1 BR	2BR	2BR	3BR	3BR
	0	Type M	Type G	Туре М	Type E
	0	no garage	garage	no garage	garage
	0	1.5 Story	2 Story	2 Story	2 Story
	0	1.5 Bath	1.5 Bath	1.5 Bath	1.5 Bath
Units per Phase	0	9	12	1	5
Total Townhouse Units	27				
Average SF by Unit Type		1,095	1,195	1,395	1,515
Average per Phase	-	9,855	14,340	1,395	7,575
Total TH SF per Phase		- Innered			33,165
Total Units per Phase 1		6	5		
Total Units per Phase 2	65 [Same Unit Mix]				
TOTAL UNITS for SITE		1	30		

Parking	1.73:1 Resid pkg ratio	Phase 1	Phase 2	TOTAL
Townhouse Garage car	port	27	27	54
Townhouse Surface		17	17	34
Apartment		48	48	96
Apartment Overflow		20		20
Community Building		5		5
Visitor		8	8	16
TOTAL	2			225

TOTAL BR coun	t per Phase	22 X 1 BR	36	X 2BR	7 X 3 BR
	115	22		72	21
TOTAL for SITE	230 BRs				
SITE AREA	10.86 acres	130 units	Density	11.97 u/acre	





















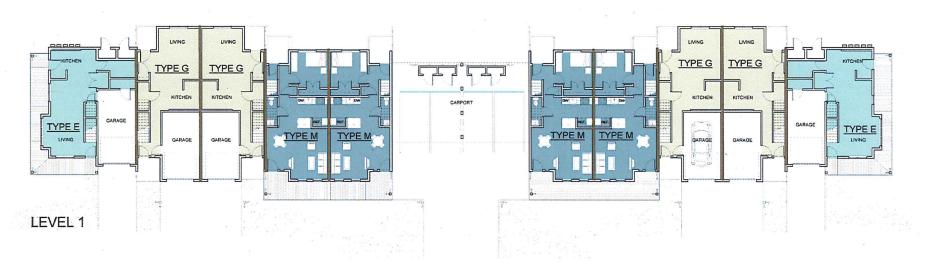






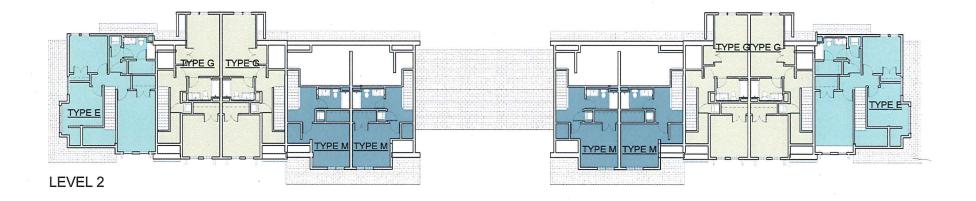


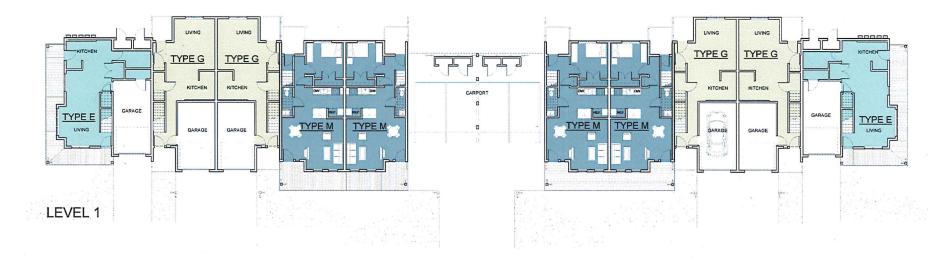








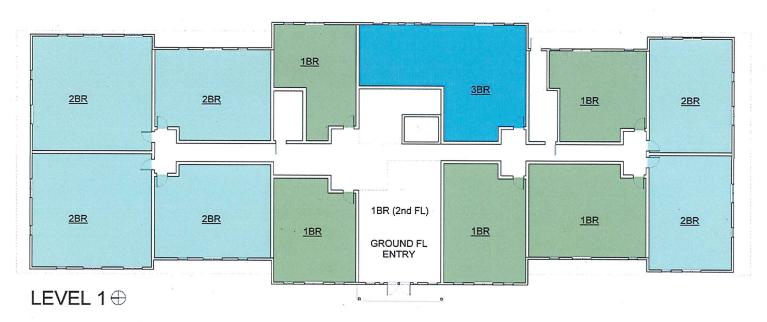
















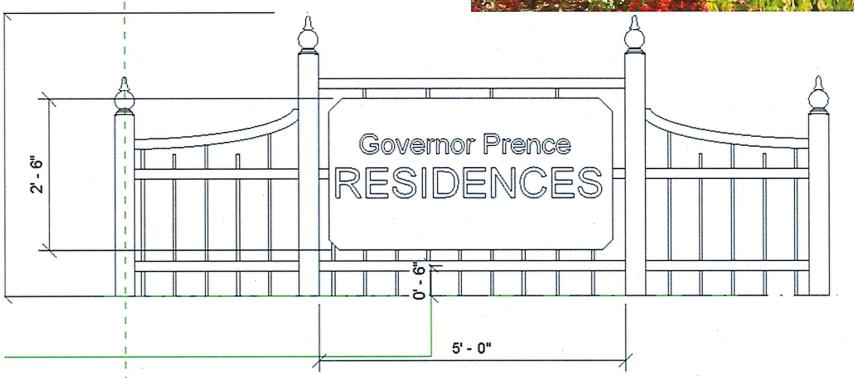
















E-DEVELOPMENT TEAM EXPERIENCE





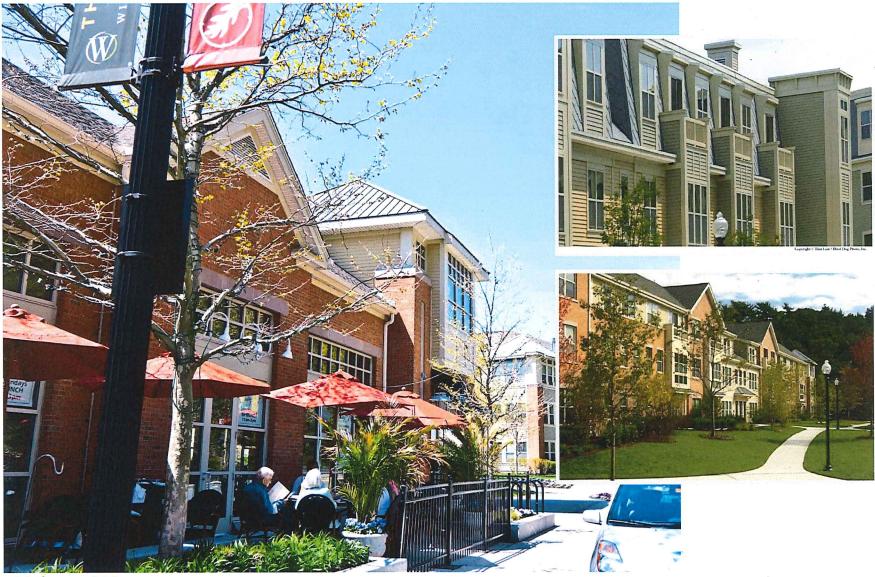




Yarmouth, MA







Melrose, MA



OAK GROVE VILLAGE



















Total Units per Phase 2	114	[Same Unit Mix]
TOTAL UNITS for SITE	228	

Total Units per Phase 2	400 (1 d) + 600 (10 d) + 600 (10 d)	65	[Same Unit Mix]
TOTAL UNITS for SITE		130	











Gillespie-Lee, Laurie

I. 5:50

From:

POCCA CAPE COD <poccacapecod@gmail.com>

Sent:

Thursday, October 15, 2015 3:30 PM

To:

Gillespie-Lee, Laurie

Subject:

Add to your agenda packet

Attachments:

EVERSORCE INJUNCTION JUDGE DECISION 2015-10-06.pdf; Eversource Complaint .doc;

prelim injunction.doc

Hello Laurie ~

Please add this to your agenda and thank you for your call for the date clarity!

As you are probably aware, a lawsuit has been filed in Barnstable Superior Court on behalf of individual RoW abutters in Barnstable County claiming Eversource has been negligent as well as in breach of various contractual obligations, statutory regulations, and environmental mandates. We have a hearing on October 1, 2015 at 2pm.

If your town owns any property that is subject to toxic herbicidal applications by Eversource, or is aware of any abutters whose property is impacted by toxic herbicidal applications by Eversource, I believe POCCA Cape Cod's attorney would be interested in adding such property owners as claimants in this lawsuit.

This lawsuit is providing a very realm opportunity to constrain, and perhaps even stop, the poisoning of our lands and aquifer by Eversource. If you are at all interested in or willing to consider joining as a claimant/petitioner in these legal proceedings please be in touch with me, or I trust you can contact Attorney Taub directly by email at: brt@brucetaub.net ~ or phone at: 617.529.7129 ~

Thank you.

See you on Monday at 5:30pm. Both Bruce Taub and I will be present.

THANKS again Laurie! Have a great weekend!

Best, Laura

POCCA Cape Cod

www.poccacapecod.org

Protect Our Cape Cod Aquifer

Help protect our Quality of Life

'like' POCCA Cape Cod on FaceBook

774.353.6511

OCT 1 5 2015

d, he court engages in a

In determining whether a preliminary injunction should be granted, the court engages in a balancing test. See *Packaging Indus. Group, Inc.* v. *Cheney*, 380 Mass. 609, 617 (1980). The Supreme Judicial Court set forth the prevailing standard as follows:

"[W]hen asked to grant a preliminary injunction, the judge initially evaluates in combination the moving party's claim of injury and chance of success on the merits. If the judge is convinced that failure to issue the injunction would subject the moving party to a substantial risk of irreparable harm, the judge must then balance this risk against any similar risk of irreparable harm which granting the injunction would create for the opposing party . . . Only where the balance between these risks cuts in favor of the moving party may a preliminary injunction properly issue."

GTE Products Corp. v. Stewart, 414 Mass. 721, 722-723 (1993) (quoting Packaging Indus. Group, 380 Mass. at 617); see also LeClair v. Town of Norwell, 430 Mass. 328, 331 (1999) and Boston Police Patrolmen's Assn. v. Police Dept. of Boston, 446 Mass. 46, 49-50 (2006) ("When a private party seeks a preliminary injunction, the moving party is required to show that an irreparable injury would occur without immediate injunctive relief.").

The plaintiffs, abutters to utility Rights-of-Way held by Eversource Energy Service Co., Inc. (Eversource), seek to enjoin Eversource and its subcontractors from application of herbicides on or proximate to the plaintiffs' land. The plaintiffs bring a four-count claim against the defendants for negligence, nuisance, breach of contract, and violation of Chapter 93A. The plaintiffs argue that Eversource has not received approval for such herbicide application from the Massachusetts Department of Agricultural Resources (MDAR), as required by 333 Code Mass. Regs. 11.00. Further, the plaintiffs claim that Eversource has failed to notify local town officials and publish public notices about the herbicide application, as required by G. L. c. 132B, § 6B(a). Finally, the plaintiffs claim that Eversource has or will apply herbicides, specifically glyphosate and triclopyr, that are "identified as a Potential Ground Water Contaminant pursuant to 333 CMR 12.00 to a right-of-way", in contravention to 333 Code Mass. Regs. 11.03(10).

Eversource claims that all herbicide application on Rights-of-Way is proceeding pursuant to plans properly approved the MDAR. At hearing, Eversource submitted documentary evidence of MDAR approval of the company's "2015 Yearly Operational Plan for Cape Cod and Martha's Vineyard (Barnstable and Dukes Counties) (YOP) for the use of herbicide on Rights-of-Way list within the YOP". In its approval letter, MDAR specifically noted the agency's determination that the YOP "satisfies the requirements set forth in M.G.L. c. 132B and 333 CMR 11.00". Eversource has also submitted documentary evidence of notice to town officials, and publication of a public notice in the Cape Cod Times.

The plaintiffs claim that they risk irreparable harm in the absence of an injunction, because the presence of these herbicides on or near their property and in the ground water results in physical injury, medical expenses, emotional suffering, environmental clean up costs, property value diminution, decreased use and enjoyment of property, and increased difficulty in sale of property. However, at this time, the court has received no medical documentation of the claimed health risks to the plaintiffs. Eversource claims that a delay in implementation of the YOP risks harm to the utility's power lines and interruption of electrical transmission during adverse weather events. Further, Eversource has indicated that they will not apply herbicides on or near the property of plaintiffs Richardson, Johnson or Greene.

Thus, after hearing and review of the parties' submissions, employing the "balancing" test enunciated in *Packaging Indus. Group*, and considering the plaintiffs' likelihood of success on the merits, the risk of irreparable harm to the plaintiffs and the potential for irreparable harm to be suffered by Eversource if an injunction is issued, this court concludes that the scales tip in favor of the defendants regarding the requested injunctive relief.

For the above stated reasons, the plaintiffs' Motion for Preliminary Injunction is respectfully **DENIED**.

Dated: October 6, 2015

Robert C. Rufo

Justice of the Superior Court

A true copy, Attest:

South W. Minheren

Clerk

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

BARNSTABLE SUPERIOR CT CIVIL ACTION NO. 1572CV494

Catherine T. Richardson,
Sandra Johnson,
David Greene,
and other similarly situated unnamed entities
and individuals,

Plaintiffs

V.

Eversource Energy Service Co., Inc., formerly dba Northeast Utilities Service Co., Inc. and NStar, formerly AKA NStar a Northeast Utilities Company, and Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree,

PLAINTIFFS' COMPLAINT

The plaintiffs, Catherine T. Richardson, Sandra Johnson, David Greene, and other similarly situated unnamed entities and individuals, allege as follows:

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY RELATED TO THE PLAINTIFFS

1. Plaintiff, Catherine T. Richardson, a person of legal age, resides and at all times relevant hereto, resided in Eastham, MA, 02642, Barnstable County, where she owns, possesses, and occupies property known as 100 Armour Drive, a single family residential home, including an appurtenant garage, appurtenant structures, lawns, trees, gardens, wells, proximity

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to an aquifer, and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives her drinking water.

- 2. Plaintiff, Sandra Johnson, a person of legal age, resides and at all times relevant hereto, resided in Eastham, MA, 02642, Barnstable County, where she owns, possesses, and occupies a property known as 52 Indian Way, a single family residential home, including appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives her drinking water.
- 3. Plaintiff, David Greene, a Mashpee Wampanoag Tribe member and person of legal age, resides and at all times relevant hereto, resided in Bourne, MA, 02532, Barnstable County, where he owns, possesses, and occupies a property known as 20A Dry Cedar Swamp Road, a single family residential home, including appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives his drinking water.
- 4. Other unnamed similarly situated entities and individuals of legal age, residing or having their place of business at all times relevant hereto in Barnstable County, each own, possess, occupy or are legally responsible for property, including homes, appurtenant structures, lawns, trees, gardens, wells, aquifers, and/or proximity to a public ground water source from which the petitioners at all times relevant hereto derive their drinking water.
- 5. All of the plaintiffs identified herein have suffered personal, psychological, emotional, medical, and economic damages as a result of Defendant Eversource's and/or its

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agents' and/or subcontractors' breach of the terms and requirements of MGL132B and 333 CMR 11 and as such are "persons aggrieved" within the terms of 333 CMR 11.

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY RELATED TO THE NAMED DEFENDANT AND/OR ITS AGENTS AND/OR SUBCONTRACTORS

- 6. Defendant, Eversource Energy Service Co., Inc., formerly dba Northeast Utilities Service Co., Inc., and formerly AKA NStar, a Northeast Utilities Company, (herein "Defendant Eversource") is and was at all relevant times hereto an "energy provider" serving electric and natural gas customers in Massachusetts having its principal business address as 800 Boylston St., Boston, 02199.
- 7. Defendant Eversource and/or its agents and/or subcontractors at all relevant times hereto prepared to apply and/or spray and did in fact apply and/or spray toxic herbicides to lands, gardens, vegetation, water supplies, aquifers, and drinking water sources proximate to and/or on or about the land, gardens, water supplies, wells, and/or property of the named and unnamed plaintiffs.
- 8. Defendant Eversource and/or its agents and/or subcontractors at all relevant times hereto were subject to 333 Code of Massachusetts Regulations (hereinafter "CMR") 11, the Massachusetts Rights-of-Way Management Regulations, and the Massachusetts Pesticide Control Act, Chapter 132B of the Massachusetts General Laws.

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- 9. Pursuant to the provisions of 333 CMR 11 Defendant Eversource's plan to apply herbicides/pesticides along rights-of-way must be approved by the Massachusetts Department of Agricultural Resources (MDAR).
- 10. Defendant Eversource has identified 13 towns or municipalities in Barnstable where it intends to use and did use toxic herbicides to treat Defendant Eversource's electric rights-of-way in 2015, including the towns of Bourne and Eastham.
- 11. In accordance with the terms of 333 CMR 11 Defendant Eversource and its agents and/or subcontractors were and are required to spray and/or apply only herbicides recommended by MDAR for use within designated "no spray sensitive sites." On information and belief Defendant Eversource and/or its agents and/or subcontractors failed to do so.
- 12. In accordance with the terms of Chapter 132B of the Massachusetts General Laws The Pesticide Control Act Section 6B Defendant Eversource is and was required to notify by registered mail "the mayor, the city manager or chair of the board of selectmen and the conservation commission in the city or town where such application is to occur 21 days before such spraying, release, deposit, or application." On information and belief Defendant Eversource failed to do so.
- 13. In accordance with the terms of Chapter 132B of the Massachusetts General Laws The Pesticide Control Act Section 6B Defendant Eversource is and was required to publish a "conspicuous notice" in the local section of a "newspaper of general circulation in each city or town … prior

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to such spraying, release, deposit, or application" a notice that shall "measure at least four by five inches in size." On information and belief Defendant Eversource failed to do so.

- 14. In accordance with the terms of 333 CMR 11 "no person shall handle, mix or load an herbicide concentrate on a right of way within 100 feet of a sensitive area." On information and belief Defendant Eversource and/or its agents and/or subcontractors failed to comply with said requirement.
- 15. In accordance with the terms of 333 CMR 12 "no person shall apply any herbicide identified as a Potential Ground Water Contaminant to a right-of-way." On information and belief Defendant Eversource and/or its agents and/or subcontractors failed to comply with said requirement.
- 16. Defendant Eversource and/or its agents and/or subcontractors has sprayed and applied and intends to continue to spray and apply numbers of toxic herbicides to private, public, and tribal lands and property throughout Barnstable Country, said toxins to include but not limited to the active ingredients Glyphosate and Triclopyr.
- 17. Glyphosate and is a broad-spectrum systemic herbicide whose harmful effects accumulate over time producing toxic and sub-lethal effects in humans. Chronic low dose exposure to glyphosate through drinking water is adverse to human liver and kidney functions. Glyphosate is also a known carcinogen.
- 18. Triclopyr is a broad-spectrum systemic herbicide whose harmful effects accumulate over time producing toxic and sublethal effects in humans.

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- 19. The effects of exposure broad-spectrum systemic herbicides on human health depends on the amount, length, and frequency of exposure. Effects also depend on the health of persons exposed and/or certain other environmental factors.
- 20. The known agents or subcontractors of Defendant Eversource relative to this Complaint and the Plaintiffs named and unnamed herein include but are not limited to: Vegetation Control Service, Inc., 2342 Main St., Athol, MA 01331; Lewis Tree Service Inc., 300 Lucas Gordon Dr., West Henrietta, NY; and Lucas Tree, 636 Riverside St., Portland ME 04104.

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY RELATED TO THE TOWN OF EASTHAM

- 21. The Town of Eastham has an valid town ordinance see Eastham By Laws Chapter 77 "Hazardous Materials" that finds:
- A. The groundwater underlying this Town is the sole source of its existing and future water supply including drinking water._
- B. The groundwater aquifer is integrally connected with, and flows into, the surface waters, lakes, streams and coastal estuaries
- which constitute significant recreational and economic resources of the Town used for bathing and other water-related recreation, shell fishing and fishing.
- C. Accidental spills and discharges of petroleum products and other toxic and hazardous materials have repeatedly threatened the quality of such groundwater supplies and related water resources on Cape Cod and in other Massachusetts towns, posing potential public health and safety hazards and threatening economic losses to the affected communities.

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- D. Under Chapter 77 the Town of Eastham further finds that - Any substance or mixture of such physical, chemical or infectious characteristics as to pose, in the Board of Health's judgment, a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. "Toxic or hazardous materials" include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies (sp), and include products such as pesticides, herbicides, solvents and thinners. Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health, including specifically pesticide and herbicide applications.
- E. Chapter 77-4A further reads "The discharge of toxic or hazardous materials upon the ground or into any surface or ground waters within the Town of Eastham is prohibited."

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY RELATED TO GROUNDWATER AND AQUIFERS IN BARNSTABLE COUNTY

- 22. In Barnstable County and elsewhere "groundwater" refers to the water present beneath the Earth's surface in soil pore spaces and in water bearing permeable rock, rock fractures, or unconsolidated materials such as gravel, sand, or silt.
- 23. In Barnstable County and elsewhere the depth at which soil pore spaces, rock fractures, or unconsolidated materials such as gravel, sand, or silt become completely saturated with water is called the water table.

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- 24. In Barnstable County and elsewhere an aquifer is an underground layer of water-bearing permeable rock, rock fractures or unconsolidated materials such as gravel, sand, or silt, from which ground water can be extracted.
- 25. The Barnstable County Aquifer is extremely susceptible to contamination from pesticide spraying or application in part because of the unique porousness of Barnstable Country soils and because of its close proximate to the ground surface.
- 26. Movement of water and dispersion of elements including toxins within an aquifer in Barnstable County and elsewhere spreads pollutants over a wide area and said pollutants intersect with groundwater wells or surface water, making the water supplies unsafe for humans.
- 27. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of the application of toxic herbicides upon the Barnstable County Aquifer, thereby subjecting the named defendants and other persons or entities to severe known and unknown risks and hazards.
- 28. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of the application of toxic herbicides upon the Barnstable County Aquifer and the relationship of the aquifer to ground water or to the source of drinking water in public water supplies or private wells in all of Barnstable County, thereby subjecting the named defendants and other unnamed persons or entities to severe known and unknown risks and hazards.

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29. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of tidal action upon the Barnstable County Aquifer and the relationship of tidal action to the aquifer as the sole natural source of drinking water in public water supplies or private wells in all of Barnstable County, thereby subjecting the named defendants and other unnamed persons or entities to severe known and unknown risks and hazards.

COUNT 1 – <u>Negligence of Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree</u>.

- 30. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.
- 31. Beginning on or before August 1, 2015, and continuing thereafter Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree failed to exercise that degree of reasonable care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute.
- 32. As a result of Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree failure to exercise that degree of reasonable care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals were scarred, severely injured, prevented from transacting their business, suffered great pain of body and mind, and incurred expenses for medical attention.

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33. As a direct and proximate result of said negligence and carelessness on the part of Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals have experienced severe ongoing pecuniary, medical, and emotional losses, expenses, pains, and suffering for which they demand recovery pursuant to M.G.L.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to the award of:

- (a) Compensatory damages against the Defendants and in favor of the Plaintiffs;
- (b) Costs of this action including reasonable attorneys' fees to the Plaintiffs;
- (c) Such other and further relief as this Court may deem appropriate.

COUNT II – <u>Nuisance Created by Defendants Eversource</u> <u>Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis</u> Tree Service Inc., and Lucas Tree.

34. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.

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- 35. Beginning on or before August 1, 2015, and continuing thereafter Defendants have created or maintained a public and private nuisance in breach of the rights of the named Plaintiffs as a result of the Defendants' failure to comply with the requirements of Massachusetts common law and General Law statutes in the use and threatened use and application of toxic herbicides on or about the property, drinking water supply, residences, gardens, and agricultural lands of the Plaintiffs.
- 36. As a result of the creation and maintenance of said nuisance by the named Defendants the properties of the named Plaintiffs have been injured and damaged including but not limited to stigma damages, costs of clean up, diminution in the value of the property, increased difficulty in the sale of said property, and decreased use and enjoyment of said property.
- 37. The Defendants knowingly acted for the purpose of causing this significant interference with the use and enjoyment of the Plaintiffs' property and knew or should have known such a nuisance would arise, or was substantially certain to arise, as a result of their conduct.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to:

- (a) Compensatory damages against the Defendants and in favor of the Plaintiffs;
- (b) That the Defendants be enjoined and restrained perpetually from engaging in any activity complained of herein constituting a nuisance on the Plaintiffs' property;

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- (c) That this Honorable Court issue a Preliminary Injunction with the same force and effect as a permanent injunction pending the determination of this action;
- (d) Costs of this action including reasonable attorneys' fees to the Plaintiffs;
- (e) Such other and further relief as this Court may deem appropriate.

COUNT III – <u>Breach of Contract by Defendant Eversource</u> <u>Energy Service Co., Inc.</u>

- 38. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.
- 39. Defendant Eversource has a contractual obligation with each and all of the named Plaintiffs.
- 40. By virtue of Defendant Eversource's failure to exercise that degree of care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute Defendant has materially breach the explicit and implied conditions, covenants, and promises required to be observed and performed in accordance with the terms and conditions of the service contract entered into by the named Defendant and each individual Plaintiff.
- 41. By virtue of Defendant Eversource's having created or maintained a public and private nuisance in breach of the rights of the named Plaintiffs in the application of toxic pesticides on or about the property of each named Plaintiff Defendant has materially breach the explicit and implied conditions, covenants, and promises required to be observed

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and performed in accordance with the terms and conditions of the service contract entered into by the named Defendant and each individual named and unnamed Plaintiff.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against Defendant Eversource in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to the award of:

- (a) Compensatory damages against the Defendant and in favor of the Plaintiffs;
- (b) Costs of this action including reasonable attorneys' fees to the Plaintiffs;
- (c) Such other and further relief as this Court may deem appropriate.

COUNT IV – <u>Breach of the MA Consumer Protection Statute by</u> <u>Defendant Eversource Energy Service Co., Inc.</u>

- 42. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.
- 43. In a timely manner Defendant Eversource shall be provided with notice of Plaintiff's complaint for breach of contract and violation of MGL c. 93A.
- 44. Defendant Eversource shall be found to have failed to adequately respond to Plaintiffs' notice of breach of contract and violation of MGL c. 93A.
- 45. As a result of Defendant 's failure to comply with the terms of M.G.L. c.93A and its failure to respond or negotiate in good faith

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with the Plaintiffs the Plaintiffs have been denied their rightful remedy and recompense under law.

WHEREFORE, Plaintiffs demand judgment against Defendant Eversource in a sum and manner to be determined by the trier of fact, and asks this Court instruct or order relative to the award of:

- (a) Compensatory damages against the defendants and in favor of the plaintiff;
- (b) Costs of this action including reasonable attorneys' fees to the plaintiff;
 - (c) Punitive damages; and
- (d) Such other and further relief as this Court may deem appropriate.

WHEREFORE, Plaintiff demands said judgment be doubled or tripled as deemed just, fit, and in accord with Massachusetts law.

Plaintiffs Request a Jury Trial of All Issues Triable of Right to A Jury.

Respectfully submitted,
Catherine T. Richardson,
Sandra Johnson,
David Greene,
and other unnamed entities and individuals,
By their Attorney,

Bruce R. Taub, BBO No. 544080 Law Office of Bruce R. Taub, P.C. P.O. Box 2712 Orleans, MA 02653 (617) 529-7129

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS BARNSTABLE SUPERIOR CT CIVIL ACTION NO.

Catherine T. Richardson,
Sandra Johnson,
David Greene,
and other unnamed entities and individuals,
Plaintiffs

V.

Eversource Energy Service Co., Inc., formerly dba Northeast Utilities Service Co., Inc. and NStar, formerly AKA NStar a Northeast Utilities Company, and Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree,

PLAINTIFFS' MOTION FOR THE GRANTING OF A
TEMPORARY EXPARTE RESTRAINING ORDER OR IN
THE ALTERNATIVE FOR THE ISSUANCE OF A SHORT
ORDER OF NOTICE FOR HEARING ON PLAINTIFFS'
REQUEST FOR THE GRANTING OF A TEMPORARY
INJUNCTION

1. The plaintiffs, Catherine T. Richardson, Sandra Johnson, David Greene, and other unnamed entities and individuals, hereby move for a Temporary Restraining Order pursuant to Mass. R. Civ. Proc. 65. Plaintiffs seek said TRO and subsequent Preliminary Injunction restraining and enjoining Defendant Eversource and its agents, servants, employees,

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contractors, subcontractors and all those in active concert or participation with Defendant Eversource to prevent Defendant Eversource and its agents from taking any actions that might be considered to be the spraying or application of toxic herbicides anywhere within Barnstable County.

- 2. Plaintiffs are persons of legal age who resides and at all times relevant hereto resided in Barnstable County where each owns, possesses, and occupies property including a single family residential home, appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the Plaintiffs at all times relevant hereto derives their drinking water.
- 3. Plaintiffs bring this Motion to prevent commencement of and/or the ongoing application or spraying of toxic herbicides on or about their properties and on or about the Barnstable County Aquifer, the sole source of their drinking water, so as to prevent irreparable harm to their properties and to the Barnstable County Aquifer and to avoid and preclude the creation of irreparable damages to their property pending trial on the merits of the above-encaptioned case.
- 4. This Motion is made on the grounds that immediate and irreparable injury will result to Plaintiffs, the public, and the environment unless the spraying or application of toxic herbicides is enjoined in Barnstable County pending trial of this action.

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- 5. Plaintiffs are informed and believe that some spraying or application of toxic herbicides has begun or could begin immediately; before the merits of this action will be heard or decided.
- 6. Plaintiffs allege that Defendant Eversource has failed to comply with its obligations under the statutory requirements of MGL 132B and 333 CMR 11 and by failing to adequately consider all reasonable alternatives to the spraying and application of toxic herbicides in Barnstable County.
- 7. When evaluating whether a TRO or preliminary injunction is warranted in this or other cases an injunction should be issued only where there are "serious questions going to the merits" and where the balance of hardships fall sharply in plaintiffs' favor, as measured by a likelihood of irreparable injury and whether the injunction is in the public interest.
- 8. Even without the full record available, Plaintiffs can show not only that there are "serious questions going to the merits" of the case but also that Plaintiffs are likely to succeed on the merits.
- 9. Reconciling the need for interim relief with the restriction on freedom that it imposes is the proper focus of the search for appropriate criteria governing interlocutory injunctions.
- 10. In weighing the hardship to the Defendant if the Restraining Order or Injunction issues as contrasted with the hardship to the Plaintiffs if relief is withheld the balance of the equities clearly tips in favor of Plaintiffs' requested relief in the instant case, because the personal, emotional, medical, pecuniary, and environmental injuries projected are irreparable.

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- 11. "Irreparable harm," in the context of a motion for preliminary relief refers to an injury that may occur between the request for temporary relief and a judgment on the merits.
- 12. Without the requested relief, the Plaintiffs will suffer a loss of rights that cannot be vindicated should the Plaintiffs prevail after a full hearing on the merits.

WHEREFORE, inasmuch as the balance of harms favors the issuance of an injunction to protect the Plaintiffs, Plaintiffs respectfully request this Honorable Court grant the requested injunctive relief.

Respectfully submitted this 23rd day of September, 2015. Catherine T. Richardson, Sandra Johnson, David Greene, and other unnamed entities and individuals, By their Attorney,

Bruce R. Taub, BBO No. 544080 Law Office of Bruce R. Taub, P.C. P.O. Box 2712 Orleans, MA 02653 (617) 529-7129



Asking for Time After Presentation

From:

W. Scott Kerry <scott@kerryinsurance.com>

Sent:

Friday, October 09, 2015 10:44 AM

To:

Sheila Vanderhoef

Meeting 10-18-15

I am asking for 10 minutes as a rebuttal on the night of the meeting. Can you please make sure I get this time.

Scott

W. Scott Kerry Kerry Insurance Agency, Inc P.O. Box 1945 North Eastham, MA 02651 508-255-8000 Telephone 508-240-1860 Fax scott@kerryinsurance.com

II. 6:00pm

Eastham Water System

Board of Selectmen Meeting

October 19, 2015



A partnership for engineering solutions.

Agenda of Items

- Construction Activities
 - Storage Tank (Contract 1)
 - Well Fields (Contract 2)
 - Landfill Area Distribution System (Contracts 3 & 4)
 - Route 6 (Contracts 5 & 6)
- BOS Policy Issues



Construction Coordination

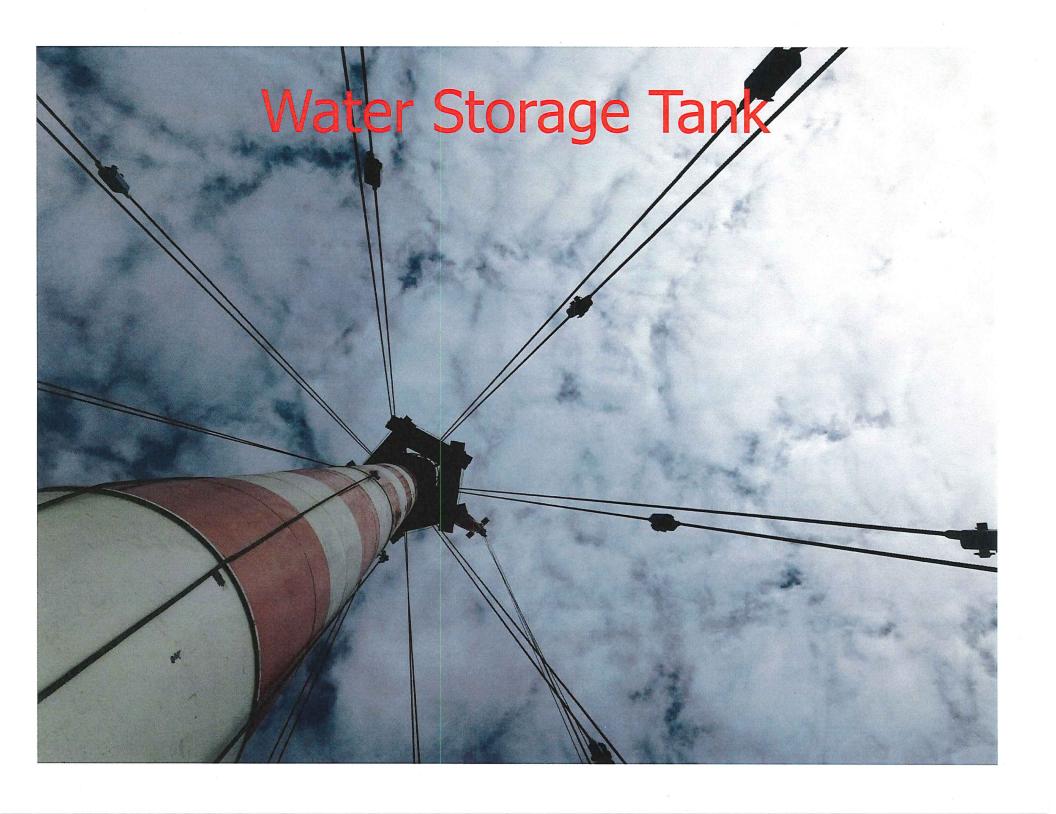
- Progress Meetings Held Every Monday
 - Discuss work performed to date and upcoming construction schedule
- Police detail coordination
 - Meet every Thursday to plan details and traffic impacts
- Public notifications and feedback



Water Storage Tank

- Foundation formed, poured & backfilled
- Site work water main, electrical conduit,
 drain for tank overflow installed
- Derrick & crane setup and operational
- Tank Pedestal has 11 sections, 5 are completed
- Tank is on schedule



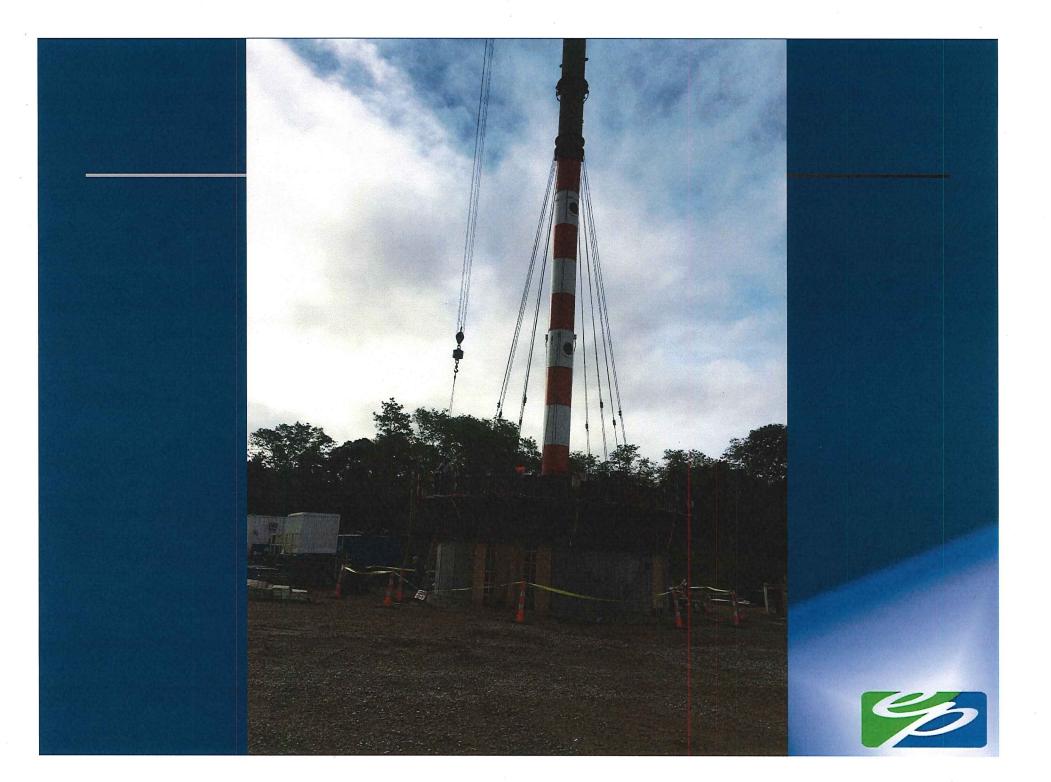


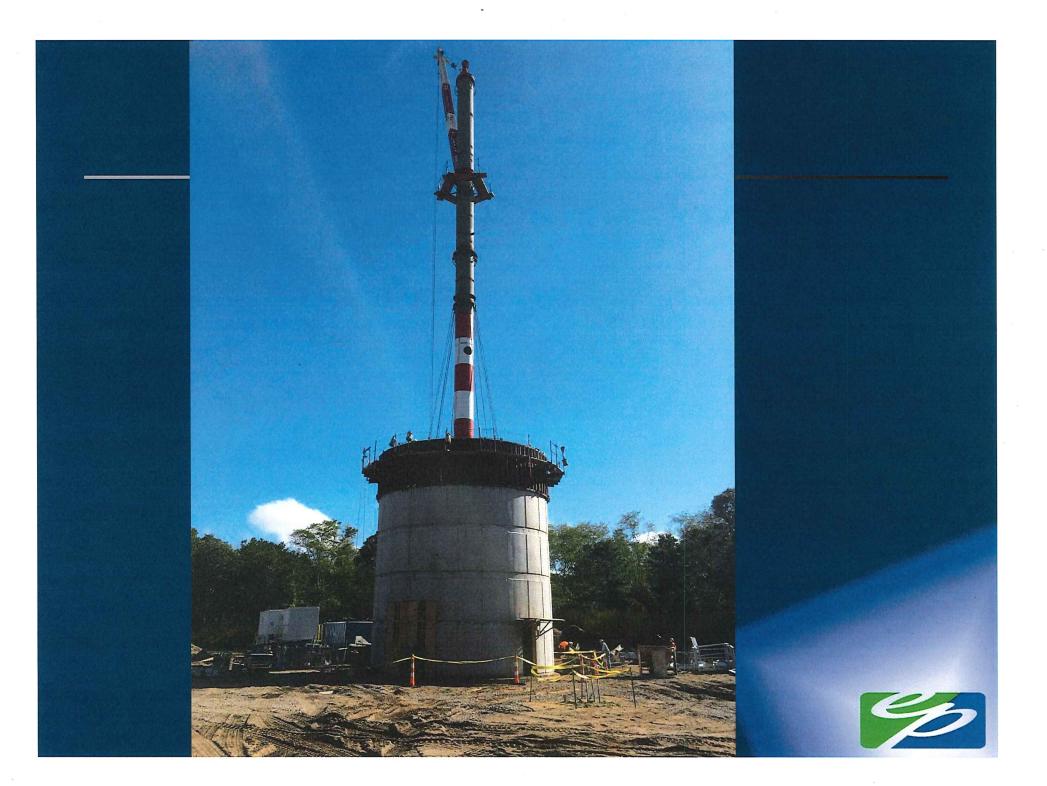












Landfill Area Water Mains

- Contract 3 Areas Completed
 - School House Road, Meetinghouse Road
 - Old Orchard Road, portion of Brackett
 - Nauset Road (Old Orchard south to Doane)
- Contract 4 Areas Completed
 - Alston Avenue, Moll's Pond Road, Bayview Avenue, Chatham, Dexter, Spinnaker
 - Glacier Hills Road Neighborhood
 - Chester and Forest Avenue
 - Candlewood Drive Neighborhood



Contract 3 Statistics

- Water Mains
 - 22,800 feet installed
 - 15,900 feet remaining
- Hydrants: 47
- Valves: 150
- Pavement: 1,800 Tons
- Contract 3 approximately 35% complete



Contract 4 Statistics

- Water Mains
 - 13,200 feet installed
 - 34,300 feet remaining
- Hydrants: 25
- Valves: 47
- Pavement: 400 Tons
- Contract 4 approximately 15% complete



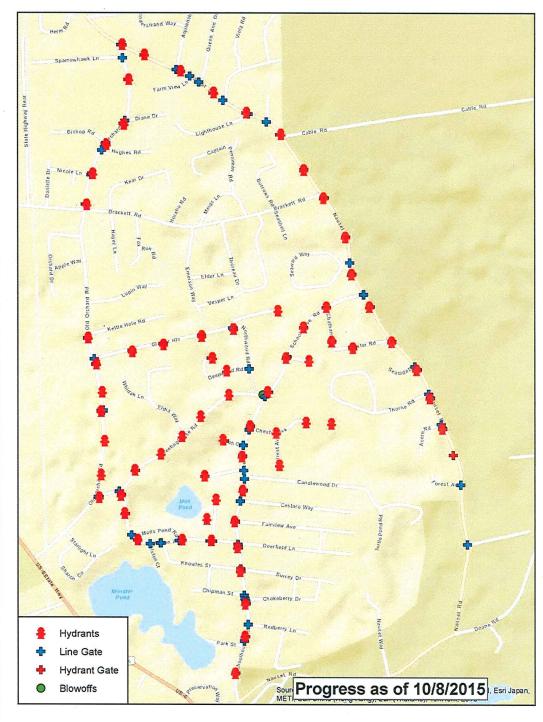
Landfill Area Water Mains

- Third Construction Crew Added Sept. 14
- Contract 3 Upcoming
 - Nauset Road (Doane to Visitor's Center)
 - Brackett Road
- Contract 4 Upcoming
 - Cestaro Way
 - Fairview Avenue
 - Deerfield Lane



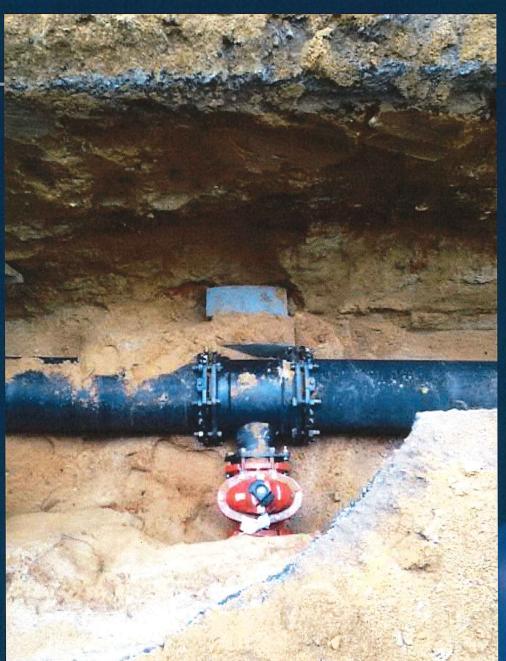
Landfill Area Water Mains

GPS FieldLocation ofInstalled Valves& Hydrants

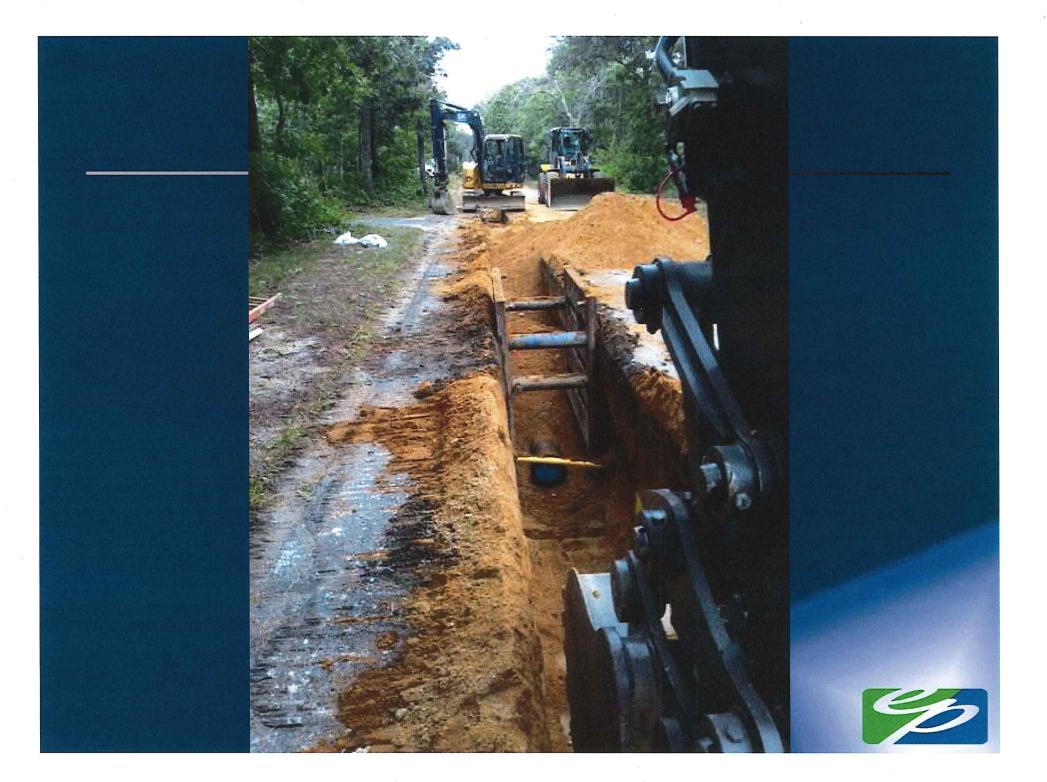


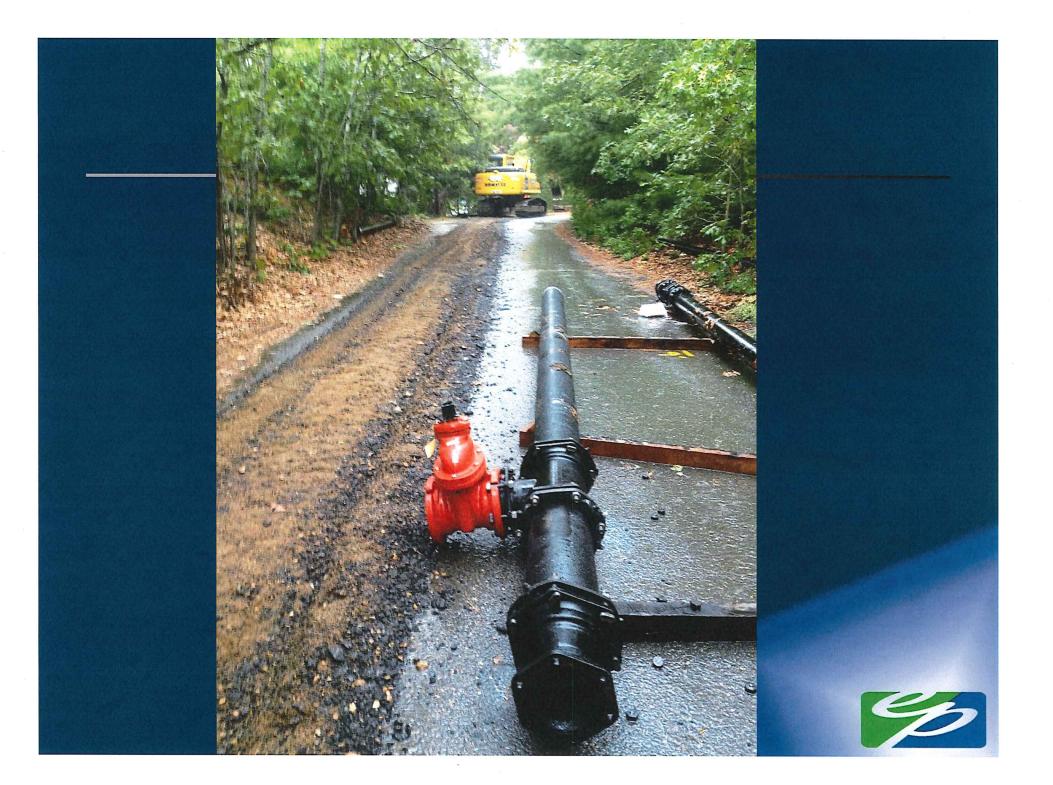
A partners!

Water Main Installation









Route 6 Water Mains

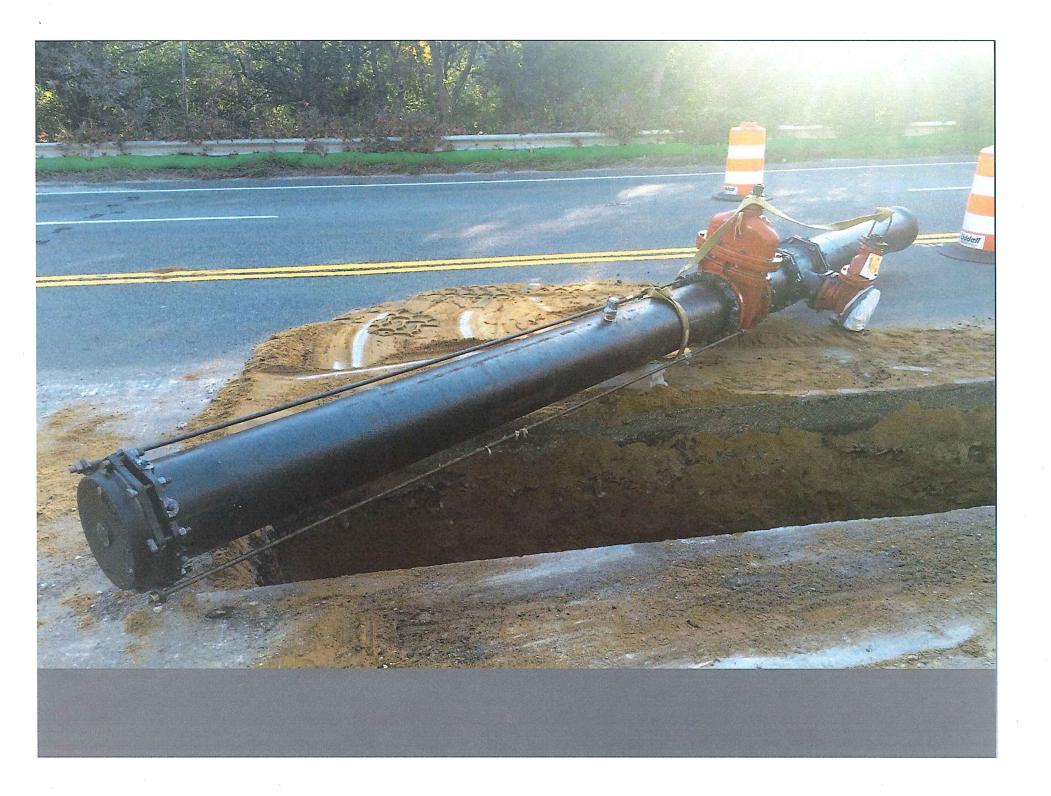
- Contract 5 Construction Began 10/5
 - First Work Zone Wellfleet to Aspinet
 - Directional Drilling beginning Monday 10/19
 - Dry services to be installed
- Contract 6 Mobilization began Monday 10/19
 - First Work Zone Nauset Road south at Visitor's Center
 - Next zone Locust Road to Depot Road











Construction Experience So Far

- Smooth and rapid pace of installation
- Currently, 5 construction crews mobilized
- Town Roads approx. 400 feet/day/crew
- State Road approx. 300 feet/day
- Service staked for Contract 5
- Public outreach is working
- Advance notifications (flyers) very effective
- Police details and coordination working well



Public Outreach & Information

Eastham web page

http://easthamwaterproject.weebly.com

Eastham Water Projects Email Address:<u>easthamwater@envpartners.com</u>

Eastham Water Project Phone Number617-657-0279



Well Fields (Contract 2)

- DEP Authorization to Award received
- Pre-construction meeting:Oct 8th
- NRHS coordination done
- Pending Issues
 - DCR easement permit received

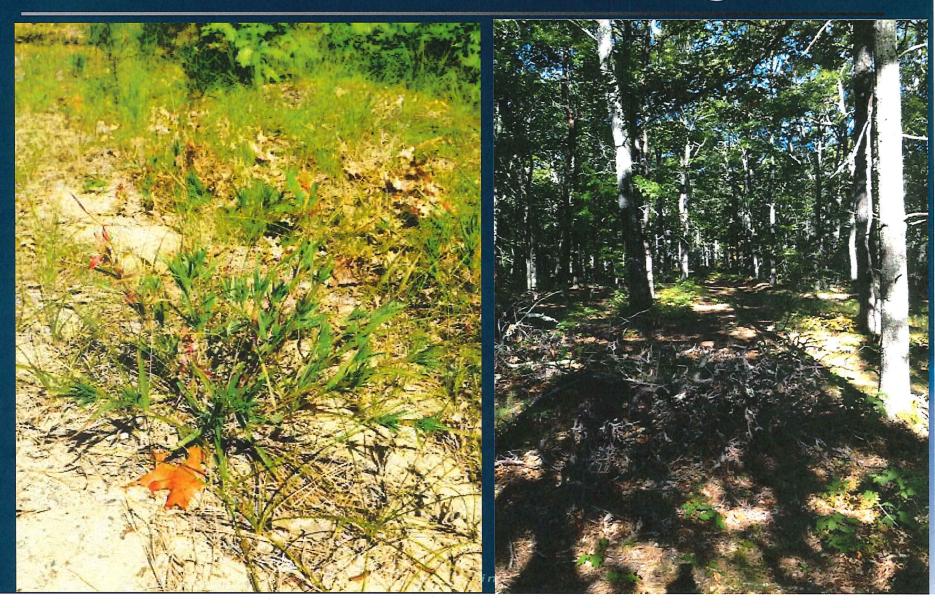
A partnership for engineering solutions

Eversource (NSTAR) easements





Well Fields (Contract 2) Common's Panic Grass Mitigation



Contracts 7 & 8: West of Route 6

Design

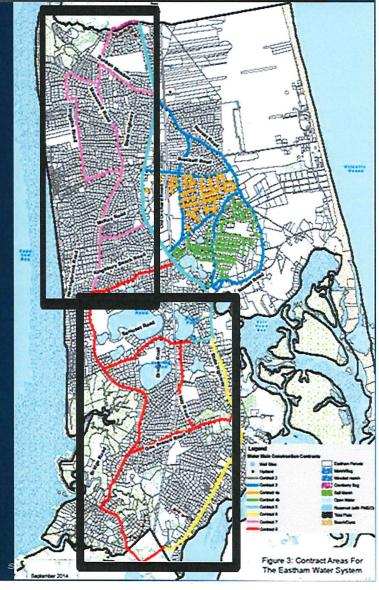
Contract 7 99% complete

Contract 8 85% complete

- Key issue: Bridge crossing
- Bidding

Advertise Jan 2016

Receive bids Feb 2016



BOS Policy Issues Water System Rules & Regulations

- Water System Rules & Regulations
 Next work session Oct 21st
 Connection Policies
 Use of Private Irrigation Wells
 Metering
- Meter Procurement Solicitation
 Draft RFQ review at Oct 21 work session



Phase 2 Activities

- SRF Funding Request
 Supplemental information provided to DEP
 Draft Intended Use Plan Jan/Feb 2016
- Regulatory Work Sessions
 DEP and MEPA Sept. 21st

Cape Cod Commission – Oct. 7th

Key issue: gaining approval to do some "side streets" (Phase 2 work) now.



Phase 2 Regulatory Coordination

Key issue: gaining approval to do some "side streets" (Phase 2 work) now.

A partnersh

Constructed in Phase I District G Well District G Storage Tank Storage Tank District H Wel Proposed Extension Authorized Water System Storage Tanks Proposed Extension of Water Distribution System Eastham, Massachusetts

DISCUSSION





8 Cardinal Lane P.O. Box 2300 Orleans, MA 02653 T: 508.255.2133 F: 508.255.3786

www.latanzi.com

September 29, 2015

Eastham Board of Selectmen c/o Town Clerk 2500 State Highway Eastham, MA 02642

Eastham Board of Assessors 2500 State Highway Eastham, MA 02642

Eastham Planning Board 2500 State Highway Eastham, MA 02642 Eastham Conservation Commission 555 Old Orchard Road Eastham, MA 02642

John P. Murray, Commissioner Department of Conservation and Recreation 251 Causeway Street, Suite 900 Boston, MA 02114-2014

ADMINISTRATION

OCT 0 1 2015

RECEIVED

Re: Notice of Intent to Sell under G.L. c. 61B, §9

Dear Sir/Madam:

This is a notice of the intent to sell land which is subject to a Recreational Land Tax Lien under G.L. c. 61B.

This office represents Carl W. Harris and Lydia H. Harris, trustees of the Harris Family Realty Trust, owners of land at 580 Dyer Prince Road in Eastham, Massachusetts, hereafter "locus", shown as Lot 8 on Land Court Plan 28883-C on file at the Barnstable County Land Registry District, and described in Certificate of Title No. 201280.

Locus is a portion of Lot 4 on Land Court Plan 28883-B and Lot 3 on Land Court Plan 28883-A which are subject to a Recreational Land Tax Lien under G.L. c. 61B, recorded with the Barnstable County Land Registry District as Document No. 516,776, a copy of which is enclosed.

The purchase and sale agreement is limited to only Lot 8 shown on Land Court Plan 28883-C, all of which is subject to the Recreational Tax Lien, and there is no additional agreement or statement of any additional consideration for any contiguous land. The remaining land not previously released will remain subject to the Recreational Tax Lien.

The address of the owners is 5 Miles Road, Hingham, MA 02043, and their telephone number is 617-620-5604.

The owners intend to sell locus which will be used for residential purposes and as the site of a single family dwelling.

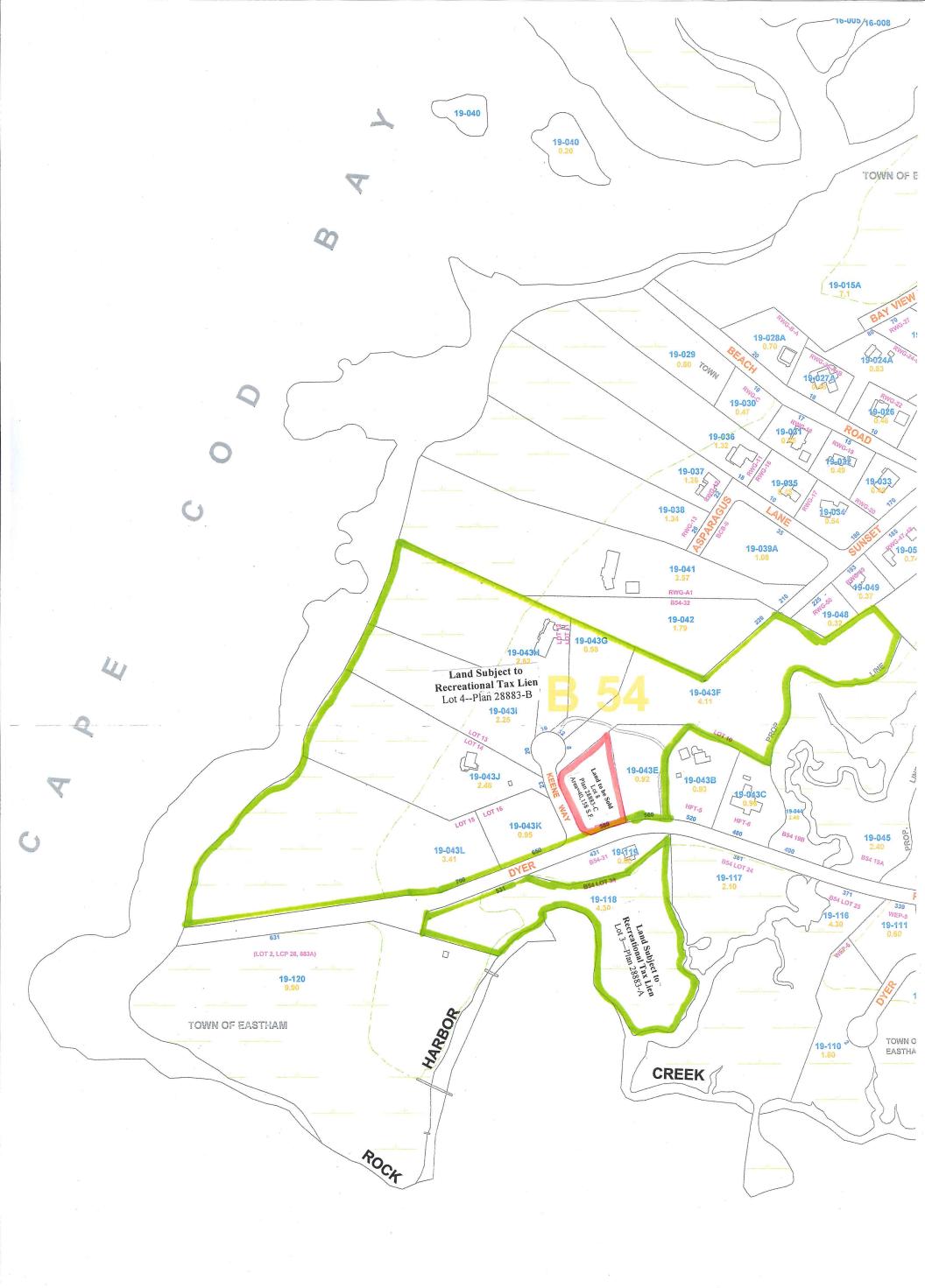
I enclose the following supporting documents:

- 1. A map drawn on the scale of the Eastham assessor's map showing the location and area of locus.
- 2. A certified copy of an executed purchase and sale agreement which is a bona fide offer that specifies the purchase price and all terms and conditions of the proposed sale.

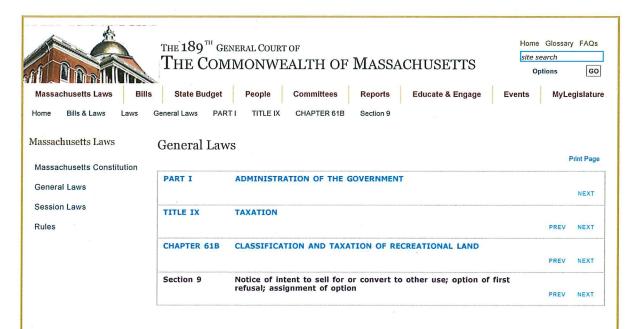
Please send any communication regarding this matter to my office.

Sincerely,

Thomas A. LaTanzi



ORLEAN



Section 9. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

The discontinuance of recreational use shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the use and care of such land for recreational purposes, shall not be a conversion for the purposes of this section, and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that particular use.

Any notice of intent to sell for such other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, and the name, address and telephone number of the landowner.

Any notice of intent to sell for other use shall be accompanied by a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited to only the property classified under this chapter, and which shall be a bona fide offer as described below.

Any notice of intent to sell for other use shall also be accompanied by any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under this chapter, but sold or to be sold contemporaneously with the proposed sale.

For the purposes of this chapter, a bona fide offer to purchase shall mean a good faith offer, not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed.

Any notice of intent to convert to other use shall be accompanied by a statement of intent to convert, a statement of proposed use of such land, the location and acreage of land as shown on a map drawn at the scale of the assessors map in the city or town in which the land is situated, the name, address and telephone number of the landowner and the landowner's attorney, if any.

The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.

A notarized affidavit that the landowner has mailed or delivered a notice of intent to sell or convert shall be conclusive evidence that the landowner has mailed the notice in the manner and at the time specified. Each affidavit shall have attached to it a copy of the notice of intent to which it relates.

The notice of intent to sell or convert shall be considered to have been duly mailed if addressed to the mayor and city council or board of selectmen in care of the city or town clerk; to the planning board and conservation commission if addressed to them directly; to the state forester if addressed to the commissioner of the department of conservation and recreation and to the assessors if addressed to them directly.

If the notice of intent to sell or convert does not contain all of the material as described above, then the town or city, within 30 days after receipt, shall notify the landowner in writing that notice is insufficient and does not comply.

For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. In the event that the landowner is dissatisfied with the original appraisal, the landowner may, at the landowner's expense contract for a second appraisal, to be completed within 60 days after the delivery of the notice to convert. If, after completion of the second appraisal, the parties cannot agree on a consideration, the parties will contract with a mutually acceptable appraiser for a third appraisal whose cost will be borne equally by both parties. The third appraisal shall be delivered to both parties within 90 days after the notice of conversion to the municipality and shall be the final determination of consideration. Upon agreement of a consideration, the city or town shall then have 120 days to exercise its option. During the appraisal process, the landowner may revoke the intent to convert at any time and with no recourse to either party.

The option may be exercised only after a public hearing followed by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at the address that is specified in the notice of intent. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The notice of exercise shall also be recorded at the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice to the landowner of the city or town's election to exercise its option shall be accompanied by a proposed purchase and sale contract or other agreement between the city

or town and the landowner which, if executed, shall be fulfilled within a period of not more than 90 days after the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the mayor or board of selectmen, or upon expiration of any extended period that the landowner has agreed to in writing, whichever is later.

At the public hearing or a further public hearing, the city or town may assign its option to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions under the terms and conditions that the mayor or board of selectmen may consider appropriate. Notice of the public hearing shall be given in accordance with section 23B of chapter 39.

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of this chapter, as agricultural and horticultural land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

If the first refusal option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions as provided in this section, the mayor or board of selectmen shall provide written notice of assignment to the landowner.

The notice of assignment shall state the name and address of the organization or agency of the commonwealth which will exercise the option in addition to the terms and conditions of the assignment. The notice of assignment shall be recorded with the registry of deeds.

Failure to record either the notice of exercise or the notice of assignment within the 120 day period shall be conclusive evidence that the city or town has not exercised its option.

If the option has been assigned to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions, the option may be exercised by the assignee only by written notice to the landowner signed by the assignee, mailed to the landowner by certified mail at the address that is specified in the notice of intent.

The notice of exercise shall also be recorded with the registry of deeds and shall contain the name of the record owner of the land and description of the premises adequate for identification of them.

The notice of exercise to the landowner shall be accompanied by a proposed purchase and sale contract or other agreement between the assignee and landowner which, if executed, shall be fulfilled within a period of not more than 90 days, or upon expiration of any extended period that the landowner has agreed to in writing, from the date the contract or agreement, endorsed by the landowner, is returned by certified mail to the assignee.

During the 120 day period, the city or town or its assignees, shall have the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting said land, including but not limited to soil testing for purposes of Title V and the taking of water samples.

The city or town or its assignee shall have all rights assigned to the buyer in the purchase and sales agreement contained in the notice of intent.

If the city or town elects not to exercise the option, and not to assign its right to exercise the option, the city or town shall send written notice of nonexercise signed by the mayor or board of selectmen to the landowner by certified mail at the address that is specified in the notice of intent. The notice of nonexercise shall contain the name of the owner of record of the land

and description of the premises adequate for identification of them, and shall be recorded with the registry of deeds.

No sale or conversion of the land shall be consummated until the option period has expired or the notice of nonexercise has been recorded with the registry of deeds, and no sale of the land shall be consummated if the terms of the sale differ in any material way from the terms of the purchase and sale agreement which accompanied the bona fide offer to purchase as described in the notice of intent to sell except as provided herein.

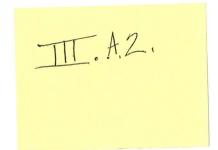
This section shall not apply to a mortgage foreclosure sale, but the holder of a mortgage shall, at least 90 days before a foreclosure sale, send written notice of the time and place of the sale to the parties in the manner described in this section for notice of intent to sell or convert, and the giving of that notice may be established by an affidavit as described in this section.

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15 September 2015

THE COMPACT
OF CAPE COD CONSERVATION TRUSTS, INC.

Ms. Shana Brogan Conservation Agent Town of Eastham 555 Old Orchard Road Eastham MA 02642

RE: 600 & 630 Bridge Road 4.1 acres, marsh gift to ECF

Dear Ms. Brogan:

Please find enclosed a proposed conservation restriction (CR) in perpetuity being pursued as part of the expected transfer of land referenced above from Frank Lincoln Jr. to the Eastham Conservation Foundation, Inc. (ECF). I am working on ECF's behalf.

Mr. Lincoln is eligible to receive a state Conservation Land Tax Credit (CLTC) in the amount of half of the land's appraised value. Later this year, he will donate the land to ECF in fee simple (full title). In order to comply with CLTC regulations, ECF must then place a CR on the two parcels. In this case, The Compact will hold the CR in perpetuity. So, in the end, ECF will own the land subject to the CR held by The Compact.

While the Selectmen have the statutory role to approve the CR, the Secretary of Energy and Environmental Affairs request that the Conservation Commission review the CR to determine if the land is worthy of conservation and that the CR will protect the identified resources. I have enclosed both a blank municipal certification form and one filled out as an example for the ConCom to consider.

I would be happy to appear at your next available meeting to present this proposal and answer any questions from the ConCom. This is an administrative function, not a public hearing per se and does not require abutter notice as do WPA hearings. Please let me know when it can be docketed on the agenda. Thank you for your assistance.

Sincerely,

Mark H. Robinson Executive Director

enc.: CR; app form; muni.cert. form

cc: Lincoln; ECF

III.A3

October 19, 2015

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: Committee Appointments

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

Thomas Durkin ~ Conservation Commission

The interview committee recommends the appointment of Thomas Durkin to the Conservation Commission.

If the Board appoints him, his first term would commence October 19, 2015 and expire June 30, 2016. He is to replace Linda Haspel, who resigned 12/1/14 and whose term was to end June 30, 2016.

Robert Carlson ~ Board of Cemetery Commissioners

The interview committee recommends the appointment of Robert Carlson to the Board of Cemetery Commissioners.

If the Board appoints him, his first term would commence October 19, 2015 and expire June 30, 2017. He is to replace Bonnie Cormier, who resigned and whose term was to end June 30, 2017.

Conservation Commission Charge

9-5-3 -Conservation Commission. A seven member Conservation Commission shall be appointed by the Board of Selectmen for three year overlapping terms. The Conservation Commission shall cooperate with the Planning Board and Board of Health and shall participate in joint meetings with them at least annually.

From Eastham Home Rule Charter-1992

Conservation Commission Members

James Baughman 300 Samoset Road Eastham MA 02642	Term ends 6/30/2017 508-255-8849 (h) 856-220-7986 (c) Appointed 8/4/2014 — Term 1 jkawbau@gmail.com
Michael Harnett ~ CHAIR P.O. Box 573 North Eastham, MA 02651	Term ends 6/30/2018 508-247-9691 (h) 973-738-4987 (c) Appointed 7/1/2015- Term 2 MRH2681@gmail.com Open Space Committee Liaison
Steven Kleinberg 15 Clayton Road Eastham MA 02642	Term ends 6/30/16 917-699-3784 Appointed 2/18/2014 – Term 1 stevekleinberg1961@gmail.com
Steven LaBranche 2 Melinda Lane P.O. Box 491 Eastham, MA 02642	Term ends - 6/30/2017 508-255-3773(h), 508-685-2774(c) Reappointed 7/1/2014 - Term 3 stevel@ponderosa-landscape.com
Sheila Filipowski P.O. Box 505 North Eastham, MA 02651	Term ends – 6/30/2018 774-316-4755(h), 914-629-1228(c) Appointed 7/8/2015 – Term 1 sheilafilipowski@hotmail.com
Alexander Cestaro 584 Massasoit Road Eastham, MA 02642	Term ends – 6/30/2018 508-237-9317 (c) Appointed 7/8/15 – Term 1 airbourneal@yahoo.com

Need:

1 member to replace Linda Haspel, who resigned 12/1/14, term to end 6/30/16

Charge To Board Of Cemetery Commissioners

In accordance with General Laws of Massachusetts - Part I. Administration of the Government; Title XVI. Public Health. Chapter 114. CEMETERIES AND BURIALS

Chapter 114: Section 27 Appointment of board of cemetery commissioners; powers and duties.

Section 27. If a town so votes under section twenty-one of chapter forty-one the selectmen shall appoint a board of cemetery commissioners to consist of three members, to be appointed for the term of three years. The commissioners shall, under the supervision and control of the selectmen, maintain the public cemeteries in the town, and shall with the approval of the selectmen, appoint such employees as are necessary to maintain such cemeteries.

Board Of Cemetery Commissioners Members

Roger Thurston

115 Windjammer Lane

Eastham MA 02642

 $Term\ ends-6/30/2016$

508-255-6587 (h)

Appointed 8/7/2013 – Term 1

Terri Rae Smith

20 Jason Drive

Eastham, MA 02642

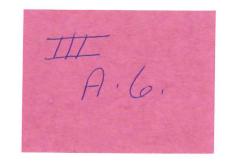
Term ends – 6/30/18 774-316-4661 (c)

Appointed 7/20/15 – Term 1

Need:

1 member to replace Bonnie Cormier, who resigned. Term was to end June 30, 2017

TOWN OF EASTHAM BOARD OF SELECTMEN BUDGET POLICY FISCAL YEAR 2017



1.0 THE MANDATE:

In accordance with the Town of Eastham Home Rule Charter, hereby issues this policy statement to inform and direct the preparation of the FY17 Municipal and School Operating and Capital budgets. The Charter requirement in Section 6-1-4 states that:

"Annually prior to the first day of November, the Board of Selectmen after consulting with the Town Administrator shall issue a policy statement that shall establish general guidelines for the next town budget."

2.0 THE MAJOR EXPENDITURES/UPCOMING YEAR OVERVIEW:

The Annual Town Meeting in May 2015 approved the "Phase II" portion of the municipal water system. When completed it is expected that all the parcels in Eastham will have access to municipal water. This "Phase II" portion is budgeted at \$85 million to the taxpayers and be completed in FY 26/27.

The municipal water project's debt payments for "Phase I" will start to be included in the budget this year.

The Rock Harbor Dredge that began in 2014 will be completed in fall of 2016. However the nature of dredging a dynamic system such as Rock Harbor requires planning immediately for the next cycle of maintenance dredging. Funds will be used from last year's capital article to complete the dredge and permit for the next cycle, however, the continued cycles of dredging will require additional capital funding in upcoming years.

Rock Harbor Improvements are needed to make the area more efficient for boater users, as well as improve all resident access by creating pathways that connect and integrate the Harbor with the Town's recently purchased lot at the end of Dyer Prince Road. Currently, the town has approved capital expenses for design of new docks and floats. In addition, the docks will need to be expanded and replaced, and water and electric services upgraded. This project is included in the five year capital plan as a \$150,000 project, which may be closer to \$300,000 with dock replacement and permitting. However, this part of the project will have to wait another year before funding is requested. In addition, the town will redouble efforts to fund a portion of this work with grants.

The Library expansion and renovation project has a limited municipal contribution of \$4.5 million. This portion has been permanently bonded and the debt payment is included in the FY17 budget.

The budget policy continues to recognize the limitations that such debt places on the financial resources of the town and uses those limitations as a framework of the policy. The debt goal is to limit debt payments in a single year to 10% or less of the gross budget.

2.1 Specific Fiscal Constraints

This portion of the policy details several specific factors that must be considered as fiscal constraints that inform the policy and limit opportunities for fiscal growth. All of the following items are important factors that are considered in establishing the community's bond rating.

2.1.1 Other Post Employment Benefits (OPEB)

Under accounting standards, municipalities are required to establish a trust fund for building cash reserves to fund retired employee benefits. In May 2014, town meeting voted to establish the required trust fund. This year we are considering joining a collective of trusts, the Plymouth County OPEB Trust (PCOT). This will reduce our fees and eliminate the Treasurer needing to manage the trust. We plan to add additional funds again this year.

2.1.2 Stabilization Fund

A stabilization fund is a cash fund that may be used for any items for which the town may borrow. Towns may have more than one stabilization fund. To remove money from a stabilization fund a two-thirds vote of town meeting is required. The balance in the fund is \$52,879. We plan to add money to this fund at the upcoming town meeting.

2.1.3 Major Road and Infrastructure Needs

While not included in this year's funding, the Town will be preparing a major bond issue for road repairs based on the soon to be completed Asset Management Plan. This plan evaluates each public and private road and establishes a "grade" for each road surface. This then translates into a road management plan that anticipates repair needs for each road. This information assists in developing annual funding amounts included in the five (5) year capital plan.

2.1.4 New Debt Issues

No new capital borrowing projects are anticipated. However, the regional school district has been using temporary borrowing for capital projects completed in the high school. Those may be permanently bonded this year so we have anticipated they will affect the FY 17 budget requests.

2.1.5 School Expenses

The budget process for Eastham Elementary, Nauset Regional School District, and Cape Cod Tech are on a similar timeline to the Towns'. It is important that these departments, as they develop their budgets, understand that the town has very limited capacity to accommodate significant budget growth. The town will make every effort to limit its' overall budget growth to 2.5% exclusive of health insurance increases and requests that the schools follow a similar path. However, we recognize that enrollment shifts, particularly at the Nauset Regional School District, may add cost that may stress the Town's ability to accommodate budget growth. Furthermore, it is important to note that the elementary school enrollment continues to decline without any significant decline in the operating budget requests. The Board is requesting early discussions with both Nauset Regional School District elected Eastham Committee members and Eastham Elementary elected Committee members, to better understand the budget and

better communicate the town limitations before budget planning is too far advanced.

3.0 In consideration of the foregoing, the Board of Selectmen policy for Fiscal Year 2017 is as follows:

3.1 OPERATING BUDGETS;

All Town Departments shall prepare a budget that maintains current staffing and departmental programs. Those budgets will form the basis of the overall budget to be prepared by the Town Administrator that may increase by 2.5%. If the recommended spending exceeds that, then an explanation of the additional needs shall be prepared in a narrative.

Each department shall evaluate current fees and make suggestions for increases aimed at creating additional revenue to support service. In addition, new revenue sources should be proposed as part of the town budget process.

Funding for the operating budget is from two primary sources, the tax levy, and local receipts. The levy is anticipated to be \$21,337,440 and local receipts are estimated at \$3,450,000. The projected budget based on 2.5% growth, is \$24,472,597. This budget amount includes the three school (Cape Cod Technical High School District, Nauset Regional School District, and Eastham Elementary) budgets as well. Three hundred fifty thousand of the \$850K override of FY16 was used to balance the budget. It is anticipated that we may need \$150K to balance the budget in FY17, but always keeping in mind that the override amount was set to meet spending needs for four or five years.

The School departments, despite their needs should make an effort to stay within these budget guidelines. The 2.5% overall increase option applies to the budget bottom line. Assessments are based on a particular town's share of total student population. That can result in increases of more than 2.5% as enrollment shares change. Again, this year the Town will consider the Nauset Regional School District "capital budget" as part of the overall operating as the district has used the funds for ordinary equipment and supply needs and not as originally intended for capital needs including building and major equipment as is legally permitted.

The school committee should be aware that the town is considering placing the regional school budget into a separate article.

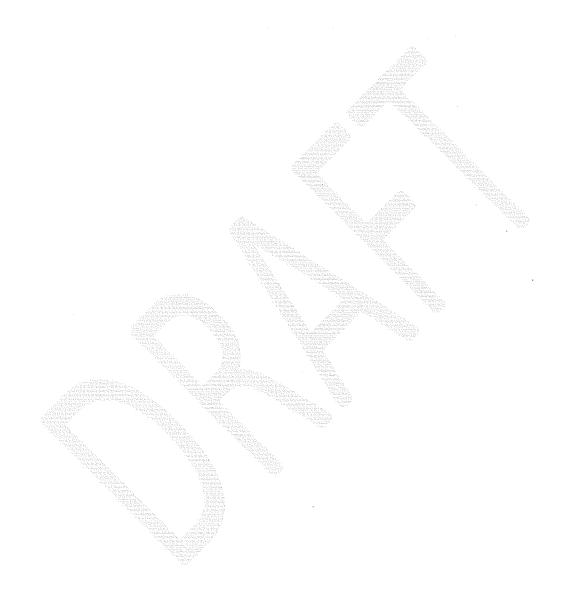
3.2 CAPITAL BUDGETS

The municipal capital acquisition budget (Article 13) for fiscal year 17 should be funded with no less than \$500,000 in free cash and special revenue funds such as ambulance receipts, boat excise, and community preservation funds if appropriate. The capital budget includes Eastham Elementary School needs and municipal needs. While, the town is continuing to make debt payments on the recent renovations of the elementary school building, it is necessary to invest in minor building maintenance items. Those items and technology needs will be included in the municipal capital article.

This budget policy's primary focus is to provide guidance to the Town Administrator and all town department managers and school administration to develop a budget that recognizes the fiscal pressures on revenues and the obligations beyond the operating budgets. This policy supports the development of

a balanced budget without additional revenues beyond the tax levy and local receipts, however, the primary goal is to maintain existing programs and service levels and reduce staffing needs as appropriate.

This budget policy is adopted by the Board at a public meeting on 21 October 2015.



Information

October 13, 2015

Members of the Eastham Board of Selectmen 2500 State Highway, Town Hall Eastham, MA 02642

RE: 10/19/2015 Board of Selectmen Meeting: Tee-Time 40B Affordable Housing Development Proposal

To our Board of Selectmen,

On Monday 10/19 Stratford Capital Group will seek your endorsement for the 130 Unit 40B Housing Development proposed at the former T-Time Driving range. I am writing to express my concerns, and the concerns of the majority of our community based on a recent survey, with the current proposal. I hope that these concerns will be useful to you as you seek to influence this "Friendly" 40B proposal to meet the needs and desires of the Eastham community.

The survey was conducted on the Eastham Cape Cod Facebook page on 10/8 to gauge community support for this project. As of 10/10/2015 more than 100 people took at least one of the six housing unit polls and many, many more commented. Given the number of people who participated and the passionate comments, it's clear people believe this is a critical issue for Eastham to get right. Survey results show that the overwhelming majority do not support the current proposal, with 82% opposed, 13% in favor and 5% undecided. A similar percent of people, ranging from 74% to 81%, believe income would be reduced as new renters compete for limited jobs, taxes would increase, crime would increase, and town qualities and culture would be diminished. At 91%, nearly all believe a project of this magnitude would result in increased traffic and safety concerns. Additionally, I believe the density of this project will also present great potential for negative environmental impacts since this location is in our Aquifer Well Protection Zone. I understand your need to validate these survey findings but offer the survey results to at least alert you to what appears to be very clear opposition to this project.

While the survey results clearly demonstrate that the overwhelming majority oppose the current 130 unit proposal, the comments suggested that there was broad alignment on the need to finding a solution to address the affordable housing need. We just believe there is a BETTER AND MORE RESPONSIBLE APPROACH to achieve it. Specifically, opponents feel the scale and density of the existing proposal is wildly excessive. If built, this single development would house nearly 10% of our town's population in one location. In all 50 developments Stratford Capital has built statewide, none exceed the scale and density of this proposal. For reference, Sally's Way in Truro included 16 units on 10 acres. That represents 8 times fewer units on the same size lot as this proposal. Sally's Way was celebrated by affordable housing advocates, the community, local and state officials, the Community Development Partnership and the new residents. By all measures Sally's Way was a success. In contrast, I'd like to call to your attention to the Swan Pond development in Yarmouth. The Swan Pond development has 150 units on 30 acres. That's a similar number of units as the current Eastham proposal however Eastham's plot of land is only 1/3 of the size. Swan Pond, which is significantly less dense than the Eastham proposal, has been labeled as the "No. 1 criminal hot spot" by Cape Cod Times. Deputy Chief Xiarhos specifically calls out the "large number of units on a small tract of land" as a contributing factor to the extremely high crime rates in Swan Pond. To reiterate, the density of this proposal not only impacts crime rates. It also creates traffic and safety issues, creates a negative

impact to town aesthetics, increases strain on town resources, reduces earning potential for existing workers in town as more people compete for the same jobs and poses negative environmental threats.

I appreciate the developer approaching this as a "Friendly" 40B proposal and their commitment to pursuing this project ONLY if the community wants it. At the currently proposed scale and density, I do not support this proposal. Additionally, based on the above referenced survey of the Eastham community, I also believe the overwhelming majority of the Eastham community does not support this proposal. I ask that you encourage the developer to create a more agreeable proposal, one that is more in keeping with the density of the Sally's Way development in Truro. If this particular developer is unwilling to consider developments of smaller scale I suggest we seek proposals from developers who will. We have an immediate need for affordable housing but we need to think for the long-term when finding the best solution for Eastham.

Sincerely,

Ryan and Marlie McManus

7 Marions Way

Eastham, MA 02651

RECEIVED

Elizabeth Shaw

From:

To:

Nancy Cook [cook82@mac.com]

Sent:

Wednesday, October 14, 2015 3:02 PM

admin@eastham-ma.gov; admin2@eastham-ma.gov

Subject:

I am against the 130 unit proposal - way too big for Eastham & that location

Letter#2

Dear Board of Selectmen:

I am totally against this proposal.

I am out of town so cannot attend the meeting about the proposed 130 unit low income housing proposal that is being discussed for the old golf driving range. That's way too many units, way too many people to be living on that piece of property! Not only do I have concerns about safety and the increase in traffic, but also about our taxes increasing, more children in our schools, crime would probably increase, and our town qualities and culture would be diminished. What about an increased drain on our police and fire departments? Bracket Road and that section of route 6 is already a traffic and safety hazard. The whole atmosphere of our lovely, charming town will be downgraded.

Please do NOT approve this 130 unit project. Thank you, Nancy Cronin-Cook 30 Helm Road North Eastham

Elizabeth Shaw

From:

Steve Bizilj [Bizilj@nemsi.com]

Sent:

Wednesday, October 14, 2015 3:28 PM

To:

admin@eastham-ma.gov; admin2@eastham-ma.gov

Subject:

Low Income Housing proposed to be built at the old Golf Driving Range, Rte 6, N. Eastham,

Dear Board of Selectmen:

I completely oppose this proposal to build 130 "Low Income Housing Units" at the old driving range location.

The influx of 130 low income families in our area will, without a doubt, bring to our town unwanted and undesirable side effects of this type of housing complex.

The strain on septic, water and traffic will be REAL.

The influx of illegal drugs will be present.

I am not able to attend the town meeting so I an sending this e-mail to state my opinion.

I am 100% against this proposed development.

DO NOT BUILD THIS COMPLEX.

Best regards,

Steve Bizili Service Project Manager **EMCOR Services New England Mechanical** 166 Tunnel Road, Vernon, CT 06066 Office (860) 870 - 2247 Mobile (860) 324 - 8681 Fax (866) 481-3250



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Gillespie-Lee, Laurie

From: Sent: Michael Farah <michaelfarah@me.com> Wednesday, October 14, 2015 3:34 PM

To:

Gillespie-Lee, Laurie

Subject:

concern with Selectmen approval of 130 units @ Stop and Shop property

Dear Eastham Board of Selectmen and Zoning Board,

- 1) The number of units / bedrooms suggests approx 448 people could be living on this projected development. That's 10% of the Eastham population living in one location. The proposed scale and density of this project have not been built by this developer before without detriment to community. For comparison, the Swan Pond development in Yarmouth widely recognized for extremely high crime rates, is 150 units on a 30 acre lot compared to the Eastham proposal of 130 units on a 10 acre lot that's nearly the same number of units on 1/3 of the lot size. Deputy Chief Xiarhos specifically calls out the "large number of units on a small tract of land" as a contributing factor to the high crime rates in Swan Pond. As a result, Yarmouth is seeking a police substation at the development to control crime.
- 2) There will be 2 THREE story buildings (+ 10 more apartment buildings + 1 community center building) which is clearly not in keeping with current Eastham characteristics
- 3) Traffic from this massive development will be routed via a right hand only development exit through back roads and directly through our existing town center. Safety concerns will also arise as people inevitably attempt to turn left out of the development.
- 4) The development would have 94 second or third rooms. Assuming 1 child per room and \$18k average schooling cost, that's \$1.7M in schooling expenses. This is not to mention other expenses such as police.
- 5) The claim that smaller developments are not viable is false. The executive director of the Community Development Partnership in Eastham has quoted the 16 unit Sally's Way 40B development in N. Truro as a success story. Note this development was built on a similarly sized 10 acre lot.
- 6) Sewage treatment plant required is not within legal limits based on water protection requirements effective 2016- This developer is gaming this Board of selectmen-130 units is going to make investors wealthy at the detriment to Eastham. 130 Units is irresponsible.
- 7) no consideration is given to older Eastham residence who struggle to maintain their properties and would like to remain in our town
- 8) proper amount of parking for 300 plus residents and visitors from 130 units there just is not enough space to allow for legal amount of parking space for residents and visitors and allow for proper emergency vehicle access. Fire Department may not have necessary equipment to respond to 3 story building.

Thank you for not allowing the developer take advantage of you. I support affordable housing, this project benefits the developer only - Additional residents drawn from off cape

will be a detriment to the ability of many Eastham residents to keep their local employment.

Michael Farah please read into minutes of the October meeting and following zoning board meeting

Gillespie-Lee, Laurie

From:

Scott Andersen <skarock111@yahoo.com>

Sent:

Wednesday, October 14, 2015 9:28 PM

To:

Gillespie-Lee, Laurie

Subject:

130 unit affordable housing

Good Afternoon

We are writing to express how unhappy we are about this proposal for this massive affordable housing. We bought our house in Eastham 5 years ago and it was a dream come true. We understand the need for affordable housing but this will be a huge negative to the town for so many reasons and cost so much money in the long run, it seems it would be cheaper for the town to buy the land and maintain the beauty and peaceful feeling in Eastham. This would be more appropriate for Hyannis or another town, but definitely not Eastham, too many towns on the Cape have been ruined, let's keep Eastham the way it is.

We can't emphasize enough how much we would appreciate your no vote for this to keep Eastham beautiful! Thank you for your consideration,

Scott & Patti Andersen 630 Herringbrook Road

Sent from my iPad



Gillespie-Lee, Laurie

From: Sent: Kevin Cavsnaugh <icukevin@aol.com> Thursday, October 15, 2015 2:26 AM

To:

Gillespie-Lee, Laurie

To whom it may concern...i have been a summer resident in north Eastham for for 39 years. I've seen the town develop over time often in wonderful ways. The public library, the clean beaches , the recycle center and a sense of community that has prevailed. In the last 5 years, however, the police sirens are consistent and more frequent. I now fear the night and lock all doors. This summer, I found 5 mattresses on our deck. The purpose was unknown. Also evidence that somebody was inside using the fireplace was disturbing. We are near the edge of this proposed low income development . Lets not kid ourselves. There are drugs, increased crime and homeless already in town...this will be a magnet for even more. Property values will shrink as well as constant concern for the safety home and self. Too many older folks live right in that area and victims they will be. I predict a larger police presence will be required as is always the case. My mother loves it here and as out of state tax payer, she has valid concerns. We are within sight of thus proposed shortsighted money grab. This is happening all over the state and country. Enough. Orleans is a sanctuary city and i smell a rat. As a son if a taxpayer and future taxpayer, I vehemently opose this folly. .thank you for your time...kevin Cavanaugh...



From: Nathan Nickerson (capenate51@gmail.com)

Sent: Wed 10/07/15 9:33 PM

To: sheila (vanderhoef@hotmail.com)

Hi Sheila

I'd like to write a letter to the editor regarding this potential nightmare. Before I do I want to know more about the project. Does the town planner have the preliminary information? If the rumor is true that a developer plans 135 affordable housing or apartment rental units at that location, the selectmen better be prepared to answer why they did not perform a taking by eminent domain unless of course there's some legal reason why the town can't. I can't imagine anyone who cares about this town, who would not support a taking. You probably know there is already a petition being circulated to encourage the town authorities to deny approval. Little do they know that the town is basically powerless to stop it. The developer does not have to conform to our zoning restrictions if they can pass title V. I assume that means they can increase the height restriction to however many stories high they can build economically.

Nate Nickerson Sent from my iPhone

I don't have to tell you what a disaster it would be if the developer actually got approval for this. I hope you will consider taking the property by eminent domain and let Eastham do their own affordable housing or farm it out to a private developer with Eastham's specifications. The impact on this town, should the 135 units gain approval, would be disastrous for many reasons which I'm sure you have already thought about.

Nate Nickerson

Nathan Nickerson III Arnolds Lobster & Clam Bar

P.O. Box 1568
North Eastham, MA. 02651
508 240 8000 cell
508 255 2575 restaurant
508 255 8255 FAX
arnoldsrestaurant.com

Letter # 9

Sheila Vanderhoef

From:

Don and Sheila <WNDYBAY@aol.com>

Sent:

Thursday, October 08, 2015 2:55 PM

To:

Sheila Vanderhoef

Subject:

Proposed 40B Apartment Complex

Hi Sheila,

I read the following with much concern. I don't like this idea, on many fronts, and thought as one Eastham taxpayer, I would let you know.

http://m.capecodtimes.com/article/20150928/NEWS/150929477

Respectfully,

Don Grobeis 25 Windy Bay Rd Eastham, MA

Petition: Stop Proposed Tee Time Housing Development

I am signing the petition to stop the proposed project to develop 130 housing units on the parcel of land known as the Tee Time property. I am signing this petition for the many reasons explained below, but most notably because of the extraordinary density of this project.

While as a citizen of Eastham I understand and have a responsibility to support affordable housing, this project is not designed to help the citizens of Eastham, but is aimed at solving a regional problem proposed by an off Cape developer.

Ask yourself, who is this project helping?

I urge the Selectmen, The Town Administrator, the Boards of Finance, Conservation, Planning and the Town Planner, with the citizens of Eastham, to work and look at options for this property as well as other properties to solve this issue. These projects might resemble the Roach Property and Brackett Landing.

The Town has a dedicated caring group of volunteers that serve on the Eastham Affordable Housing Trust as well as several non-profit organizations that work to solve housing issues. It is clear that much work is to be done to achieve more affordable options for all residents. Let's look at options such as homes created by Habitat for Humanity, the work done by the Community Development Partnership and other scattered site options. Has an option been explored to purchase this property with CPA funds and add some rental properties to this parcel or another property in Town?

Eastham is a special community with much to offer. This project would have untold and changing affects on the community, including an untold increase in the population of year round residents and a substantial jump in the number of students in Eastham Elementary School. The cost of additional police and fire is untold. The current infrastructure is already taxed; note the traffic on Route 6.

Again, I support increasing affordable housing options in Eastham. I do not support this incredibly large housing project.

Name: Sean M. Ambroult

Address: 280 Candlewood Drive

Contact: Phone or email

508-255-8816

Sean M. Anbroulf

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Again, I support increasing affordable housing options in Eastham. I do not support this incredibly large housing project.

Contact: Phone or email 508 - 255 - 8816

October 1, 2015

Board of Selectmen 2500 State Highway Eastham, Ma 02642

Re: Tee Time Property and Proposal

Letter#

Dear Board of Selectmen:

After seeing the article in Friday September 18th, 2015 and a subsequent article in Monday September 28, 2015 a loose group of citizens has been formed and a petition has been circulating and gathering momentum. A copy of the said petition that I wrote has been given to the Town Administrator. The unanimous consensus is the proposed project is massive and not something the citizens would support and would work tirelessly to derail.

These started to be circulated on Monday afternoon of this week and as of Thursday morning we have over 175 signatures. I will wait to outline the issues until we meet in person. I just wanted you to be aware of how much opposition I have encountered in 72 hours.

I also write to volunteer to be part of the solution going forward. I have reached out to Peter Wade to learn more about the Community Preservation Funds, Sarah Mumford to discuss traffic and Aimee Eckman has offered her advice.

I have compiled a general consensus of the opinions offered and welcome a chance to put a proposal together for this property. I think we could gather great support for something different.

As citizens we are aware of the moral obligation to provide additional housing options for low and moderate income citizens of Eastham.

I look forward to meeting with you and discussing a proposal. I did not call each of you for fear of open meeting law violations.

Sincerely:

W. Scott Kerry

Letter #13

Gillespie-Lee, Laurie

From:

Anne Garton <anniegarton@comcast.net>

Sent:

Thursday, October 15, 2015 8:30 AM

To:

Gillespie-Lee, Laurie

Subject:

Affordable housing proposal

To the Eastham Board of Selectmen

I am writing in order to voice my objection to the enormous housing project on the table for the former T-time property off route 6. While i know affordable housing is a goal here in this town, and i support the initiative, bringing what amounts to an urban project into this small, rural Cape Cod town could mot be more wrong-headed.

NPR recently chose Eastham as one of its ten recommended and desirable towns to visit. Clogging our roads will dampen the spirit of any tourist. But more important, speaking as a long time year-rounded and as a grandmother of two children in the Nauset school system, clogging our schools and our fragile infrastructure with this sudden and reckless proposal is problematic. Surely we deserve better.

Eastham is a hidden gem. With the introduction of a project on the scale it will neither be hidden or a gem any longer. I am reminded of the town fathers who must have permitted a state highway to slice through this lovely town decades ago, changing its make-up forever.

The town does not want this. Compromise is essential. Please do not ram such a drastic project down our collective throat. Let us revisit the proposal and restructure it so that it does not pose such a threat to our beloved town. Yes to a well considered proposal for affordable housing: no to this ill-considered, one size fits all monster. Sincerely

Anne Garton

Anne Garton
www.annegarton.com

Letter #14

Gillespie-Lee, Laurie

From:

Amy Szep <aszep67@gmail.com>

Sent:

Thursday, October 15, 2015 10:03 AM

To:

Gillespie-Lee, Laurie

Subject:

To whom it may concern, Myself and my two childre

To whom it may concern, Myself and my two children are year round residents of Eastham. I believe this project is far too big for our lovely beautiful Eastham. I live here because it feels small and safe to raise my children. I don't live in Hyannis or Yarmouth which is what this town will feel like if said project were to go though. I am the exact demographic to want this project and I do not.

Having moved from the southshore about seven years ago where these huge housing projects are littered through towns like Weymouth and Marshfeild. It's an absolute nightmare for those communities. Drugs and crime have skyrocketed through the towns-It's all localized in one dense area! No matter how cheap these apt are as a single mother I would never want my children living or exposed to all that exists in these projects. This is what comes with huge housing projects whether people want to believe it or not! Domestic violence- crime. The added burden of putting this many people in one dense area is nightmare waiting to happen. The beauty and character of his old New England town will be lost forever! I do not want that for the future of Eastham!! I do believe in AH. But this is NOT a good idea..praying it is reworked and renegotiated to something smaller and more manageable for the town to handle.. Has to be another solution.

Sent from my iPhone

Gillespie-Lee, Laurie

Subject:

FW: General Comments to the Town

Attachments:

Attach0.html

From: William Krum [mailto:wdkrum@comcast.net] Sent: Wednesday, October 14, 2015 3:46 PM

To: Rohmer, Edward

Subject: General Comments to the Town

Request From: William Krum Email: wdkrum@comcast.net Source IP: 75.150.65.21

Address:

4 Honesty Ln

City: Eastham

State: Massachusetts

Zip:

02642

Phone: 5082557155

Organization: Eastham Ace Hardware/Seatoller Shops

I would like to express my support as a resident, business owner, and residential landlord for the proposed 40b affordable housing proposal at the former T-Time property.

Gillespie-Lee, Laurie

Subject:

FW: 40b project on route 6

From: Nancy Daniels [mailto:nancy.daniels@comcast.net]

Sent: Thursday, October 15, 2015 9:35 AM

To: Gillespie-Lee, Laurie

Subject: Re: 40b project on route 6

I was writing to give my support to the 40b projecting proposed for Eastham.

I am lucky enough to be a year round retiree owning my own home. We are in desperate need for good affordable housing for many people. I am willing to pay more in taxes for additional police fire teachers etc. To make that happen.

There is a groundswell of support to stop this development however. I think the issue would be how can we ensure:

- 1. That Eastham residents, workers, and relatives will get priority to move into there?
- 2. How can you ensure that riff raff won't take over that area? See the Swan Pond development in Yarmouth for horror stories.
- 3. Can there be a way to make it less dense? 130 units seems like a lot.

There would need to be very good management put into place to make this work.

I hope it passes.

Thank you. Nancy A. Daniels 10 Mary Rd Eastham, MA October 14th, 2015

Dear Eastham Board of Selectman;

RE: EASTHAM NEEDS AFFORDABLE HOUSING- Letter of Support to be read into the record on 10/19

I'm writing in support of the Governor Prence Residences Project proposed for the T-Time location on Rt. 6 in Eastham. I was born & raised in Eastham & feel our community could benefit greatly from this project. I find for myself and so many my age, consistently faced with the possibility of having to leave Cape Cod (my family's home for 14 generations) & Eastham because of the lack of Affordable Housing in combination with the shortage of good paying jobs. I urge Eastham residents that support this project to attend the BOS mtg. on Mon 10/19 @ Town hall to let yourselves be heard! This project will also help Eastham move closer to the states goal of 10% AH, currently Eastham is the lowest on the Cape with 1.9% AH. WE can & MUST do better, the future of Eastham depends on it!

Respectfully,

Edward Atwood

120B Massasoit Road, Eastham

Cc: Sheila Vanderhoef, Town Administrator







community development partnership

Building Housing to Preserve Community

By Jay Coburn, Executive Director

It's no secret that the high cost of housing on Cape Cod poses a threat to the long-term viability of local businesses. What we haven't faced is the fact that when most working families can no longer afford a home here we also stand to lose the unique character of our towns.

Eastham—which has the lowest percentage of affordable housing on the Cape, just 1.9 percent—now has an opportunity to support a project that will help strengthen the town's year-round community.

My work puts me in touch with the business people—fishermen, mechanics, website designers, farmers—whose energy is so important in keeping our local year-round economy alive. They all worry about housing costs, which are now 10 percent higher than the state average while local incomes are 30 percent lower.

The salary for a Teacher's Aide at the Elementary School is \$30,000. A new police dispatcher comes in at \$43,000. The people we depend on to keep our towns thriving can't afford rents that are driven by the seasonal rental market.

"I pick up my crew in Maine now," one fisherman tells me. A busy landscaper describes her plan to start over off-Cape. A bank officer says, "We are losing good people who want to work here but can't afford to live here."

At the Community Development Partnership, we've learned first-hand that affordable housing makes a difference. We own/manage 70 affordable rental homes on the Lower Cape. That fisherman? He lives in one of them. So do a park ranger, nurse's aide, retail clerk, an EMT, and a massage therapist who works with cancer patients. Without those apartments, they all say they couldn't stay. Without them, what kind of a community would this be?

Stratford Capital Group, a Peabody, Massachusetts-based developer proposes to build 130 rental apartments on a 10-acre Eastham site formerly occupied by the Tee Time driving range. 90 percent of them will be affordable. That would mean real progress on the Eastham selectmen's pledge to make affordable housing their top priority this year. One concern is the density of the new neighborhood proposed. Our experience at the CDP with smaller-scale developments is that they are prohibitively expensive to build and maintain. Something's got to give.

Fortunately, the developer's founder, Rich Hayden, really knows Cape Cod. He graduated from Provincetown High School and owns a house in Wellfleet. His commitment to working with the town has been impressive.

The state's Chapter 40B provision allows for developers to bypass local zoning requirements in exchange for a minimum of 25% of the development being affordable. That means another company could go forward with something on this same scale yet provide far fewer affordable homes for our community. Stratford is willing to focus on affordability. And they have a good track record with it, including at the 65 unit Simpkins School Residences in Yarmouth.

What's more, Stratford has invited input from the Eastham Board of Selectmen, the Affordable Housing Trust and from the CDP. I am impressed with their responsiveness to questions and suggestions—and aware developers are not always so respectful of local needs.

The proposal includes a solid traffic plan and a bus stop that's off the highway. With an on-site sewage treatment system, this development will be less damaging to Eastham's fragile ponds and estuaries than as few as ten single-family homes on Title V systems would be. And the aesthetics are right: these are attractive homes, to be well set back from the road, with green space, sidewalks, access to the bike trail and in walking distance of stores and services.

Preference will be given to people who live, work, or have family living in Eastham. Those who rent homes here will need to be year-round residents and meet income requirement of not more than \$52,500 per year for a family of four.

Preserving the character of this special place means doing more than protecting our landscapes and our past—although we do like the respect given to both in this plan. It means getting behind projects like this one that encourage both our elders and the next generation to join us in creating and sustaining a good year-round community life.

ABOUT THE COMMUNITY DEVELOPMENT PARTNERSHIP

The Community Development Partnership supports an array of programs that strengthen our Lower Cape community, providing greater opportunities for all who live here to thrive.

Our work starts with creating affordable homes—so essential to a healthy economy, but a real challenge in communities like ours where seasonal and vacation dynamics drive the market beyond the reach of many who live and work locally all year round.

We also work to launch entrepreneurs and strengthen local businesses. We believe a vibrant future depends on sustaining traditional industries and inspiring new ones—especially when they're based on renewable natural resources such as fishing, farming, art and hospitality.

In all that we do, we aim to protect the natural environment around us—preserving the character and sustaining the future of this special place we call home.

To find out more information about this organization, go to www.capecdp.org.







community development partnership

Governor Prence Residences

4790 State Highway, Eastham

FREQUENTLY ASKED QUESTIONS

What is the developer proposing to build?

Stratford Capital Group, a highly respected developer of affordable homes, has proposed to build and manage The Governor Prence Residences, 130 rental apartments on a 10 acre site formally occupied by the Tee Time Driving Range. The project will be developed in two phases with 65 units in each phase. Ninety percent of the homes will be affordable and will serve the housing needs of families and seniors from Eastham and the surrounding communities.

The apartments will be in nine buildings, spread around a village green containing a play area, community garden plots and green space. The development has 226 parking spaces for residents and guests (1.7 parking spaces per home) with 54 of the homes having a garage or car port. Many of the apartments will be on one floor making them easily accessible for elderly or handicapped residents.

The plans are for one, two and three bedroom homes, with a majority being one and two bedroom homes.

- One Bedroom 44 units
- Two Bedrooms 72 units
- Three Bedrooms 14 units.

Fourteen of the homes will be rented to market rate residents with the remaining 116 homes restricted to residents making 60% or less of Area Median Income.

The development will have an onsite manager housed in a community center building on the property. The development will have an onsite wastewater treatment facility.

Does Eastham really need this many affordable homes?

Eastham has the lowest percentage of affordable housing on Cape Cod with only 1.9% of the homes affordable. If this development is built, 7% of the housing in town will be affordable, getting the Town much closer to the state mandated goal of 10%.

All of the agencies providing affordable rental housing on the Outer Cape report long waiting lists for available homes. The addition of 130 new affordable rental homes will help meet this demand and provide opportunities for young families and seniors to live on the Outer Cape.

Employers and small businesses on the Outer Cape report significant challenges in hiring employees due to the lack of affordable housing.

Who is eligible to rent the apartments?

The apartments in this development will be available for individual and families who earn less than 60% of the median income in Barnstable County. A family of 2 with an income below \$42,000 or a family of 4 with income below \$52,500 would be eligible to rent the affordable homes. A single parent earning \$20 per hour would be elegible to rent one of these homes.

The rents will range from \$492 to \$682, \$820 to \$1,137, and \$920 to \$1,500 for one bedrooms, two bedrooms, and three bedrooms, respectively. The lower amount is for residents at 30% of area median income and the higher amount for residents at 60% of area median income.

The salary for a new kindergarten teacher in Eastham is \$46,410. A police officer comes in at \$43,000. This development will provide affordable places to live for people who work on the Outer Cape and can't afford rents that are driven by seasonal rentals.

Will there be a preference for people who live or work in Eastham?

There will be a preference for both families and seniors who live in Eastham; for prospective tenants, a lottery will be in place with a preference for those who live in Eastham and Lower Cape communities. The local preference will be defined/documented in the marketing plan/lottery system and approved by the Town and various lenders.

The developer recently completed a lottery for a similar development with 60 units located in Yarmouth and 86% of those units went to local residents.

Will this provide a place for seniors in our town to live?

Yes, this development has been designed to accommodate both seniors and families. A majority of the homes are one and two bedroom apartments – 44 one bedroom and

72 two bedroom. The two bedroom homes all have at least one bedroom on the first floor.

Will the buildings fit in with the neighborhood?

This is a tastefully designed development that will create a village type setting in North Eastham. A variety of living environments are offered- from the clusters of family townhomes that array around the roadway circling the site to a couple of three story multi-family structures that provide anchorage toward the back of the site with a large green open space at its center. The bulk of the site's existing vegetation and tree mass exists along the perimeter and will remain untouched- particularly toward the rear of the site along the bike path. Many of the homes will have garages or car ports. The entire development will be set back from Route 6.

Is there a better place to build a development this large?

This lot is the ideal location to build a development of this size. There are few residential abutters and the apartments will be within walking distance of North Eastham stores and restaurants. In addition, the development has access to public transportation and the bike trail.

The Property is located within the Town's North Eastham Village Gateway (NEVG) overlay zoning district, which encourages flexibility and variety in future developments while ensuring high quality materials and appearance of new buildings. The overlay district encourages strong residential neighborhoods, new higher density development and a pedestrian friendly and safe design. The Property meets the Town's goals of the NEVG district including the targeted densities and goals for workforce housing.

Couldn't Eastham's Affordable Housing needs be better met by building small, scattered site developments?

Small, scattered site developments are not economically viable – they are much more expensive to build and even more expensive to maintain. The Community Development Partnership (CDP) owns and manages two small scale rental developments in Eastham. One of these developments is five units and the other two units. In 2014, the Town of Eastham provided the CDP with over \$200,000 in Community Preservation Funds to finance significant repairs to the units. The CDP had to raise an additional \$200,000 from private sources to complete the necessary repairs. The expense of managing small scale rental properties makes it difficult to save for capital improvements – replacing roofs, windows and other maintenance that every home requires every 20 years.

What impact will the development have on local schools?

Enrollment in the Eastham Elementary School and the Nauset Regional Middle and High Schools has been declining over the past three years. In 2009, 225 students were enrolled in the Eastham Elementary School. As of October 1, 2015, 177 students were enrolled at the school. The Nauset Superintendents Office reports that the Elementary School building can accommodate 275 to 300 students.

The proposed development has 94 second/third bedrooms limiting the potential for a significant increase in school enrollment. Since the project will be built in two phases, the addition of new students would be phased in over at least two years.

What impact will the development have on town services (Police, Fire & Water)

The Property will be put on the Town's tax register and will pay annual real estate taxes to the Town. Both the Fire and Police departments were consulted in developing the proposal and their comments have been incorporated into the plans.

The property will be connected to the municipal water system now under construction.

Will this development increase our already congested traffic?

The Developer has proposed a single entry/exit on Route 6. The development is on the Flex bus and Plymouth & Brockton routes and plans include space for Flex busses and the school bus to pull off Route 6 to pick up and drop off residents. These affordable homes are within walking and biking distance of stores and services.

Plans for the exit are for a right turn only to Rt. 6 heading north. South bound cars will be able to use Railroad Avenue and the light at Nauset Road to head south on Rt. 6

Does this proposed project meet local zoning?

This project would be permitted under a State law known as 40B that is designed to encourage the development of affordable housing. The 40B law waives some local zoning requirements in exchange for a minimum of 25% of the development being affordable.

Ninty percent of the apartments in this proposal will be affordable – much higher than the 25% minimum. Bracket Landing, the development on Bracket Road, was built under 40 B and only a quarter of the units are affordable.

Does the proposal have to go to Town Meeting to get approval? Will the voters of Eastham have a say?

The Zoning Board of Appeals ("ZBA") along with the local boards, departments, and committees (E.g., Planning Board, Conservation Commission, Board of Health, DPW, Affordable Housing Partnership, etc.) will review and approve or deny the comprehensive permit application. The ZBA and local boards will be responsible for the following local concerns: (i) health, (ii) safety, (iii) environmental, (iv) design, (v) open space, (vii) planning, and (viii) other local concerns.

If this Developer does not move forward with this project, another Developer could build a similar or larger project on the same site and not be willing to work with the Town to make changes to address local concerns. Using the 40B law, another Developer could build a similarly sized project with only 25% of the units meeting the affordable housing needs of the community.

What else could be built at this site?

Another developer could propose a sub division for this site with no affordable units.

Won't this project be harmful to the environment?

The proposed development will contain an onsite sewage treatment plant that will prevent nitrogen and phosphorus from being discharged into the ground water and further damaging Eastham's fragile ponds and estuaries. This development is much better for the environment than filling the site with single family homes.

The developer is committed to building energy efficient apartments. The design team will be working with an Energy Star Homes provider- Conservation Services Group in the detailing of energy conservation measures, including a high performance envelope with insulation at the walls and tight air-sealing requirements at the new construction. Systems are designed with energy efficiencies that exceed the state building code requirements. All lighting, appliances, windows and roof shingles are Energy Star rated.

Why not build affordable ownership opportunities?

There is a huge demand for affordable rental housing on the Outer Cape and in the town of Eastham. Of the 1176 registered rentals in Eastham, only 24 are affordable year round rentals. Eastham's 2010 Housing Production Plan projected a need for at least 195 rental units for low- and moderate-income renters. Since 2010, only seven affordable rental units have been created in the Town.

Young people, often saddled with student loan debt, are in need of rental housing and are not yet ready to buy a home. In the last affordable ownership project in Eastham at Bracket Landing the affordable units did not sell.

Affordable ownership units do not appreciate in value with the market and owners are deprived of building equity at the market rate.

This document was prepared by the Community Development Partnership (CDP) in Eastham. The CDP advocates for the creation of more affordable homes on the Lower Cape and has extensive experience developing and managing affordable, safe, year round places for families to live.







community development partnership

www.capecdp.org

The Community Development Partnership supports an array of programs that strengthen our Lower Cape community, providing greater opportunities for all who live here to thrive.

Our work starts with creating affordable homes—so essential to a healthy economy, but a real challenge in communities like ours where seasonal and vacation dynamics drive the market beyond the reach of many who live and work locally all year round.

We also work to launch entrepreneurs and strengthen local businesses. We believe a vibrant future depends on sustaining traditional industries and inspiring new ones—especially when they're based on renewable natural resources such as fishing, farming, art and hospitality.

In all that we do, we aim to protect the natural environment around us—preserving the character and sustaining the future of this special place we call home.

To find out more, go to www.capecdp.org.

Elizabeth Shaw

Letter #

From: Sent:

Bonnie [nuendelcapecod@aol.com]

To:

40b -This is what I emailed to the BOS Subject:

Wednesday, October 14, 2015 7:34 PM

RECEIVED

http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/americasrentalhousing-2013-factsheet 0.pdf Dear BOS,

First let me thank you for your service to the town we love so much. I believe an issue is upcoming which, sadly, has the potential to divide neighbor against neighbor as much as the town beach ordeal did.

I've been doing some research informally regarding the availability of year round affordable rentals here as a volunteer at the Eastham food pantry. The clients I meet are year round residents unable to meet their basic needs for food and shelter and medical care without help. Most often they come in right from work or on their way to work. They are seniors, middle-aged, parents, singles, disabled, with little children or a parent with dementia in tow. They are not druggies, idlers, takers. They are the part of Eastham we only see when we pass someone carrying heavy bags from the Flex bus stop to their homes. They are also the people you meet in church, the library, the Superette, the Elks Club. Sometimes they simply stop showing up at the pantry and I learn they had to leave Cape Cod to live somewhere with affordable housing. Sometimes that means leaving parents or grandparents behind.

My personal experience has been that of trying to help our disabled adult son and his fiancé relocate from upstate NY to be closer to family for mutual support. He's filled out more than 15 applications, all asking the same questions, and submitted them to the housing authorities and any landlords with Craig's List rentals in his price range. Always, always there are at least six applications ahead of his. Eastham's CDP is the only one to acknowledge receipt and wrote that he and Lavon are seventeenth in line for a one bedroom and eleventh in line for a two bedroom unit. His application went to them July 7.

Attached please find a document that I think will be helpful in seeing this development through.

Again, thank you for your service to Eastham. Do you think it would be at all helpful to ask the developer to be available for questions, comments prior to the 10/19 meeting? If the Eastham Facebook page is any measure, there is a lot of misinformation, anger and preconceived ideas out there. Sincerely and hopefully, Bonnie Nuendel

Sent from my iPad

Elizabeth Shaw

From:

nuendelcapecod@aol.com

Sent:

Thursday, October 15, 2015 12:52 AM

To:

admin@eastham-ma.gov; egawron@outercape.org; lsburt@hotmail.com; knightflight2500

@gmail.com; wallace.adams70@yahoo.com; woshea70@gmail.com

Subject:

I found some more reading in prep for 10/19

This is from a draft of Eastham's Local Comprehensive Plan from 2010. It seems to remind us of our goals and how to implement them. Thanks - Bonnie Nuendel nuendelcapecod@aol.com

Chapter 40B of the Massachusetts General Laws was enacted to encourage the development of affordable housing in all communities in the Commonwealth. The act establishes a ten percent (10%) threshold of the year-round housing stock to be affordable for low or moderate-income households. If this threshold is not met, a developer may seek waivers from local laws and regulations to create such housing. Based on Eastham's 2010 Census' 2,632 year-round housing stocks, this threshold would be 263 affordable housing units. Because only 49 units currently qualify as affordable year-round housing stock, an additional 214 units are required to meet the threshold. Census figures determine that the need is primarily for rental units for those with "moderate to low income."

The number of housing units increased greatly during the 1980's; going from 3,625 in 1980, to 4,863 in 1990. This thirty-four (34) percent increase, or 1,238 housing units, was on average one hundred (100) new housing units a year during that decade. Since 1990, new housing has been built in Eastham at a much slower rate than the previous three decades. Between 1990 and 2000, 672 housing units were added to Eastham's stock – a 14% change, and between 2000 and 2010, only 425 – an 8% change. This decrease in construction of housing is in part due to the national recession experienced in 1991-92 and in part because of the limited developable land available in Eastham. There is little evidence to conclude that this new trend will not continue.

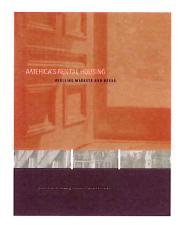
Implementation From page 148 of said document.

AFFORDABLE HOUSING	Promote/adopt growth management bylaws	Planning Board, Town Meeting	В	TBD
	Promote/Adopt Zoning Changes that allow mixed-use development	Planning Board, Town Meeting	В	ON
	Establish housing committee/partnership to develop policy	BOS,CPC	С	TBD
	Inventory public and private vacant land suitable for affordable housing	Housing committee/partnership.	В	TBD
	Donate or lease town- owned land to the Housing Authority	BOS	С	TBD



AMERICA'S RENTAL HOUSING

EVOLVING MARKETS AND NEEDS



KEY FACTS

Rental housing has always provided a broad choice of homes for people at all phases of life. The recent economic turmoil underscored the many advantages of renting and raised the barriers to homeownership, sparking a surge in demand that has buoyed rental markets across the country. But significant erosion in renter incomes over the past decade has pushed the number of households paying excessive shares of income for housing to record levels. Assistance efforts have failed to keep pace with this escalating need, undermining the nation's longstanding goal of ensuring decent and affordable housing for all.

WHO ARE RENTERS?

- Today, there are 43 million renter households, representing 35 percent of all households. Rates of renting are at their highest in
 more than a decade for all age groups and at their highest for those aged 25-54 since recordkeeping began in the 1970s.
- The 2000s marked the strongest decade of growth in renter households over the past half-century, averaging more than 500,000 annually. In fact, over the last three years renter growth has averaged 1.25 million.
- Single person households are the most common renter household, making up 35 percent of renters, but fully 32 percent of renters are married couples with children and single-parent families.
- Rental housing is home to a disproportionate share of the nation's lower-income households. Nearly half of renters have incomes below \$30,000, including 22 percent with annual incomes below \$15,000 (roughly equivalent to working year-round at the minimum wage) and 24 percent earning between \$15,000 and \$30,000.
- As homeownership rates stabilize, renter household growth will slow over the next few years. But even holding current rates constant, demographic forces alone will lead to an increase between 4 million and 4.7 million renters over 2013–23.
- With baby boomers aging, the number of renters over age 65 will increase by 2.2 million over 2013-23.. Hispanics are also projected to account for a substantial share of renter growth over this period, with increases in the 2.2–2.4 million range.

WHERE DO RENTERS LIVE?

- Most rental housing consists of single-family homes and small multifamily housing: 35 percent are single-family homes, 4 percent are manufactured homes, and 19 percent are 2-4 unit structures.
- Across the 100 largest metropolitan areas, 45 percent of occupied rental units in 2011 were located in low-income neighborhoods, compared with 28 percent of all households. At the other end of the spectrum, 20 percent of rentals were in high-income neighborhoods, compared with 36 percent of households.

WHAT ARE TRENDS IN RENTAL AFFORDABILITY?

- More than half of renters 21.1 million households were cost burdened in 2012, paying more than 30 percent of income for housing. This is the greatest number of housing cost burdened renters on record.
- The share of cost-burdened renters increased from one in four households in 1960 to one in two in 2012. The share rose by 12 percentage points between 2000 and 2012 alone, driven by a widening gap between median incomes and rents.
- More than eight out of ten renters with household incomes below \$15,000 were cost burdened in 2011. The vast majority of these households nearly 7.3 million spent more than half of their income on housing (making them severely cost burdened), 2.5 million more than ten years earlier.
- Since the Great Recession, two-thirds of the increase in cost burdened renters in the labor force has been among fully employed householders. As a result, 38 percent of fully employed renters were cost burdened in 2011.

WHAT ARE THE IMPLICATIONS OF A LACK OF AFFORDABLE RENTAL HOUSING?

- In order to pay their monthly housing costs, low-income households with severe housing cost burdens cut back most heavily on their spending for food, transportation, health care, and retirement savings.
- The lowest-income households spend about \$130 less on food each month—a reduction of nearly 40 percent relative to those without housing cost burdens.
- Some 12.8 percent of extremely low-income renters (earning less than 30 percent of median incomes in their market areas) live in units with structural deficiencies. By comparison, 7.1 percent of moderate- and higher-income renters (with incomes at or above 80 percent of AMI) live in housing that is deemed inadequate.

HOW WELL ARE WE MEETING THE NEED FOR AFFORDABLE RENTAL HOUSING?

- Demand for low rent housing continues to far outstrip supply, as the shortfall in the number of units affordable to extremely low-income renters (earning up to 30 percent of the area median) more than doubled from 1.9 million in 2001 to 4.9 million in 2011.
- Taking into account the competition from higher-income renters for affordable homes, for every 100 extremely low-income renter in 2011 there were only 36 rental units that were affordable and available.
- In the aftermath of the Great Recession, the number of very low-income renters that are eligible for federal rental assistance mushroomed from 15.9 million in 2007 to 19.3 million in 2011, but less than a quarter (23.8 percent) actually received housing assistance in 2011, down from 27.4 percent in 2007.
- Federally assisted housing continues to serve the nation's most vulnerable households—in 2012, 31 percent of assisted residents were aged 62 or older, 34 percent were under age 62 but disabled, and nearly half (47 percent) have annual incomes under \$10,000.
- Despite a HUD-sponsored study in 2010 estimating the need for \$26 billion in capital repairs for public housing—the nation's oldest form of assisted housing—outlays for these investments fell 18 percent between 2008 and 2012.
- Housing choice vouchers, which provide the largest share of rental assistance, will bear the brunt of federal budget cuts under sequestration, with HUD estimating that 125,000 families will lose their vouchers in 2013.

HOW IS THE RENTAL HOUSING STOCK CHANGING?

- Starts of multifamily housing, the vast majority intended for the rental market, have picked up sharply. Midway through 2013, starts were on pace to total 294,000 for the year, although still below the 340,000 annual rate averaged in the early 2000s before the housing bust.
- On average, 260,000 new rental housing units were completed each year between 2000 and 2009, including 41,000 single-family homes. At the depth of the downturn in 2010, completions of homes intended for rent totaled a mere 151,000, but rebounded to 186,000 in 2012.
- New construction typically adds residences at the upper end of the rent distribution; the median monthly gross rent for units built in the last four years was \$1,052—affordable only for households earning at least \$42,200 a year.
- In 2009–11, 1.9 million homes switched on net from owner-occupied to the rental stock. Another 1.1 million net units had been converted to rentals between 2007 and 2009, bringing the total to more than 3 million homes over the 4 year period.
- Of the 34.8 million rentals that existed in 2001, some 1.9 million were demolished by 2011—a loss rate of 5.6 percent. But losses among the most affordable rentals (renting for under \$400 monthly) were more than twice as high at 12.8 percent.

WHAT ARE RENTAL MARKET CONDITIONS?

- From a record high of 10.6 percent in 2009, the national vacancy rate turned down in 2010 and has continued to slide, averaging 8.4 percent in the first three quarters of 2013.
- Rent growth accelerated steadily through 2011 before stabilizing at about a 2.8 percent annual rate through September 2013, outpacing the rise in overall prices.
- Nearly every major metropolitan area has shared in the rental recovery. As of the second quarter of 2013, 90 of the 93 metro areas
 tracked by MPF Research reported annual rent increases, and 20 metros posed gains of 3.5 percent or more.
- Since bottoming out in the fourth quarter of 2009, Moody's Commercial Property Price Index for apartment buildings climbed by
 62 percent to a new high in mid-2013.
- The share of noncurrent multifamily loans held by FDIC-insured institutions has fallen for 10 consecutive quarters to 1.5 percent in the first half of 2013 since its recent peak of 5.4 percent in the third quarter of 2010.
- Loans backed by the GSEs and FHA accounted for the lion's share of multifamily lending in the years after the recession. The Mortgage Bankers Association (MBA) estimates that annual originations backed by the GSEs nearly doubled between 2009 and 2012, while loans insured by FHA were up five-fold.

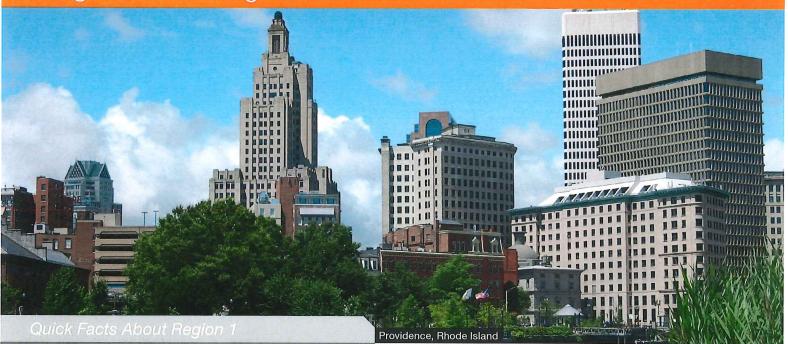
SPONSORS: Funding for this report was provided by the John D. and Catherine T. MacArthur Foundation and the Policy Advisory Board of the Joint Center for Housing Studies.

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HUD PD&R Regional Reports

Region 1: New England



By Michael J. Murphy | 2nd quarter 2015

Sales market conditions— Second quarter 2014: balanced. Apartment market conditions—



Overview

Economic conditions improved in the New England region during the second quarter of 2015 compared with conditions a year earlier. Overall, nonfarm payrolls increased by 111,800 jobs, or 1.6 percent, to 7.26 million jobs during the period. This improvement represented the 20th consecutive quarter that the number of nonfarm payroll jobs increased year over year in the region. During the second quarter of 2015, nonfarm payrolls in Massachusetts accounted for 48 percent of the jobs in the region and represented 60 percent of the net job growth in the region. Sales housing markets were balanced. Sales of single-family homes, including townhomes, increased in every state in the region except Massachusetts, and single-family home sales prices increased in every state except Connecticut. Apartment market conditions in the Boston metropolitan area and Fairfield County, Connecticut, the two areas in the region where multifamily additions have been primarily concentrated during recent years, were balanced. Most other apartment markets in the region, where multifamily production has been limited, were tight.



During the second quarter of 2015—

- In the region, every employment sector added nonfarm payroll jobs and every state recorded job growth.
- Despite continued job growth, single-family homebuilding activity declined in every state in the region except Rhode Island; levels decreased 23 percent overall from a year earlier compared with a 6-percent increase nationwide during the same period.
- By contrast with single-family homebuilding activity, multifamily building activity in the region increased in every state in the region except New Hampshire; levels increased 31 percent overall from a year earlier, which was still 6 percentage points less than the national rate. The gains were primarily concentrated in the Boston metropolitan area.

Economic Conditions

Economic conditions in the New England region, which began to improve during the third quarter of 2010, continued to improve during the second quarter of 2015, when job growth ranged from 0.4 percent in Maine to 2.0 percent in Massachusetts compared with job growth during the second quarter of 2014. Overall, nonfarm payrolls increased by 111,800 jobs, or 1.6 percent, to approximately 7.26 million jobs, compared with a 1.1-percent gain during the same period a year earlier. The regional gains, however, trailed nonfarm payroll growth of 2.2 percent nationwide. During the second quarter of 2015, the education and health services, professional and business services, and leisure and hospitality sectors accounted for 65 percent of all net job gains. The financial activities sector added 4,900 jobs—the 1.1-percent gain represented the first time that the sector added jobs during the second quarter in 8 years. Nonfarm payroll jobs in the financial activities sector increased in every state in the region except Rhode Island, where the number of jobs in the sector remained essentially unchanged. The unemployment rate in

the region averaged 4.7 percent, down from 5.9 percent during the same period a year earlier and compared with a national average of 5.3 percent. The average unemployment rate decreased most in Rhode Island, which declined by 2.0 percentage points, to 5.7 percent, representing the second greatest statewide decrease in the nation, behind only Michigan.

During the second quarter of 2015—

 Massachusetts gained 67,600 jobs, or 2.0 percent, compared with a 1.5-percent increase during the same period a year earlier. The greatest job gain and the highest percentage job gain were in the professional and business services sector, which increased by 19,100 jobs, or 3.7 percent. Within the professional and business services sector, growth was greatest in the computer systems design and related services industry, which added 5,600 jobs, a 7.9-percent increase. continued on page 3

In the New England region, every sector added nonfarm payroll jobs year over year, but only two sectors increased by more than the 2.2-percent average nationwide growth rate.

	Second	Quarter	Year-Over-Year Change		
	2014 (thousands)	2015 (thousands)	Absolute (thousands)	Percent	
Total nonfarm payrolls	7,149.7	7,261.5	111.8	1.6	
Goods-producing sectors	870.8	878.0	7.2	0.8	
Mining, logging, and construction	271.8	276.9	5.1	1.9	
Manufacturing	599.0	601.1	2.1	0.4	
Service-providing sectors	6,278.9	6,383.5	104.6	1.7	
Wholesale and retail trade	1,050.9	1,060.4	9.5	0.9	
Transportation and utilities	194.7	195.8	1.1	0.6	
Information	151.4	152.3	0.9	0.6	
Financial activities	446.8	451.7	4.9	1.1	
Professional and business services	957.7	985.2	27.5	2.9	
Education and health services	1,465.6	1,494.0	28.4	1.9	
Leisure and hospitality	722.8	739.5	16.7	2.3	
Other services	277.4	282.4	5.0	1.8	
Government	1,011.5	1,022.3	10.8	1.1	

Note: Numbers may not add to totals because of rounding. Source: U.S. Bureau of Labor Statistics

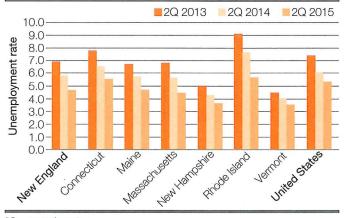




- Connecticut nonfarm payrolls increased by 23,900 jobs, or 1.4 percent, more than double the 0.6-percent increase during the second guarter of 2014. The financial activities and manufacturing sectors added 1,500 and 700 jobs; the respective 1,2- and 0.5-percent gains represented only the second time that each sector added jobs during the second quarter since 2007 and 1998, respectively.
- In Vermont, nonfarm payrolls increased by 4,800 jobs, or 1.6 percent, with nearly 60 percent of the net gain in the education and health services and the leisure and hospitality sectors, which increased by 1,700 and 1,100 jobs, a gain of 2.8 and 3.3 percent, respectively. New Hampshire added 8,100 jobs, a 1.3-percent increase, with the greatest gains in the education and health services and the wholesale and retail trade sectors, which each added 2,100 jobs, with 1.8- and 1.7-percent increases, respectively.
- Nonfarm payrolls in Rhode Island and Maine increased 1.0 and 0.4 percent, or by 4,900 and 2,600 jobs, respectively. In both states, the professional and business services sector led all gains, increasing by 2,100 jobs, or 3.5 percent, in Rhode Island and 2,300 jobs, or 3.6 percent, in Maine. These gains more than offset the loss of 1,200 jobs, a 7.1-percent decline, in the

construction subsector in Rhode Island and the combined loss of 900 jobs, a 1.0-percent decline, in the state and local government subsectors in Maine.

Average unemployment rates decreased more in the New England region than nationwide, with the greatest declines in Rhode Island and Massachusetts.



2Q = second quarter.

Source: U.S. Bureau of Labor Statistics

Sales Market Conditions

Sales housing markets in the New England region were balanced overall during the second quarter of 2015, unchanged from the same period a year earlier. Despite sustained job growth during the past 5 years, home sales prices in the region during May 2015 (the most recent data available) increased 2 percent compared with prices a year earlier, which was 4 percentage points less than the national average (Federal Housing Finance Agency House Price Index).

Overall, the sales housing markets in the region for single-family homes (including townhomes) and condominiums were balanced, but single-family home sales and sales prices increased in most states, while changes in condominium sales and sales prices were mixed. During the 12 months ending June 2015, the number of single-family home sales increased in five of the six states in the region, with Vermont and Maine leading the gains (on a percentage basis), increasing 9 and 7 percent, respectively. The rates of home sales have accelerated, however, during the second quarter of 2015. Comparing the 3 months ending June 2015 with the 3 months ending June 2014, the number of single-family home sales increased in all six states; the number of sales increased 1 percent in Massachusetts, but increases in the other states in the region ranged from 8 percent in Connecticut, Maine, and New Hampshire to 18 percent in Vermont. Median single-family home sales prices increased in five of the six states in the region. The statewide gains ranged from a 1-percent increase in Maine to 6-percent gains in New Hampshire and Vermont. During the second quarter of 2015, condominium sales were up in New Hampshire but down or unchanged in the other states in the region. (Maine does not report condominium sales.) Median condominium sales prices were also mixed, ranging from an increase of 13 percent in Rhode Island to 1-percent decreases in Connecticut and Massachusetts.

In June 2015, 4.9 percent of home loans in the region were seriously delinquent (90 or more days delinquent or in foreclosure) or transitioned into real estate owned (REO) status, down from 5.7 percent in June 2014 (Black Knight Financial Services, Inc.). The rate of seriously delinquent and REO loans declined year over year in every state in the region, ranging from a decrease of 0.4 percentage points, to 4.2 percent, in Vermont to a decrease of 0.9 percentage points, to 5.7 percent, in Connecticut. Of the states in the region, however, only New Hampshire, with a rate of 3.1 percent, had seriously delinquent and REO loan rates lower than the national average of 4.1 percent.

During the second quarter of 2015 (preliminary data)—

Single-family homebuilding activity, as measured by the number of homes permitted, decreased 23 percent in the region from the second quarter of 2014, to 3,125 homes permitted, compared with a 6-percent increase nationwide. The percentage decline in the region was 16 percentage points greater than in any other region in the country.

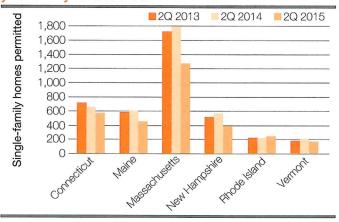






- The number of single-family homes permitted decreased in every state in the region except Rhode Island, where the number of homes permitted increased 9 percent, to 250 homes.
- Nominal single-family permitting declines were greatest in Massachusetts, where the number of homes permitted decreased from 1,800 during the second quarter of 2014 to 1,275, a 29-percent decline.
- The percentage decline in single-family homebuilding activity was greatest in New Hampshire, where the number of homes permitted decreased 32 percent, to 390 homes.
- In Vermont and Connecticut, the number of homes permitted declined less than in the other states in the region, decreasing by 19 and 12 percent, respectively, from 210 and 660 homes during the second quarter of 2014 to 170 and 580 homes permitted, respectively.

Single-family home permitting in the New England region decreased 23 percent during the second quarter of 2015, representing the third consecutive quarter of year-over-year declines.



2Q = second quarter.

Note: Based on preliminary data.

Source: U.S. Census Bureau, Building Permits Survey

Single-family home sales and prices increased in most states in the New England region, but condominium sales and prices were mixed.

	12 Months Ending	Number of Homes Sold		Price				
		2014	2015	Percent Change	Average or Median	2014 (\$)	2015 (\$)	Percent Change
Connecticut (N&E)	June	26,900	27,550	2	MED*	259,000	255,000	-2
Maine (E)	June	13,650	14,650	7	MED	185,000	187,700	1
Massachusetts (E)	June	48,850	47,850	-2	MED	364,900	375,000	3
New Hampshire (E)	June	13,200	13,800	5	MED	236,950	250,000	6
Rhode Island (E)	June	8,800	9,175	4	MED*	219,450	225,000	3
Vermont (E)	June	5,050	5,500	9	MED	212,050	223,750	6
Connecticut (N&E—condo)	June	6,975	6,975	0	MED*	168,000	166,800	-1
Massachusetts (E-condo)	June	20,350	19,100	-6	MED	332,000	330,000	- 1
New Hampshire (E-condo)	June	3,150	3,325	6	MED	165,000	170,000	3
Rhode Island (E-condo)	June	1,625	1,575	-3	MED*	189,900	214,900	13
Vermont (E—condo)	June	1,200	1,200	0	MED	187,900	190,000	1

condo = condominium. E = existing. MED = median. N&E = new and existing.

*Median prices represent the second quarters of 2014 and 2015 for Connecticut and Rhode Island but represent June 2014 and 2015 for all other states in the region. Note: Data for single-family homes include townhomes for all states in the region.

Sources: Berkshire Hathaway HomeServices New England Properties; Main Real Estate Information System; Massachusetts Association of Realtors®; Northern New England Real Estate Network; Rhode Island Association of Realtors®

Apartment Market Conditions

Apartment market conditions in metropolitan areas in the New England region ranged from balanced to tight during the second quarter of 2015. The apartment vacancy rate for primary markets in the region was 4.7 percent during the period, up from 3.8 percent a year earlier; it was higher than the national apartment vacancy rate of 4.2 percent (Reis, Inc.). Average monthly rents in the region

increased 4 percent, to \$1,827, during the second quarter of 2015, up from a year earlier. The increase was the same as the national rate; the national monthly average asking rent was \$1,194.

Apartment vacancy rates in metropolitan areas in the region, where multifamily production has concentrated in recent years, increased most during the second quarter of 2015 compared with vacancy

continued on page 5





rates during the same period a year earlier. In the Boston metropolitan area, the area in the region where most of the multifamily production has historically been concentrated, apartment market conditions were balanced, with an apartment vacancy rate of 5.2 percent, up from 4.1 percent a year earlier, representing the second highest year-over-year increase in the region and the highest rate for the metropolitan area since the third guarter of 2010. During the second quarter of 2015, however, the 5-percent increase in average monthly rents in the Boston metropolitan area from a year earlier represented the greatest annual gain for a metropolitan area in the region. Average monthly rents in the Boston metropolitan area, which surpassed rent levels in Westchester County, New York, are now the third highest in the country—behind only New York and San Francisco. The apartment market in Fairfield County, another area in the region where multifamily production has concentrated since 2012, is balanced, with a 6.3-percent vacancy rate, up from 4.9 percent a year earlier. The increase of 1.4 percentage points in the apartment vacancy rate was the highest in the region.

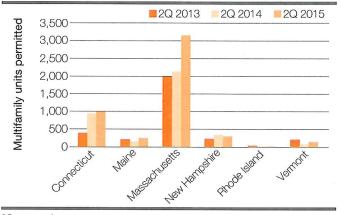
By contrast with apartment conditions in the Boston metropolitan area and Fairfield County, apartment market conditions were tight in the eight other relatively highly populated metropolitan areas in the region that are covered by Reis, Inc. Multifamily production has been limited in those areas, all posting apartment vacancy rates of 3.2 percent or less, with rate changes ranging from a decrease of 0.9 percentage points to an increase of 0.7 percentage points, during the second guarter of 2015 from a year earlier. In the Providence metropolitan area, the apartment vacancy rate declined to 2.1 from 2.5 percent during the second quarter of 2014. The apartment vacancy rate in the Providence metropolitan area represented the lowest rate for the metropolitan area since the fourth quarter of 2004 and was the lowest rate in the nation among metropolitan areas covered by Reis, Inc. The 1-percent increase in average monthly rents during the second quarter of 2015, however, compared with a year earlier in the Providence metropolitan area was among the lowest in the region. By contrast, the 4-percent average

rent increase during the period in the Manchester-Nashua metropolitan area was the highest in the region, aside from the Boston metropolitan area.

During the second quarter of 2015 (preliminary data)—

- Multifamily building activity, as measured by the number of units permitted, increased 31 percent in the region, to 4,850 units, from the second quarter of 2014; this rate was 6 percentage points less than the nationwide increase.
- Massachusetts, which accounted for 65 percent of all multifamily building activity in the region, recorded a 48-percent increase, to 3,150 units permitted.
- Multifamily permitting increased more than 50 percent in Maine and Vermont, where 260 and 150 multifamily units were permitted, respectively, representing increases of 100 and 60 units, respectively.

During the second quarter of 2015, multifamily permitting increased in every state in the New England region relative to a year earlier.



2Q = second quarter.

Note: Based on preliminary data.

Source: U.S. Census Bureau, Building Permits Survey

Apartment market conditions in the New England region were tight in metropolitan areas where multifamily production was limited in recent years, such as the Providence metropolitan area, which had the lowest apartment vacancy rate in the nation.

	Market Condition	Vacancy Rate			Average Monthly Rent		
		2Q 2014 (%)	2Q 2015 (%)	Percentage Point Change	2Q 2014 (\$)	2Q 2015 (\$)	Percent Change
Boston	Balanced	4.1	5.2	1.1	1,940	2,028	5
Fairfield County	Balanced	4.9	6.3	1.4	1,933	1,968	2
Manchester-Nashua	Tight	2.6	2.6	0.0	1,164	1,211	4
Portland	Tight	3.4	3.2	-0.2	1,079	1,100	2
Providence	Tight	2.5	2.1	-0.4	1,290	1,301	1

2Q = second quarter.

Sources: Market condition—HUD, PD&R, Economic and Market Analysis Division; vacancy rate and average monthly rent—Reis, Inc.







- In Connecticut and Rhode Island, multifamily building activity increased less rapidly, with the number of multifamily units permitted increasing by 30, to 980 units, in Connecticut and by 5, to 15 units, in Rhode Island.
- The only state in the region where multifamily permitting declined was New Hampshire, where the number of permits decreased to 290 units compared with 360 units during the same period a year earlier.
- More than 70 percent of all market-rate multifamily units currently under construction in the region are in the Boston metropolitan area and Fairfield County (since 2000, these two metropolitan areas have accounted for nearly 65 percent of all market-rate multifamily completions in the region; McGraw-Hill Construction Pipeline database). More than 14,000 and nearly 1,500 new multifamily units are currently under construction in the Boston metropolitan area and Fairfield County, respectively. Apartment construction represents approximately 95 percent of all marketrate multifamily development in both housing markets.



October 15th, 2015

ADMINISTRATION

OCT 1 5 2015

Dear Eastham Board of Selectman;

RECEIVED

RE: EASTHAM NEEDS AFFORDABLE HOUSING- Letter of Support w/provision

I'm writing in support of the Governor Prence Residences Project proposed for the T-Time location on Rt. 6 in Eastham, with the condition the projects scale be reduced by half. Do we have the option to proceed with only one of the proposed phases? As presented this project seems a bit large for Eastham, but simply we cannot allow this to be an excuse for inaction on Affordable housing. Eastham & the Outer Cape desperately need affordable housing options, it allows our young people to start & continue their lives here, & creates many one levels units for our aging population. Lastly, this project helps Eastham move closer to the states recommended goal of 10% AH, currently Eastham is the lowest on the Cape with 1.9%.

WE can & MUST do better for families & individuals of all economic backgrounds.

Respectfully,

Kathryn Atwood 510 North Sunken Meadow Rd

Cc: Sheila Vanderhoef, Town Administrator

October 15th, 2015

Dear Eastham Board of Selectman;

OCT 15 2005

RE: EASTHAM NEEDS AFFORDABLE HOUSING- Letter of Support w/provision

I'm writing in support of the Governor Prence Residences Project proposed for the T-Time location on Rt. 6 in Eastham, with the condition the projects scale be reduced by half. Do we have the option to proceed with only one of the proposed phases? As presented this project seems a bit large for Eastham, but simply we cannot allow this to be an excuse for inaction on Affordable housing. Eastham & the Outer Cape desperately need affordable housing options, it allows our young people to start & continue their lives here, & creates many one levels units for our aging population. Lastly, this project helps Eastham move closer to the states recommended goal of 10% AH, currently Eastham is the lowest on the Cape with 1.9%.

WE can & MUST do better for families & individuals of all economic backgrounds.

Respectfully,

Leonard Thomas 510 North Sunken Meadow Rd

Cc: Sheila Vanderhoef, Town Administrator

Gillespie-Lee, Laurie

From:

Lucinda Hicks-Beach Quinn < lucindaq@comcast.net>

Sent:

Thursday, October 15, 2015 3:55 PM

To:

Gillespie-Lee, Laurie

Subject:

I vote no to rte 6 low income housing.

No.

Sent from XFINITY Connect Mobile App

Letter 24

Gillespie-Lee, Laurie

From:

carolkristoff@comcast.net

Sent:

Thursday, October 15, 2015 3:57 PM

To:

Gillespie-Lee, Laurie

Subject:

housing

Carol Kristoff Has any thought been given to maybe scaling back on 130 low income units and maybe putting some elderly housing units with possibly having some assisted living units on this land. That would create some jobs. And some the older residents may need this at some point. They would be able stay in their town and not look elsewhere.

 $\textbf{Like} \cdot \textbf{Reply} \cdot \textbf{5} \cdot \textbf{22} \; \text{hrs}$

Letter 25

Gillespie-Lee, Laurie

From:

carolkristoff@comcast.net

Sent:

Thursday, October 15, 2015 4:01 PM

To:

Gillespie-Lee, Laurie

Subject:

housing

Carol Kristoff I think if part of this project included low income elderly housing and assisted living facility. These people would not be seeking employment. I think it may also fill a need for this town and possibly create some jobs.

Like · Reply · 1 · 6 hrs



Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker Governor

Karyn E. Polito Lieutenant Governor OCT 0 5 2015

Matthew A. Beaton Secretary

> Martin Suuberg Commissioner

September 30, 2015

Ms. Linda S. Burt Chair, Board of Selectmen Town of Eastham 2500 State Highway Eastham, MA 02642

Dear Ms. Burt,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the Town of Eastham Recycling Dividends funds and Small-Scale Initiative funds under the Sustainable Materials Recovery Program. The Town of Eastham has earned 8 points and will receive \$3,950.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The terms and conditions of this award are outlined in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at (617) 292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely

Martin Suuberg Commissioner

cc: Neil Andres, DPW Director