

# AGENDA

Monday

December 7, 2015

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, December 7, 2015  
5:00 p.m.**

**Location:**      Earle Mountain Room

**I. PUBLIC/SELECTMEN INFORMATION**

**II. APPOINTMENTS**

**5:05 p.m.** Protect Our Cape Cod Aquifer (POCCA), Laura Kelley- Seeking the Board's support with several on-going efforts opposing Ever Source's spraying of pesticides on the utility easements:

- a. Support for Senator Dan Wolf's Bill # S.478, to give each town the right to negotiate a no pesticide agreement;
- b. That Eastham prepare to write MDAR and testify in strong opposition to the YOP during the comment period (beginning in January 2016);
- c. That the Board agrees to a meeting between POCCA Attorney Bruce Taub and Eastham Town Counsel regarding potential legal action against Ever Source. (Votes may be taken)

**5:30p.m.** Library Construction Update- Dan Pallotta, P3, to present an update on the progress of the construction of the new Library. (No votes anticipated)

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

**III. LICENSING:**

**A. Action/Discussion**

1. Lodge of Elks, Need vote for new application to ABCC. Due to a misunderstanding with ABCC, the Lodge must request the local licensing authority (the Board of Selectmen) to re-vote its Board of Directors and Manager in order to reapply for their All Alcohol License. (Requires Vote and signature)
2. Aquaculture License Reconciliation. Corrections to licenses for current Aquaculture Licenses formerly approved by the Board. (No vote needed, but signatures required)

**IV. ADMINISTRATIVE MATTERS**

**A. Action/Discussion**

1. Board Discussion on process and timeline of negotiation with Stratford Capital Group for Governor Prentice Residences (former T-Time Property) 4790 State Highway. This will be a Board discussion only, no public comment or questions. ( No votes will be taken regarding the approval of the project, votes may be taken regarding the next steps in the process of negotiating a memorandum of agreement )
2. Committee Appointment, (Requires vote):
  - A. Joan Matern- Human Services Advisory Committee
  - B. David Schropfer -Barnstable County Human Rights Commission



3. Update on Plowing of Private Roads for winter 2015-2016 with list of approved roads (No vote needed)
4. Amendment needed to Community Preservation Committee Contract with Habitat for Humanity to remove signage. (Signature needed)
5. Notice of National MS Society Annual Cape Cod Getaway Bike Ride (No vote needed)

**IV. OTHER BUSINESS**

**V. TOWN ADMINISTRATOR'S REPORT**

**EXECUTIVE SESSION** Colley v. Town; Schrock v. Town– G.L. c. 30A, s. 21(a)(3) - To discuss litigation strategy with respect to the litigation when an open meeting may have a detrimental effect on the litigating position of the public body and the chair is so declaring.

**Upcoming Meetings**

|             |           |                     |                 |
|-------------|-----------|---------------------|-----------------|
| December 9  | 3:00p.m.  | Timothy Smith Room  | Work Session    |
| December 21 | 5:00 p.m. | Earle Mountain Room | Regular Meeting |

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

## Sheila Vanderhoef

II.  
5:05 pm

**From:** POCCA CAPE COD <poccacapecod@gmail.com>  
**Sent:** Wednesday, November 25, 2015 10:08 AM  
**To:** Sheila Vanderhoef; Elizabeth Gawron; Elizabeth Shaw  
**Cc:** Bruce Taub  
**Subject:** Re: Request to Eastham Board of Selectmen

Please add this to your agenda packet ~

Here is Senator Dan Wolf's Bill #478:

<https://legiscan.com/MA/text/S478/id/1205740>

For more information go to: [www.poccacapecod.org](http://www.poccacapecod.org)

I'm looking forward to seeing you soon.

Thank you,  
Laura Kelley  
774.353.6511

On Sun, Nov 22, 2015 at 5:41 PM, POCCA CAPE COD <[poccacapecod@gmail.com](mailto:poccacapecod@gmail.com)> wrote:  
Dear Eastham Board of Selectmen:

Thank you for inviting me to be on the BoS meeting agenda on December 7, 2015. On behalf of POCCA Cape Cod - [poccacapecod.org](http://poccacapecod.org) - I present three requests for your consideration.

- 1.) That the Eastham BoS write a letter in support of Senator Dan Wolf's bill # S.478, an act that if passed would give each town the right to negotiate a no pesticide spraying agreement with Eversource Energy, by writing to Senator Anne Gobi, Senate Chair ENRA - at [anne.gobi@masenate.gov](mailto:anne.gobi@masenate.gov) - and Representative Paul Schmid, House Chair ENRA at [Paul.Schmid@mahouse.gov](mailto:Paul.Schmid@mahouse.gov).
- 2.) That the Eastham BoS prepare to write MDAR and prepare to testify in strong opposition to Eversource's YOP when the time for such comments arises after January 1, 2016.
- 3.) That POCCA and POCCA's Attorney, Bruce Taub, be invited to discuss with Eastham town counsel, as we have done favorably with town counsel in Brewster and Orleans, the possibility of Eastham joining in efforts to take Eversource to court, conditioned on Attorney Taub's offer of his time in such an endeavor on a pro bono basis, in an effort to stop all herbicide spraying along Eastham town owned and privately owned lands and ROWs. See original Motion for Temporary Restraining Order/Injunction and Court's response there to - attached.

Thank you for all you do to protect our natural resources. I look forward to meeting with you.

All the Best,  
Laura Kelley, Director  
POCCA Cape Cod.org

--  
POCCA Cape Cod  
[www.poccacapecod.org](http://www.poccacapecod.org)  
Protect Our Cape Cod Aquifer



II. 5:05 a.

**SENATE . . . . . No. 478**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
PRESENTED BY:

***Daniel A. Wolf***  
\_\_\_\_\_

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to vegetation management.

\_\_\_\_\_  
PETITION OF:

| NAME:                    | DISTRICT/ADDRESS:                      |
|--------------------------|--|
| <i>Daniel A. Wolf</i>    | <i>Cape and Islands</i>                |
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Sarah K. Peake</i>    | <i>4th Barnstable</i>                  |
| <i>Chris Walsh</i>       | <i>6th Middlesex</i>                   |
| <i>Denise Provost</i>    | <i>27th Middlesex</i>                  |
| <i>Brian R. Mannal</i>   | <i>2nd Barnstable</i>                  |

# SENATE . . . . . No. 478

---

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 478) of Daniel A. Wolf, Timothy R. Madden, Sarah K. Peake, Chris Walsh and other members of the General Court for legislation relative to vegetation management. Environment, Natural Resources and Agriculture.

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to vegetation management.

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

1 Any public utility, state agency or authority that maintains a right-of-way through a  
2 municipality or through property under the control of a water district shall offer a no- spray  
3 agreement, with reasonable provisions, for the municipality or water district to consider if it  
4 desires. Any such agreement negotiated may include but is not limited to the responsibilities of  
5 the parties, the allocation of costs and the rights and remedies of the parties in the event of  
6 default and may apply to all or any part of the right-of-way within the municipality or over  
7 which a water district has authority. Any agreement reached under this section must be  
8 negotiated in good faith, written, and signed by all parties. As part of the no-spray agreement the  
9 municipality or water district may either perform the vegetation control work to standards as  
10 provided in the agreement or contract with the public utility or others to conduct the work.

11 If the municipality or water district and the entity seeking to control the vegetation are  
12 unable to come to an agreement regarding a no-spray approach to vegetation management within



13 60 days of beginning discussions, the disputed issues shall be decided by arbitration using an  
14 arbitrator mutually agreed to by the parties. If the parties are unable to agree to an arbitrator  
15 within 15 days, each party shall choose one arbitrator each and those selected arbitrators shall,  
16 within 15 days of being selected, agree upon a third arbitrator. The panel of three arbitrators shall  
17 then determine the disputed issues within 15 days from the date the third arbitrator agrees to  
18 participate. Nothing in this section shall prevent the parties from using an organization such as  
19 the American Arbitration Association or a similar entity.

20 If a reasonable no-spray agreement is offered to a municipality and an agreement is not  
21 reached within 90 days after the date of the offer, the public utility, at its own option may apply  
22 pesticides, approved by the Massachusetts Department of Agriculture, in its right-of-way or use  
23 other methods to control the vegetation. If the municipality or water district agrees to perform  
24 vegetation control work but does not perform it by the agreed upon date or another date  
25 reasonably negotiated as the result of weather or other unforeseen events causing delay, the  
26 public utility, after 90 days written notice to the municipality or water district, at its own option  
27 may apply approved herbicides in its right of way or use other methods to control the vegetation.

28 It is the intent of this section that an alternative right-of-way maintenance procedure  
29 without the use of pesticides is made available to municipalities and water districts. This section  
30 does not affect a municipality's right to enact by-laws or ordinances not the public utilities to  
31 maintain its right-of-way clear of unwanted vegetation in the absence of a no-spray agreement.

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

BARNSTABLE SUPERIOR COURT  
CIVIL ACTION NO.

\* \* \* \* \*

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

II. 5:05 C.

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,  
Defendants

\* \* \* \* \*

PLAINTIFFS' COMPLAINT

The plaintiffs, Catherine T. Richardson, Sandra Johnson, David Greene, and other 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 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/her drinking water.
4. Other unnamed 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 agents' and/or subcontractors' breach of the terms and requirements of MGL 132B and 333 CMR 11 and as such are "persons aggrieved" within the definitions 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 a principal business address of 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.
9. Pursuant to the provisions of 333 CMR 11 Defendant Eversource's plan to apply herbicides 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 Bourne and Eastham.



11. In accordance with the terms of 333 CMR 11 Defendant Eversource and/or 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 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 sub-lethal effects in humans.

19. The effects of exposure broad-spectrum systemic herbicides on human health depends on how the amount, length, and frequency of exposure. Effects also depend on the health of a person 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 necessarily 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.

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.

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 persons or entities to severe known and unknown risks and hazards.

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 persons or entities to severe known and unknown risks and hazards.

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

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.

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 – Nuisance Created by Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis 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.
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;
- (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 – Breach of Contract by Defendant Eversource Energy Service Co., Inc.

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 and performed in accordance with the terms and conditions of the service contract entered into by the named Defendant and each individual 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 – Breach of the MA Consumer Protection Statute by Defendant Eversource Energy Service Co., Inc.

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 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 that said judgment be doubled or tripled as this Court deems just and fit in accordance with Massachusetts law.

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

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 14.

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 COURT  
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,  
Defendants

\* \* \* \* \*

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

2. 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.
3. 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.
4. Plaintiffs bring this Motion to prevent the commencement of the spraying or application of toxic herbicides so as to prevent irreparable harm to the Barnstable County Aquifer and the creation of irreparable damages to their property pending trial on the merits of the above-encaptioned case.
5. Plaintiffs are informed and believe that some spraying or application of toxic herbicides could commence immediately; before the merits of this action will be heard or decided.
6. There are serious questions going to the merits of the case and Plaintiffs are likely to succeed on the merits.
7. When evaluating whether a TRO or preliminary injunction is warranted an injunction should be issued 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. 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.

11. 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 environmental injuries projected are irreparable, wherefore the balance of harms favors the issuance of an injunction to protect the Plaintiffs and the environment."

12. "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.

13. 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.

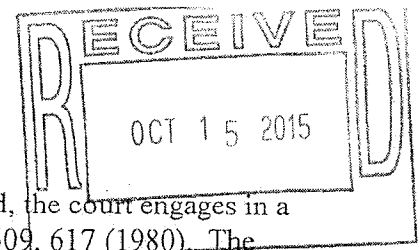
FOR THE FOREGOING REASONS, Plaintiffs respectfully request the Court grant the requested injunctive relief.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Motion for the Granting of a TRO, pg 3.

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



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.

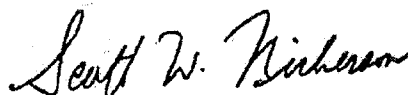
For the above stated reasons, the plaintiffs' Motion for Preliminary Injunction is respectfully **DENIED**.

Dated: October 6, 2015

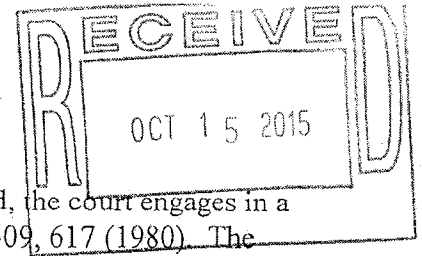


Robert C. Rufo  
Justice of the Superior Court

A true copy, Attest:



Clerk



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.

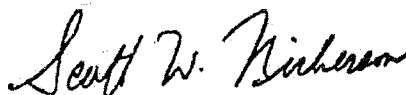
For the above stated reasons, the plaintiffs' Motion for Preliminary Injunction is respectfully **DENIED**.

Dated: October 6, 2015



Robert C. Rufo  
Justice of the Superior Court

A true copy, Attest:



Clerk

Dear ENRA Committee Chairs Senator Gobi and Representative Schmid:

We are undersigned, the (list your town) Board of Selectmen, write to respectfully ask that the ENRA committee move forward and favorably report out Senator Dan Wolf's bill S.478, a bill regarding vegetation management in rights-of-ways.

See <https://malegislature.gov/Bills/189/Senate/S478>

The intent of this bill is to give individual towns such as (list your town) the right to negotiate a no pesticide spraying agreement with Eversource Energy Corp. Thereby providing the citizens of (list your town) an alternative method of maintaining rights-of-way without the use of toxic pesticides.

Inasmuch as no additional cost would accrue to Eversource from the passage of this bill, and the citizens of (list your town) so strongly support the mandating of alternatives to the spraying of toxins, we call upon you to move this matter forward.

Respectfully,

Name  
Chair  
Town  
Etc

Please send this document to:

[Anne.gobi@masenate.gov](mailto:Anne.gobi@masenate.gov)

[Paul.schmid@mahouse.gov](mailto:Paul.schmid@mahouse.gov)

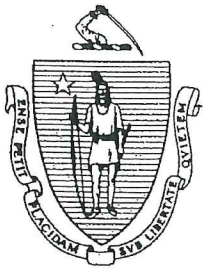
II  
5:30 PM

# Library Project

Dan Pallotta,

$P_3$





The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

☐ For Reconsideration

III. A. 1.

FORM 43

MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

036400005

ABCC License Number

Eastham

City/Town

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee Orleans-Eastham Lodge of Elks #2572

EIN of Licensee 04-3306725

D/B/A

Manager Alexander Paley

ADDRESS: 10 McKoy Road

CITY/TOWN: Eastham

STATE MA

ZIP CODE 02642

Annual

All Alcohol

Club

Granted under Special Legislation? Yes ☐ No ☒

Annual or Seasonal

Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

If Yes,

Chapter

Year

Complete Description of Licensed Premises:

One floor building consisting of one large assembly room, private lounge area for members and guests only, kitchen, 2 restrooms, bar area, storage and boiler room area. Storage area attached to rear. Total Capacity - 334

Application Filed: 11/23/2015 10:25 AM

Date & Time

Advertised: N/A

Date & Attach Publication

Abutters Notified: Yes ☐ No ☒

Licensee Contact Person for Transaction Katherine Gill

Phone: 508-255-4258

ADDRESS: 185 Oak Ridge Road

CITY/TOWN: Eastham

STATE MA

ZIP CODE 02642

Remarks: Per discussion with Ryan Melville on 9/30/15, re-application to be submitted directly to him.

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

ABCC Remarks:



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 7021  
BOSTON, MA 02204



MARK E. NUNNELLY, COMMISSIONER  
CHARLENE HANNAFORD, ACTING DEPUTY COMMISSIONER



080C  
ORLEANS EASTHAM LODGE 2572 BPOE  
OF THE USA INC  
10 MCKOY RD  
EASTHAM MA 02642-2801

Notice 80619  
T/P ID 043 306 725  
Date 11/14/15  
Bureau CERTIFICATE

OP

### CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, sales and use tax on Boats/RV, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C, SECTION 52.

Very truly yours,

Charlene Hannaford, Acting Deputy Commissioner



# Request for a Certificate of Good Standing and/or Tax Compliance or Waiver of Corporate Tax Lien

Massachusetts  
Department of  
Revenue

This application may be used to request a Certificate of Good Standing/Letter of Compliance, Waiver of Corporate Tax Lien, Certificate of Good Standing for a Non-Profit Organization or Liquor License.

If this matter is to be discussed with any third parties, complete the Power of Attorney section below. Mail your request as soon as possible to Massachusetts Department of Revenue, PO Box 7066, Boston, MA 02204 or fax to (617) 887-6262. For further information, call (617) 887-6367.

When completing this form, be sure to print legibly.

|   |                              |  |
|---|------------------------------|--|
| Name of organization or individual<br><u>Orleans Eastham Lodge 2572 BPOE</u>          | Trade name or DBA<br><u></u> | Federal ID or Social Security no. (REQUIRED)<br><u>043306725</u> |
| Street address ( <input type="checkbox"/> CHECK IF NEW ADDRESS)<br><u>10 McKoy Rd</u> | City/Town<br><u>Eastham</u>  | State<br><u>MA</u>   |
| Contact person<br><u>Katherine Gill</u>   |                              | Zip<br><u>02642</u>  |
|   |                              | Daytime telephone (REQUIRED)<br><u>508 255-4258</u>              |
| Street address (if different from above)<br><u></u>                                   | City/Town<br><u></u>         | State<br><u></u>   |
|   |                              | Zip<br><u></u>   |

## Type of Application

Type of organization (check one):

- ☒ Corporation ☐ Partnership ☐ Sole proprietor ☐ Individual ☐ LLP ☐ LLC ☐ Professional license renewal ☐ Trust  
☐ Other \_\_\_\_\_

Social Security number (REQUIRED if sole proprietor or single-member LLC) \_\_\_\_\_

☐ New business. Date formed \_\_\_\_\_

Employer Identification number (EIN) of principal reporting corporation if a combined corporate tax filer (REQUIRED) \_\_\_\_\_

Purpose of application (check one):

- ☐ Certificate of Good Standing/Letter of Compliance  
☒ Certificate of Good Standing for a Non-Profit Organization (enclose REQUIRED copy of 501c3 from the IRS)  
☐ Certificate of Good Standing Relating to an ABCC Liquor License Transfer or Operational/Administrative Changes

Transferring liquor license (check one): ☐ Yes ☐ No. Name of buyer \_\_\_\_\_

Address of DBA location \_\_\_\_\_ City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

List all tax identification numbers filed for this entity (e.g., meals, sales, withholding, room occupancy or income): \_\_\_\_\_

☐ Waiver of Corporate Tax Lien (does not apply to entities not taxed as a corporation)

If requesting Waiver of Corporate Tax Lien, attach price and legal description of assets to be sold and complete the following:

Name of transferee \_\_\_\_\_ Date of transfer or sale (REQUIRED) \_\_\_\_\_

Street address \_\_\_\_\_ City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

List assets \_\_\_\_\_

## Affidavit (REQUIRED)

Under the penalties of perjury, I declare that my company is responsible for the following taxes (REQUIRED; check all that apply):

- ☒ Withholding ☐ Sales/Use ☒ Meals ☐ Room Occupancy ☒ Corporate ☒ Other alcohol

Signature of taxpayer or corporate officer (REQUIRED)

Date 11-9-2015

See General Information on page 2



## TOWN OF EASTHAM

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

III. A.2

Date: December 7, 2015

Memo To: Eastham Board of Selectmen

Memo From: Laurie Gillespie-Lee

Re: Aquaculture License Reconciliation

Based on a review and reconciliation of the current Aquaculture Licenses, it was found that the following licenses required a correction or missing documentation.

1. Christopher Crobar – B6E
  - Board approved on August 17, 2015 but license never issued for the Board's signature
2. Adam Carpentieri – B11W
  - Original license signed in 2012 had the incorrect expiration date of April 1, 2014. The correct date is April 1, 2024.
3. Paul Dunne – N66
  - Original license had incorrect area of ½ acre. Correct area is 2 acres
4. Matt Campbell – B10E
  - Board approved on February 9, 2015 but license never issued for the Board's signature
  - Incorrect address noted on letter to Massachusetts Division of Marine Fisheries
5. James McGrath – N67
  - Original license had incorrect area of ½ acre. Correct area is 1 acre
6. Marilyn Collins – N1, N2 and N7
  - Board approved on February 18, 2014 but license never issued for the Board's signature

I have included the Board Members to sign on each license based on the members who were at the meeting to approve the license.

SV/lg



# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

## COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss.

B6E

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby TRANSFER a LICENSE to **CHRISTOPHER CROBAR**, P.O. Box 1121, 5680 State Highway, North Eastham, MA 02651 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of Boat Meadow in said Town of Eastham, bounded and described as follows:

Computed to have an area of one half acre.

The following procedure is permitted for licensed sites in the Aquaculture Development Area of Boat Meadow:

- Operation of motor vehicles for the purpose of removing and replacing shellfish stock and growout equipment in anticipation of the winter ice events is permitted during the months of December, February and March subject to the following protocol.
- Two vehicles shall convoy together at all times to provide immediate assistance in the event of one becoming disabled. The number of trips shall not be limited.
- The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.
- All required equipment specified in the bylaw shall be on each vehicle.
- All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.
- The Natural Resources Department shall be notified 24 hours in advance of the intention to drive on the intertidal flats under this provision.

This license is granted under Section 57 of Chapter 130 of the General Laws as amended by Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

This license shall expire one hour after sunset on the first day of April, 2018 unless sooner suspended or revoked.

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 17th day of August, Two Thousand Fifteen.

\_\_\_\_\_  
Elizabeth Gawron, Chair

\_\_\_\_\_  
John Knight, Vice-Chair

\_\_\_\_\_  
Linda Burt, Clerk

\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
William O'Shea

EASTHAM BOARD OF SELECTMEN



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

### COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss.

B-11W

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby *ISSUE A NEW LICENSE* to **Adam Carpentieri** of 265 Crosby Village Road, Eastham, Massachusetts 02642 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of BOAT MEADOW in said Town of Eastham, bounded and described as follows:

Site B-11W - Computed to have an area of one half acre.

The following procedure is permitted for licensed sites in the Aquaculture Development Area of Boat Meadow:

- Operation of motor vehicles for the purpose of removing and replacing shellfish stock and growout equipment in anticipation of the winter ice events is permitted during the months of December, February and March subject to the following protocol.
- Two vehicles shall convoy together at all times to provide immediate assistance in the event of one becoming disabled. The number of trips shall not be limited.
- The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.
- All required equipment specified in the bylaw shall be on each vehicle.
- All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.
- The Natural Resources Department shall be notified 24 hours in advance of the intention to drive on the intertidal flats under this provision.

This license is granted under Section 57 of Chapter 130 of the General Laws as amended by Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

This license shall expire one hour after sunset on the first day of **April, 2024** unless sooner suspended or revoked. This renewal was granted by the Board of Selectmen on February 6, 2012.

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 7th day of April, Two Thousand Fourteen.

\_\_\_\_\_  
Linda S. Burt, Chair

\_\_\_\_\_  
John Knight

\_\_\_\_\_  
Wallace F. Adams, II

**EASTHAM BOARD OF SELECTMEN**





## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

### COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss.

Site N-66

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby EXPAND and RENEW to **Paul Dunne**, 43 Bayridge Road, Orleans, MA 02653 (mailing address - P.O. Box 29, Eastham, MA 02642) to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Nauset Marsh described as follows:

Computed to have an area of two (2) acres, more or less.

This license is granted under Section 57 of Chapter 130 of the General Laws as amended Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

This license shall expire one hour after sunset on the first day April, 2023 unless sooner suspended or revoked.

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 16th Day of June, 2014.

\_\_\_\_\_  
Linda Burt, Chair

\_\_\_\_\_  
John Knight, Vice-Chair

\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
Elizabeth Gawron

**EASTHAM BOARD OF SELECTMEN**



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

December 7, 2015

Massachusetts Division of Marine Fisheries  
Attn: Mr. J. Michael Hickey  
1213 Purchase Street 3<sup>rd</sup> Floor  
New Bedford, MA 02740

RE: Aquaculture License

Dear Mr. Hickey:

**This letter is to correct the address for Mr. Campbell based on our original letter of February 18, 2015.**

Please be advised that the Eastham Board of Selectmen, at their Monday, February 9, 2015 meeting, approved the transfer of a previously approved Aquaculture License as follows:

**Matt Campbell**  
42 Lowell Drive  
Orleans, MA 02653

**Site B10E** ½ Acre Boat Meadow

Pursuant to Chapter 130 section 57, this site has been inspected by your office and has an active license that will not expire until 2017. Michael J. O'Connor, Deputy Shellfish Constable, can be reached at 508-240-5971 and will be happy to any questions you may have.

Very truly yours,

Linda S. Burt, Chair  
Board of Selectmen

cc: Jerry Moles, Massachusetts Division of Marine Fisheries  
Michael J. O'Connor, Deputy Shellfish Constable  
Neil Andres, DPW Superintendent



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

### COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss.

Site B10E

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby TRANSFER a LICENSE to **Matt Campbell** of 42 Lowell Drive, Orleans, MA 02653 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of Boat Meadow in said Town of Eastham, bounded and described as follows:

Computed to have an area of one half acre.

The following procedure is permitted for licensed sites in the Aquaculture Development Area of Boat Meadow:

- Operation of motor vehicles for the purpose of removing and replacing shellfish stock and growout equipment in anticipation of the winter ice events is permitted during the months of December, February and March subject to the following protocol.
- Two vehicles shall convoy together at all times to provide immediate assistance in the event of one becoming disabled. The number of trips shall not be limited.
- The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.
- All required equipment specified in the bylaw shall be on each vehicle.
- All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.
- The Natural Resources Department shall be notified 24 hours in advance of the intention to drive on the intertidal flats under this provision.

This license is granted under Section 57 of Chapter 130 of the General Laws as amended by Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

This license shall expire one hour after sunset on the first day of April, 2017 unless sooner suspended or revoked.

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 9<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Linda Burt, Chair

\_\_\_\_\_  
John Knight, Vice-Chair

\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
Elizabeth Gawron

EASTHAM BOARD OF SELECTMEN



# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

## COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss.

N 67

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby RENEW a LICENSE to **James McGrath** of 45 Salt Pond Road Eastham, MA 02642 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Nauset Marsh described as follows:

Site 67 Nauset Marsh. Beginning at a point  $41^{\circ} 49' 35.5''$  N,  $069^{\circ} 57' 35.0''$  W thence bearing SW  $200^{\circ}$  a distance of 200' thence bearing NW  $290^{\circ}$  a distance of 100' thence bearing NE  $020^{\circ}$  a distance of 200' thence bearing SE  $110^{\circ}$  a distance of 100' to the point of beginning.

Computed to have an area of one acre.

This license is granted under Section 57 of Chapter 130 of the General Laws as amended Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

This license shall expire one hour after sunset on the first day of April, 2019 unless sooner suspended or revoked.

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 21st day of April, Two Thousand Nine.

\_\_\_\_\_  
Linda S. Burt, Chair

\_\_\_\_\_  
John Knight

\_\_\_\_\_  
Wallace Adams

EASTHAM BOARD OF SELECTMEN



# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

## COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable, ss

N1 and N2

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham do hereby TRANSFER a LICENSE to **MARILYN COLLINS** of 375 State Highway, Eastham MA 02642 under and conformable to Chapter 130, section 58 of the General Laws as amended by Chapter 692 of the Acts of 1986 to plant, grow, dig and take shellfish and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the waters of the Town Cove in the Town of Eastham, bounded:

**License No. 1:** Beginning at a point at or near mean high water mark found to be located at 41 degrees 47 minutes 56.188 seconds North, 69 degrees, 58 minutes, 51.746 seconds West; thence northeasterly by the high water mark a distance of four hundred eighty (480) feet to a point; thence southeasterly sixty-three feet to a point; thence southwesterly four hundred seventy four (474) feet to a point; thence northwesterly sixty-four (64) feet to the first mentioned bound.

Computed to have an area of approximately 30,250 square feet.

**License No. 2:** Beginning at a point at the edge of the marsh found to be located at 41 degrees 48 minutes 02.400 seconds N, 69 degrees, 58 minutes, 47.905 seconds W; thence northeasterly by the edge of the marsh a distance of two hundred eight feet more or less to a point; thence southeasterly sixty-four (64) feet to a point; thence southwesterly a distance of two hundred eight (208) feet to a point; thence northwesterly fifty-five (55) feet more or less to the first mentioned point.

Computed to have an area of approximately 11,500 square feet.

These licenses shall expire one hour after sunset on the first day of April, two thousand seventeen unless sooner suspended or revoked.

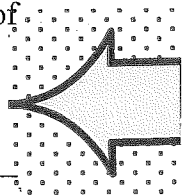
WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 18<sup>th</sup> day of February, in the year two thousand fourteen.

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

\_\_\_\_\_  
Linda Burt, Vice-Chair

\_\_\_\_\_  
Wallace Adams

EASTHAM BOARD OF SELECTMEN





# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

## COMMONWEALTH OF MASSACHUSETTS TOWN OF EASTHAM

Barnstable,ss

N7

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham do hereby TRANSFER a LICENSE to **MARILYN COLLINS** of 375 State Highway, Eastham MA 02642 under and conformable to Chapter 130, section 58 of the General Laws as amended by Chapter 692 of the Acts of 1986 to plant, grow, dig and take shellfish and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the waters of the Town Cove in the Town of Eastham, bounded:

Beginning at a point found to be located at 41 degrees 47minutes 59.226 seconds North Latitude, 69 degrees, 58 minutes, 45.281 seconds West longitude; thence S34° 13' E, 150 feet to a point; thence S 75° 38'W, 191 feet to a point; thence N34 ° 13' W, 150 feet to a point; thence N 75° 38' E 191 to the first mentioned point.

Computed to have an area of sixty-two one-hundredths (0.62) acres, be the same more or less.

This license shall expire one hour after sunset on the first day of April, two thousand seventeen unless sooner suspended or revoked.

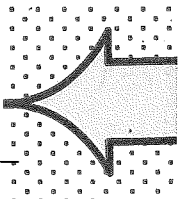
WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 18<sup>th</sup> day of February, in the year two thousand fourteen.

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

\_\_\_\_\_  
Linda Burt, Vice-Chair

\_\_\_\_\_  
Wallace Adams

EASTHAM BOARD OF SELECTMEN



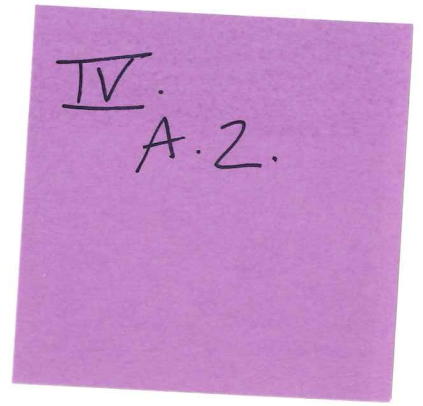


## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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



**December 7, 2015**

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

**Re: Committee Appointment**

---

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

**Joan Matern ~ Human Services Advisory Committee**

The interview committee recommends the appointment of Joan Matern to the Human Services Advisory Committee.

If the Board appoints her, her first term would commence December 7, 2015 and expire June 30, 2016. She is to replace Carl Lipton, who resigned and whose term was to end June 30, 2016.

# Human Services Advisory Committee Charge

---

The Board of Selectmen under provision 9-5-14 of the Charter of the Town of Eastham, hereby establish a Human Services Advisory Committee.

The Human Services Advisory Committee shall consist of *seven (7) members* appointed by the Board of Selectmen for three year overlapping terms. All appointees shall be residents of the Town and registered voters. Individuals employed by, or on the governing board of human service agencies seeking funding, or currently funded directly, in whole or in part by the Town, shall not be eligible for consideration.

The Human Service Advisory Committee shall provide for the annual designation of a chairman and clerk and shall be responsible for keeping a written record of each meeting, consistent with the state requirements and the Town policy. All meetings shall be posted, in accordance with Town policy, and open to the public, except as provided by state statute.

All requests for budgetary support for human service agencies will be referred directly to the Human Services Advisory Committee. The primary task, then, of the Human Services Advisory Committee is to consider annually, requests from human services agencies for Town funds. The Human Service Advisory Committee is to consider the merits of these requests through interview with said agencies. The interview process will include a statistical review of the agency's performance in the community and the need for such service. The interview finally, will assist the committee in determining which requests and the dollar value of such requests that will be recommended to the Selectmen for inclusion in the annual Town budget, for Annual Town Meeting consideration. The schedule for submission of budgetary requests shall be established annually by the Town Administrator and the committee will schedule its work accordingly.

The Human Services Advisory Committee also shall be charged with the responsibility of follow-up on projects or agencies which are funded by the Town in order to determine the quality of the service rendered. In addition to these budgetary and oversight responsibilities, the Human Services Advisory Committee, may be called upon to make studies and submit recommendations of further efforts the Town of Eastham should undertake to support critical human needs in the community.

**From the Home Rule Charter-1992**





## Memo:

**To:** Board of Selectman

**From:** Jessica Burt

**Date:** December 7, 2015

**Re:** Barnstable County Human Rights Commission

---

**As it has been brought to the attention of the Board of Selectmen that the Barnstable County Human Rights Commission does not currently have an Eastham Representative, it has been suggested that David Schopfer be nominated to the position.**



## TOWN OF EASTHAM

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

III. A. 3

TO: Board of Selectmen  
FROM: Jacqui Beebe *JJB*  
RE: Private Road Plowing Update  
DATE: 12/7/15

As of November 19, 2015, 36 private roads have applied for snowplowing this winter, with 15 having been accepted, 16 still working on addressing some issues prior to re-inspection, and 5 having been denied due to not meeting basic criteria.

This year, DPW staff has met with residents on site to inspect and go over any issues. As a second step, the DPW Clerk has called each applicant to follow-up. Finally, each road that has been inspected has received a letter indicating the final decision.

The DPW has prepared a spreadsheet (attached) with the list of roads and status, which will be updated and placed on the website with a map of the roads.

As this is the first year, I would also like to recommend that we place an announcement in the newspaper with the list of approved roads.

| Private Road Snow Plowing |        |                    |                        | NOTED DEFICIENCIES |                  |   |
|---------------------------|--------|--------------------|------------------------|--------------------|------------------|---|
| ROAD NAME & LOCATION      |        | Grading & Patching | Reflective Street Sign | Roadside Clearance | Height Clearance | Notes   |
| Spinnaker Way             | Ocean  | √                  | X                      | X                  | √                | ***Called 10/22 will work on clearance and will order sign and call me back.                              |
| Cestaro Way               | Ocean  | √                  | √-                     | √-                 | √-               | Pass this year, but need to replace sign and work on Roadside Clearance & Height Clearance for next year. |
| Farm View Lane            | Ocean  | X                  | √                      | X                  | X                | Harold Hall pavement issues and cul-de-sac issues 10/28 will call when work is done.                      |
| Split Rail Road           | Center | √                  | √                      | X                  | X                | Few low branches-10/28 will install turn around   |
| Devon Lane                | North  | √-                 | √-                     | X                  | X                | Called Richard 10/15/15 width& clearance <b>Ready for second inspection.</b>                              |
| Clayton Road              | Center | √                  | √                      | √                  | √                | Pass Called 10/19/15  |
| Danielle Road             | Ocean  | √                  | X                      | √-                 | X                | Called Steve 10/15/15 will work on height and order sign for road and will call when complete.            |
| Burrows Road              | Ocean  | √                  | X                      | √                  | X                | Pass inspect on 11/16/15 ordered sign.  |
| Kingswood Drive           | Center | √                  | √                      | X                  | X                | ***Neil- not bad, but needs work near the end.10/23 will call when ready                                  |
| Fallon Road               | North  | √                  | √-                     | √-                 | √                | Pass Road is all set and passes inspection.   |
| Nicole Drive              | Ocean  | √                  | X                      | √-                 | X                | ***Called Shawn 10/15/15 -will have trees trimmed and sign put up.10/27 sent Perma line info.             |
| Harvest Road              | North  | X                  | Ordered                | √                  | √                | Pass Called 10-15-15 gave thumbs up and asked to call when the sign is up.                                |
| Gimlet                    | North  | X                  | Ordered                | √                  | √                | Pass Called 10-15-15 gave thumbs up and asked to call when the sign is up.                                |
| Log Cabin Road            | South  | √                  | √                      | √-                 | √-               | A few trees at wetlands.  |
| Fife Court                | Center | √                  | √                      | √                  | √                | No go - Width is only 14 feet .... Maybe next year.   |
| Country Lane              | South  |                    |                        | X                  | X                | Neil -MAJOR <sup>WORK</sup> WEEK NEEDED   |
| Keene Way                 | South  | √                  | √                      | √                  | √                | called 10-8-15  |
| Richard Lane              | South  | √                  | √                      | X                  | X                | Ready please write letter. <b>READY for second inspection</b>   |
| Glacier Hills             | Ocean  | √                  | √                      | X                  | X                | Pass Will remove cars! Pass 10/16/15  |
| Tracy Lane                | Ocean  | √-                 | Ordered                | √-                 | √                | Pass Marty says it looks good.  |



| ROAD NAME & LOCATION |        | Grading & Patching | Reflective Street Sign | Roadside Clearance | Height Clearance | Notes  |
|----------------------|--------|--------------------|------------------------|--------------------|------------------|--|
| Jay Dee Lane         | North  | √                  | √                      | √-                 | √-               | Pass Needs Toland to submit app. to pass- I have spoken with Diane Milone( 203-605-0846) about Toland        |
| Serb Drive           | North  |                    | √                      | X                  | X                | Neil spoke with applicant need beginning & end, signatures, clearance.                                       |
| Aeries Ave           | South  | √                  | √                      | √-                 | √-               | ***Near Hemenway right hand side of road 10/28 will call when trimming is complete. Pass                     |
| Acorn Road           | Ocean  | √                  | √                      | X                  | X                | Due to width, turn around, no plowing this year will keep application on file.                               |
| Settler's Trace      | South  | √                  | √                      | √-                 | X                | Pass Trimmed trees , filled pot holes Pass 11/16/15  |
| Schooner Lane        | North  | √                  | √                      | √                  | √                | Pass Marty said road is good and can be plowed.  |
| Barquentine Court    | Center | √-                 | √                      | √                  | √                | Road is all set and passes inspection.   |
| Massasoit Trail      | North  | X                  | √                      | X                  | √-               | fix end of road broken near Higgins 10/28 will call back when road is ready- 10/30 brush removal end of road |
| Indian Way           | South  | X                  | X                      | X                  | X                | Neil- problem with width and one lane in sections  |
| Toland Drive         | North  |                    |                        |                    |                  | 11/9 This is partial road up to Jaydee Lane  |
| Thoreau Drive        | Ocean  |                    |                        |                    |                  | Missing a lot of sigantures  |
| Nauset Oak Lane      | Ocean  | X                  |                        |                    |                  | Hard compacted road- good road but not paved   |
| Lupin Way            | Ocean  | X                  | X                      | √-                 | X                | Inspected and request some grading and patch be done, they have contacted Dirt Works.                        |
| Whitney Road         | Center | √                  | X                      | √                  | √                | Pass he has put down cold patch - (wants to snow plow has insurance)   |
| Shore Road           |        |                    |                        |                    |                  |  |
| Pheasant Run         |        |                    |                        |                    |                  |  |
| as of 11/16          |        | Plow 12994         | Almost 8948            |                    |                  |  |
|                      |        | 2.5                | 1.6                    |                    |                  |  |
|                      |        |                    |                        |                    |                  |  |
|                      |        |                    |                        |                    |                  |  |
|                      |        |                    |                        |                    |                  |  |
|                      |        |                    |                        |                    |                  |  |

time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

16. Community Preservation Act Awareness. Upon completion of the Project, the Grantee agrees to post, at a location mutually acceptable to the parties, a permanent sign stating that the Project was funded through the Community Preservation Act program. The Grantee shall also identify that the Project was funded through the Town of Eastham Community Preservation Committee in its written materials about the Project, including press releases, brochures, and similar materials. **Projects pertaining to permanent affordable housing dwellings are exempted from this sign provision.**
17. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
18. Permits and Licenses. It is the obligation of the Grantee to obtain all permits and licenses necessary for implementation of the Project. No local permit or license is waived by the award of this Grant.
19. Governing Law. This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.

[Signature Page Follows]



**EASTHAM, MASSACHUSETTS**  
**COMMUNITY PRESERVATION ACT**  
**GRANT AGREEMENT FOR**  
**HABITAT FOR HUMANITY**  
**OF CAPE COD, INC.**

This GRANT AGREEMENT is made on this 8 day of SEPT, 2015, by and between the **Town of Eastham**, a Massachusetts municipal corporation, acting by and through its Board of Selectmen having its address at Eastham Town Hall, 2500 State Highway, Eastham, Massachusetts 02642 (the "Town"), and **Habitat for Humanity of Cape Cod, Inc.**, a Massachusetts not-for-profit corporation, having an address of 411 Route 6-A, Yarmouthport, Massachusetts (the "Grantee").

WITNESSETH:

WHEREAS, the Eastham Community Preservation Committee (the "CPC") invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the "Act");

WHEREAS, the Grantee submitted a proposal in response thereto (the "Proposal"), and the CPC reviewed and approved the proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund the sum of \$45,000 to be used for the purpose of constructing a single-family dwelling with one (1) affordable housing unit (the "Affordable Housing Unit") on property owned or to be owned by the Grantee (the "Project");

WHEREAS, the Eastham Town Meeting thereafter appropriated the funds recommended by the CPC for the Project and authorized the Town to enter into a grant agreement with the Grantee for the purposes set forth in the Proposal; and

WHEREAS, the Grantee shall convey the Affordable Housing Unit to an eligible household whose annual income from all sources is not more than sixty-five (65%) per cent of the Area Median Income, as most recently published by the U.S. Department of Housing and Urban Development.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. **Funding.** As recommended by the CPC under Article 21 of the May 2015 Annual Town Meeting, and as appropriated by said Town Meeting, the Town shall grant to the Grantee the sum of **\$45,000** (the "Funds" or "Grant Amount") on the condition that the Grantee shall use the Funds only for the purposes of the Project.

or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement.

6. Indemnification. The Grantee shall indemnify, defend, and hold the Town and its departments, officers, employees, servants and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, arising out of or relating to the Grantee's performance of the Project, the condition of the Affordable Housing Unit, or the negligence or misconduct of the Grantee or the Grantee's agents or employees.
7. Inspections and Reports. The Grantee shall provide the Town with progress reports at six (6)-month intervals commencing on the date of the signing of this Grant Agreement for as long as the Funds remain unexpended, and with final notification within sixty (60) days after the Project has been completed. The Town reserves the right to require supplementary information from the Grantee regarding the reports or final notification. The Town shall have the right, upon reasonable request, to inspect the work of the Grantee, including the right to enter the Property.

The Grantee shall submit a final report, including digital photographs and other documents, within sixty (60) days of the Completion Date. All documents, including, but not limited to, photographs and videos, submitted to the Town shall become the property of the Town and shall be available for use by the Town and available by the public under the Massachusetts Public Records Law.

8. Construction Standards. The Project shall be performed in a good and workmanlike manner, by contractors who are licensed in their respective disciplines, or by the Grantee if so licensed, and shall conform to all applicable laws, bylaws, rules and regulations. The Grantee shall be responsible for obtaining from any and all applicable permits, licenses, and approvals prior to commencing the Project.
9. Record Keeping. The Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization and the proceeds of this Grant Agreement as are kept in the normal course of business and such additional records as may be required by the Town or the CPC. The Grantee further agrees to make these records available to the Town upon request.
10. Payments. The Town shall disburse the Grant Amount during the performance of work on the Project, which disbursements shall be paid only upon the presentment of detailed invoices from Grantee or Grantee's contractor listing in detail the work performed and the cost thereof. The Town shall have the right to ask for supplementary information. Prior to any payment, the Town shall have the right to enter the Property to inspect the work. No payment shall be made until the Town reasonably determines that the work has been done in a good and workmanlike manner and substantially in compliance with the Contract Documents. The entire cost of constructing and undertaking the Project in excess of the Grant Amount shall be paid by the Grantee. Notwithstanding anything herein to the contrary, if the actual total cost of performing the Project is less than the Grant Amount (the

difference between the two amounts referred to hereinafter as the "Excess"), the Town shall have no obligation to pay the Excess.

11. Successors and Assigns. This Grant Agreement is binding upon the parties hereto, their successors and assigns. The Grantee shall not assign, subcontract or otherwise transfer this Grant Agreement, in whole or in part, without the prior written consent of the Town.
12. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement, as determined by the Town, and such failure is not cured within forty-five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Grant Agreement. Upon termination, the Town shall be free to pursue any rights or remedies provided within this Grant Agreement, including without limitation, recapture of Funds as set forth in Section 13 below. Upon the expiration or earlier termination of this Grant Agreement, all rights and obligations of the parties hereunder shall expire and be of no further force and effect, except that the provisions of Sections 5, 6, 9, 12, 13, and 19 shall survive said expiration or earlier termination.
13. Return of Funds. In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement and this Grant Agreement is terminated pursuant to Section 12, any Funds granted to the Grantee under this Grant Agreement and not yet expended shall be returned forthwith to the Town without further expenditure thereof. If the Grantee fails to fulfill its obligations under the terms of this Grant Agreement as a result of negligent or intentional acts or omissions of the Grantee, its agents, employees, contractors or invitees, the Grantee shall be liable to repay to the Town the entire amount of the Funds provided under this Grant Agreement, and the Town may take such steps as are necessary, including legal action, to recover such funds. Any Funds so returned or recovered shall be placed in the Town's Community Preservation Fund. In the event that the Town takes legal action under this Grant Agreement, the Grantee shall pay any and all costs, including reasonable attorneys' fees, expended for the enforcement of this Grant Agreement.
14. Compliance with Laws. The Grantee shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required in connection with the Project. No local permit or license is waived by the award of this grant.
15. Notice. Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or



time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

16. Community Preservation Act Awareness. Upon completion of the Project, the Grantee agrees to post, at a location mutually acceptable to the parties, a permanent sign stating that the Project was funded through the Community Preservation Act program. The Grantee shall also identify that the Project was funded through the Town of Eastham Community Preservation Committee in its written materials about the Project, including press releases, brochures, and similar materials. Projects pertaining to permanent affordable housing dwellings are exempted from this sign provision.

---

17. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
18. Permits and Licenses. It is the obligation of the Grantee to obtain all permits and licenses necessary for implementation of the Project. No local permit or license is waived by the award of this Grant.
19. Governing Law. This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.


[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year first written above.


By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

TOWN OF EASTHAM  
By its Board of Selectmen

  
Elizabeth Gawron, Chair

  
John Knight, Vice Chair

  
Linda Burt, Clerk

  
Wallace Adams

  
William O'Shea



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

IV A.5.

December 7, 2015

To: Board of Selectmen

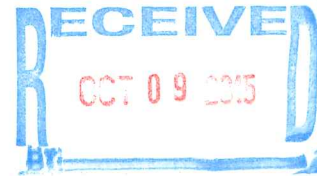
From: Sheila Vanderhoef, Town Administrator

**RE: National MS Society Annual Cape Cod Getaway Bike Ride: June 25 & 26, 2016**

---

Please note that the proposed/requested route has been reviewed by Police Chief Ed Kulhawik who has indicated there are no issues with the request as presented, and will make sure officers are ready to work the details this event requires. Recreation & Beach Director Mark Powers confirms the MS Society has submitted the required Use and Reservation form requesting to use Cook's Brook Beach at a rest stop. He has approved their request with no issues noted.

Thank you.



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

September, 15, 2015

Dear Ms. Vanderhoef,

We will be holding our 32<sup>nd</sup> annual Cape Cod Getaway MS Bike Ride on June 25<sup>th</sup> and 26<sup>th</sup>, 2016. This two day, 150 mile bicycle tour attracts 2100 cyclists, who ride from Boston, Mass. to Provincetown, Mass. to raise funds to support the National Multiple Sclerosis Society.

We respectfully request the use of local and state roads in the town of Eastham for the ride on June 26. I have enclosed cue sheets showing our route (same as the 2015 ride). Cyclists will be instructed to ride single file, on the right side of the road, and to follow all vehicle laws, including stopping at red lights and stop signs.

We will hire Eastham police officers to work safety details. We operate a support team consisting of medical personnel, bicycle mechanics, and amateur (HAM) radio operators. Our lead HAM radio operator monitors all emergency radio frequencies, so that we can close or redirect our route should that become necessary.

Please let me know if there are additional steps, permits or permissions I must take to assure approval of the town of Eastham to host our event. I have also provided an Event Notification Form from the Massachusetts Department of Transportation that you can use to indicate your approval for our request.

If you need any further information or have any questions regarding this request please don't hesitate to call me. Thank you for your continued support of the Cape Cod Getaway MS Bike Ride.

Best Regards,

Bill Sykes  
Sport Coordinator  
Promoter Line, Inc  
East Coast Office, 13 River St, Plymouth, MA 02360  
508 746 3207 o / 508 746 1695 f / 508 954 9037 c  
[www.promoterline.com](http://www.promoterline.com)  
[bill@promoterline.com](mailto:bill@promoterline.com)

[illegible]

## EVENT NOTIFICATION FORM

Date: 10-27-15

### National MS Society, Cape Cod Getaway – June 25 & 26, 2016

Dear Sir / Madam,

Please be advised that the City/Town of Eastham has notified the Board of Selectman/City Council, Local Police/Fire Department and if applicable the State Police of its intention to conduct road work/parade/race/or **other events** in or through the City/Town of Eastham

The Board of Selectmen/City Council understands that it must give the Police and Fire Departments at least 48 hours notice before the commencement of the proposed work or event.

The following signatures are required prior to the issuance of the Permit from the MA DOT. All officials listed below shall assume all responsibility and liability for all activity associated under their jurisdiction.

#### LOCAL POLICE DEPARTMENT

Signed: [Signature]

① Title: CHIEF OF POLICE

City/Town: EASTHAM

#### FIRE DEPARTMENT

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

City/Town: \_\_\_\_\_

#### BOARD OF SELECTMEN/CITY COUNCIL

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

City/Town: \_\_\_\_\_

#### STATE POLICE DEPARTMENT

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

City/Town: \_\_\_\_\_

ONE DETAIL OFFICER, MASSASHUSETTS + STEELE RD.

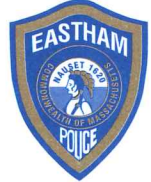
EAK

10-27-15



## EASTHAM POLICE DEPARTMENT

2550 State Highway • Eastham, MA 02642  
508-255-0551 • Fax: 508-255-5412



EDWARD V. KULHAWIK  
*Chief of Police*

KENNETH J. RODERICK  
*Deputy Chief*

October 27, 2015

TO: Sheila Vanderhoef  
Town Administrator

FROM: Edward V. Kulhawik   
Chief of Police

RE: Cape Cod Getaway MS Bike Ride

I am in receipt of the information regarding the Cape Cod Getaway MS Bike Ride on June 25<sup>th</sup> and 26<sup>th</sup>, 2016. I have no issues regarding this event, and will be sure to have a detail officer ready to work this event.

Please feel free to contact me should you have any questions or concerns regarding this event.

**Town of Eastham**  
Recreation & Beach Department  
2500 State Highway  
Eastham, MA 02642  
(508) 240-5974

**October 27, 2015**

**To:** Sheila Vanderhoef, Town Administrator  
**From:** Mark Powers, Recreation & Beach Director  
**Re:** Application for MS Bike Ride to Use Cooks Brook Parking Lot

The Recreation and Beach Department has received a request from the National MS Society to use Cooks Brook Beach Parking Lot on June 26 for a rest stop. The department highly supports this, they have used the lot in the past and there have not been any issues and we look forward to continuing to work with them.

Thank you.



**Town of Eastham**  
**Use and Reservation Application for Recreation and Beach Facilities**

1. Name of Facility Desired: Cooks Brook Beach  
(Note: Beach events may not be scheduled between the hours of 8:30am and 5:00pm from June 15 through September 15. Any requests for exception will require an appearance and/or hearing before the Board of Selectmen.)
2. Time of Event:  
(Please include preparation and cleanup)  
From 6AM To 12PM
3. Date(s) of Event and Day(s) of the week: June 26, 2016  
(Attach schedule if applicable.)
4. Organization/Group/Person: Bill Sykes c/o National MS Society-Greater New England Chapter  
Non-Profit: Yes ☒ No ☐  
Address: 101A First St Suite 6, Waltham, MA 02451  
Mailing Address (if different): 13 River St, Plymouth, MA 02360  
Phone #: 508 746 3207  
Email: bill@promoterline.com  
Sponsor: \_\_\_\_\_
5. Location Requested:  

|  |   |
|--|---|
| <input type="checkbox"/> First Encounter Beach (choose only one) | <input type="checkbox"/> Field of Dreams  |
| <input type="checkbox"/> Main Beach                              | <input type="checkbox"/> Basketball Court |
| <input type="checkbox"/> Lower Beach (Bee's River)               | <input type="checkbox"/> Fields           |
| <input type="checkbox"/> Campground Beach                        | <input type="checkbox"/> Wiley Park       |
| <input checked="" type="checkbox"/> Cooks Brook Beach            | <input type="checkbox"/> Great Pond       |
| <input type="checkbox"/> Cole Road Beach                         | <input type="checkbox"/> Herring Pond     |
| <input type="checkbox"/> Boat Meadow Beach                       | <input type="checkbox"/> Kingsbury Beach  |
| <input type="checkbox"/> Thumpertown Beach                       | <input type="checkbox"/> Hemenway Landing |
| <input type="checkbox"/> South Sunken Meadow Beach               | <input type="checkbox"/> Dyer Prince Area |
6. Services Requested:  

|   |   |
|---|---|
| <input type="checkbox"/> Police Detail                          | <input type="checkbox"/> Fields/In-Fields Lined                         |
| <input type="checkbox"/> Fire Permit (contained, charcoal only) | <input type="checkbox"/> Basketball Court Lights                        |
| <input type="checkbox"/> Lifeguard/Staff                        | <input type="checkbox"/> Electricity (Field of Dreams Only)             |
| <input type="checkbox"/> Restroom Access                        | <input type="checkbox"/> Other: <u>use of parking lot for rest stop</u> |
7. Description of the Event: Please attach a separate letter detailing the event.  
A bike ride from Boston to Provincetown to benefit the National MS Society  
Tents or other temporary structures are not permitted, except by special permission of the Board of Selectmen. An appearance before the Town of Eastham Conservation Commission may be required.

Accepted by the Board of Selectmen November 18, 2002

1. Anticipated number of people: TBD
2. Admission Fee:  
 Yes \_\_\_\_\_ No ☒  
 If Yes, Price? Adult \_\_\_\_\_ Senior \_\_\_\_\_ Child \_\_\_\_\_  
 Discount Fee Policy? \_\_\_\_\_
3. Will items or food be sold? (Specify item(s) and approximate cost.) (Additional permits may be required.) No  
 \_\_\_\_\_  
 \_\_\_\_\_

**Insurance (May be required.)**

4. Does the organization carry liability insurance? Yes ☒ No \_\_\_\_\_
5. If yes, indicate the amount: \_\_\_\_\_ and the Agent's Name: \_\_\_\_\_
6. A copy of the Certificate of Insurance must be provided naming the Town of Eastham as an included party in the coverage.

**Fees: (To be completed by the Town of Eastham)**

|    | <u>Description of Service</u> | <u>Amount Billed</u>               | <u>Paid</u> |
|----|-------------------------------|------------------------------------|-------------|
| a. | Field Rental Charge           | _____                              | _____       |
| b. | Court Rental Charge           | _____                              | _____       |
| c. | Light Usage Charge            | _____                              | _____       |
| d. | Lifeguard                     | _____                              | _____       |
| e. | Garbage Removal               | _____                              | _____       |
| f. | Beach Use Charge              | _____                              | _____       |
| g. | Security Deposits             | \$50 _____ \$100 _____ \$150 _____ | _____       |
| h. | Other Services                | _____                              | _____       |
| i. | League Service Fee            | \$50(1-6wks) _____ \$100(6+) _____ | _____       |
| j. | Tournament Fee                | \$150 _____                        | _____       |

\*\*\* Once a fee has been established, payment must be received by the Town of Eastham Recreation & Beach Department within two (2) weeks or your date and place will not be reserved and will be offered to another group/party.

\*\*\* If for any reason the event is cancelled, only fifty percent (50%) of the fee will be returned.

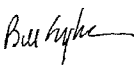
Accepted by the Board of Selectmen November 18, 2002

### Agreement

I have carefully read the rules and regulations and fully understand their content. I accept the responsibility for the proper use of the facilities and for the actions and conduct of the group using the Town of Eastham facilities for this function. I will assume all responsibility for all fees, charges, and damage claims resulting from such use of the facilities.

Printed Name: William H Sykes Telephone: 508 746 3207

Address: 13 River St, Plymouth, MA 02360

Signature:  Digitally signed by Bill Sykes  
DN: cn=Bill Sykes, o, ou,  
email=bill@promoterline.com, c=US  
Date: 2015.10.06 11:25:53 -0400 Date: 10/6/15

### Approval of the following is required before this application is approved: (To be completed by the Town of Eastham)

Fire Department \_\_\_\_\_

Police Department \_\_\_\_\_

Health Department \_\_\_\_\_

Building Department \_\_\_\_\_

Building Maintenance Dept. \_\_\_\_\_

Recreation Department \_\_\_\_\_

Town Administrator \_\_\_\_\_

### Approval/Denial

This application has been ***Approved / Denied***. If approved, reservations have been made according to the above information with the understanding that the policies and regulations of the Board of Selectmen will be followed.

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

This application has been denied because \_\_\_\_\_.

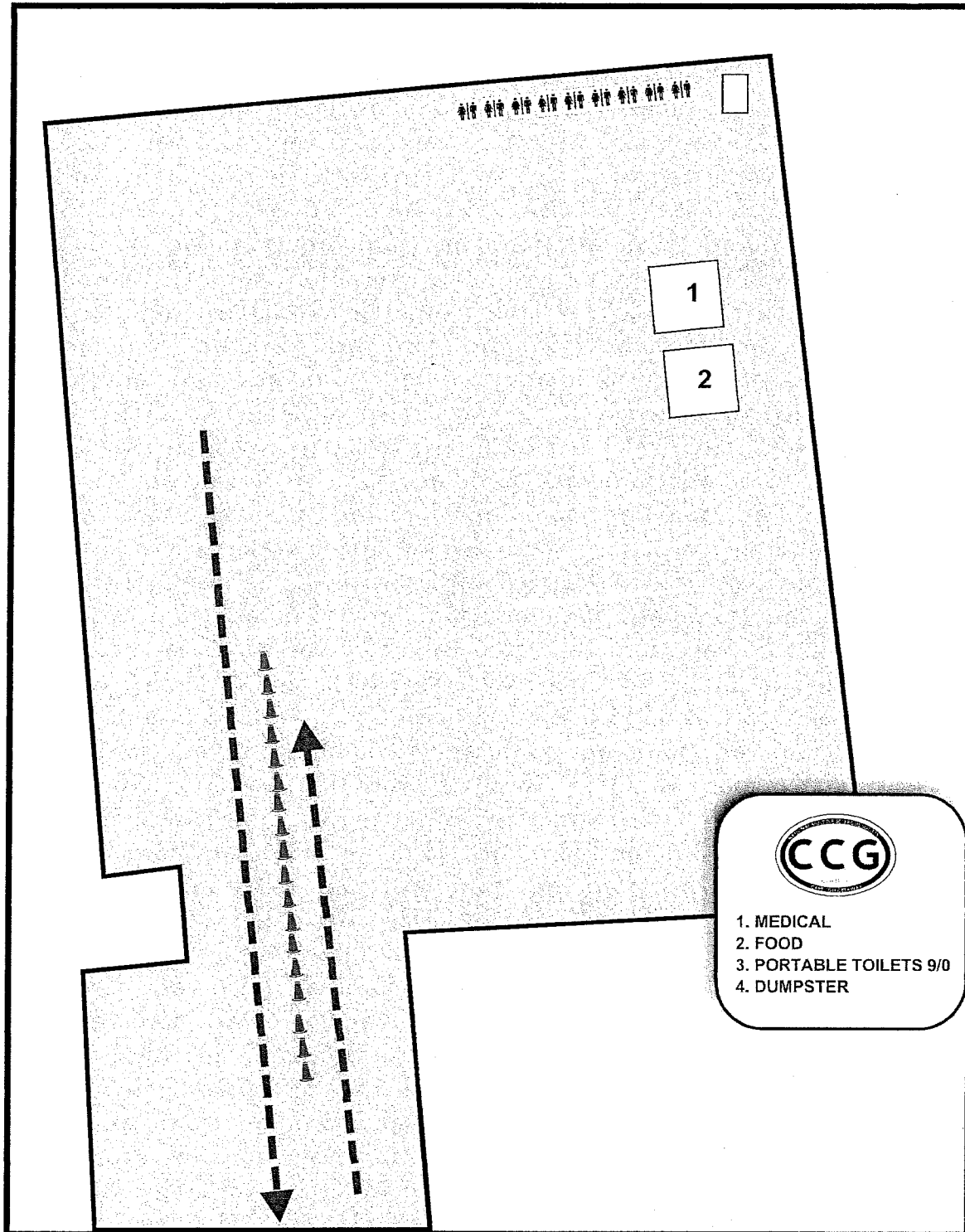
**Information or Questions:** Please call the Recreation and Beach Department (508) 240-5974.

**Mail completed application to:** Town of Eastham  
Recreation and Beach Department  
2500 State Highway, Eastham, MA 02642

Accepted by the Board of Selectmen November 18, 2002

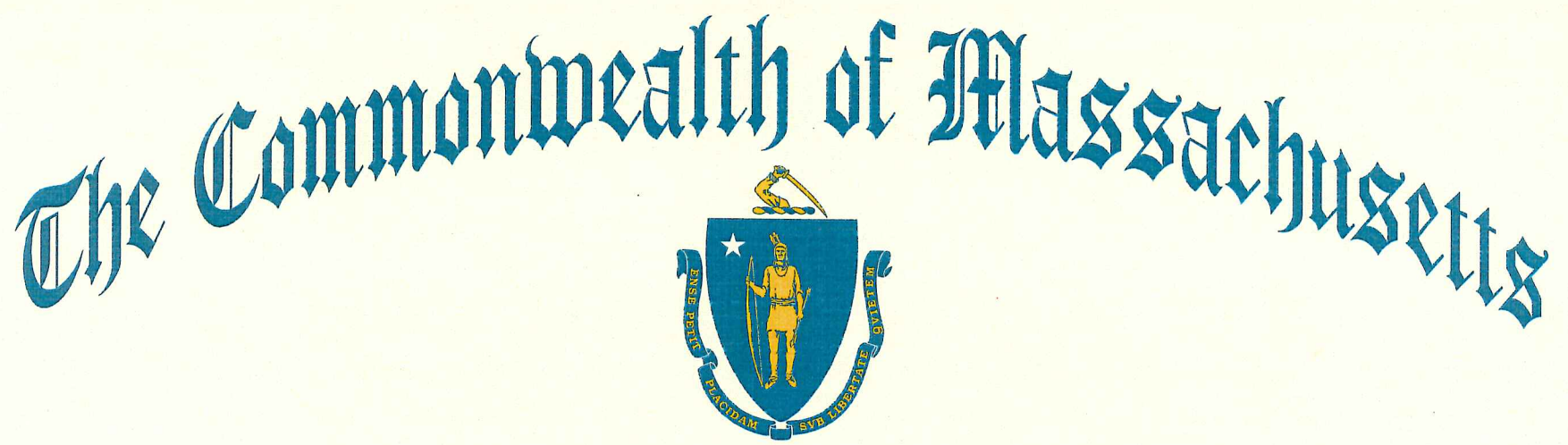


**REST STOP 4, DAY 2 COOKS BROOK BEACH  
STEELE RD, EASTHAM, MA**



# Information





## COMMONWEALTH COMMUNITY COMPACT

WHEREAS cities and towns and the Commonwealth must work together to create the conditions for a strong and resilient economy; and

WHEREAS cities and towns face increasing pressures on municipal and school budgets which impact essential services; and

WHEREAS cities and towns are partners with the Commonwealth and the Baker-Polito Administration is recommitting itself to that partnership through the Community Compact Cabinet; and

WHEREAS the Commonwealth is committed to promoting mutual standards of best practice for both the state and municipalities that will create clear standards, expectations, and accountability for both partners; and

WHEREAS the citizens of Massachusetts are right to expect forward-thinking, innovative government from both the Commonwealth and local governments.

### Commonwealth Commitments

As a sign of its commitment to an improved partnership with cities and towns, the Baker-Polito Administration:

- Intends to be a reliable partner on local aid.
- Pledges to work with our partners in the Legislature toward earlier local aid formula funding levels.
- Will work to make available technical assistance opportunities for cities and towns as they work toward best practices.
- Will not propose any new unfunded state mandates, and we will look at existing mandates with a goal toward making it easier to manage municipal governments.
- Will give special attention, in its review of state regulations, to those that affect the ability of municipalities to govern themselves.
- Pledges to work closely with municipal leaders to expand opportunities to add municipal voices to those state boards and commissions that impact local governments.
- Will introduce incentives for municipalities that sign Compacts in existing and proposed state grant opportunities, including proposals for technical assistance grants available only to compact communities.
- Will identify ways to expedite state reviews that can often slow down economic development opportunities or hinder other municipal interests.

### Community Commitments

NOW THEREFORE the Town of Eastham pledges to adopt the following best practices:

1. Comprehensive Water Resource Management: There is a plan to supply and conserve water, manage stormwater, and treat and reuse wastewater; The MA Water Conservation Standards are being implemented; Municipal regulations promote green infrastructure and the use of low impact development techniques; There is a funding mechanism in place to fund maintenance and replacement of water infrastructure.
2. Business Continuity: There is a written disaster recovery and backup plan for critical municipal systems along with a documented plan to transfer paper documents to an electronic format and securely store backup electronic municipal data in locations geographically separated from the primary source.
3. Transparency: There is a documented open data strategy including timelines for making municipal spending and budget information accessible from the city or town website in a machine readable and graphical format.

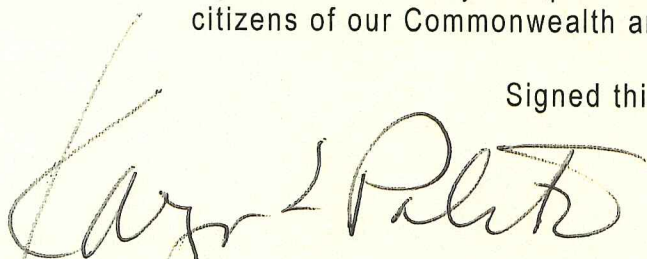
The Commonwealth will work with the Town of Eastham as a partner in implementing these best practices, including prioritizing technical assistance when that is needed to accomplish execution of a new best practice.


### Commonwealth Compact Community Incentives

The Baker-Polito Administration seeks to recognize municipalities that are striving to become more innovative and accountable and introduce incentives through various state grants and programs to reward municipalities who have signed Community Compacts and committed themselves to continuous improvement. Municipalities that pledge to adopt best practices through compacts will get bonus points on selected state grant programs and will be prioritized for various technical assistance programs.

TOGETHER we sign this Community Compact in a spirit of partnership and public service, understanding that we serve the citizens of our Commonwealth and that our citizens deserve the best government possible.

Signed this 19<sup>th</sup> of November in the Year 2015

  
Lt. Governor Karyn Polito  
Commonwealth of Massachusetts

  
Elizabeth Gawron  
Chair, Eastham Board of Selectmen

*God Save the Commonwealth of Massachusetts*



Tee-Time

Property

Correspondence &  
Questions

12/7/15 mtk

**Gillespie-Lee, Laurie**

---

**From:** Brian Allen <allenbrianr@gmail.com>  
**Sent:** Monday, November 16, 2015 5:27 PM  
**To:** Elizabeth Shaw; Gillespie-Lee, Laurie; gawronsoncapecod@comcast.net; wallace.adams@comcast.net; burtl@nausetschools.org; knightflight12@hotmail.com; swasby@albany.edu; johnzazzaro@yahoo.com; jeanzazzaro@yahoo.com; boshea@navizone.com  
**Cc:** BobSheldon@remax.net; mreastham@comcast.net; Paul Lagg; pniedzwiecki@capecodcommission.org; janice.lesniak@state.ma.us; Rieko.Hayashi@state.ma.us; monica.allen@raveis.com  
**Subject:** Affordable Housing Proposal - Eastham

Hello,

I am writing to you as an Eastham taxpayer, husband, father, and just plain concerned citizen. I have been to two meetings so far, but cannot attend tonight's meeting. I strongly urge you not to vote the Stratford Capital Group proposal through. I do not want you to grant it "locally Initiated project" status either, as the town does NOT support it for several reasons, but mostly due to ENORMOUS safety dangers presented by this proposal.

I would like you to pursue alternative development proposals with friendly 40b plans, preferably with an Eastham-based business or resident. I recommend that you pursue a Safe Harbor against hostile 40b plans by using, again, a LOCAL developer as well as the Purcell property which the town already owns. This development should have no less than 14 affordable housing units as its primary focus.

The proposed site and density of dwellings is , quite frankly, absurd. It begs the question, how did this plan get as far as it did. Why are the same selectman who voted down the last proposal at the Purcell property in favor of this project ? I truly cannot wrap my head around it. I expect you to listen to the wishes of the townspeople and walk away from this monstrous addition to our lovely town. I could have sworn that the Stratford Group stated (in a newspaper article) that if the town is against it they will walk away. WELL, WALK AWAY THEN!

Sincerely,  
Brian R. Allen  
60 Harding Rd.  
North Eastham



12/7

**Gillespie-Lee, Laurie**

---

**From:** Andersen, Patricia F <pfandersen@statestreet.com>  
**Sent:** Tuesday, November 24, 2015 12:46 PM  
**To:** gawronsoncapecod@comcast.net; knightflight12@hotmail.com;  
burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com  
**Cc:** Gillespie-Lee, Laurie  
**Subject:** T-Time Proposal

Good Afternoon

We are following up to our November 18<sup>th</sup> email which included suggestions for a compromise with Stratford Capital, and like everyone else in Eastham we are still researching the pros and cons of the current proposal, and unfortunately for us, the cons still strongly outweigh the pros. In our previous emails we detailed our strong support for affordable housing and our strong concern about the many problems with the Stratford proposal, therefore we will include a list to summarize:

Pros:

1. This will provide much-needed affordable housing on the Outer Cape and MIGHT help some of the people in Eastham that are in need
2. It will satisfy our 40b requirement

Cons:

1. Density of the project
2. Unsafe location, right turn only
3. Deceptive developer who continues to show us that he does not care about Eastham, only profit margin
4. Lack of research
5. Environmental issues
6. Completely out of character for Eastham
7. Possible increase in crime (Swan Pond in Yarmouth is a great example)
8. Drain on town services
9. No preference to Eastham residents
10. Too many unknowns

There are so many negatives with this proposal and very few positives, if any. And one thing that is very sad about this process is to us it seems very obvious that a large majority (roughly 80% based on polls) is against this proposal, yet we are still moving forward with it. We understand that Stratford has placed some fear on the BOS and perhaps that is why it has gone this far, but Stratford has a long way to go before they even come close to a reasonable compromise and it seems doubtful that will happen. Putting a Band-Aid on this proposal will not work so perhaps we should start from scratch, with a local developer and property manager. And we should research what the other towns around us are doing. It seems crazy to put our entire affordable housing population in one dense area, it also seems very degrading to the people living there.

We understand you denied a much smaller request at the Sandpit earlier in the year, for all of the same reasons listed above, and the Stratford proposal is nightmare in comparison. If this development goes in, the only winner will be Stratford Capital, not Eastham or the local people in need of affordable housing. It seems to be in our best interest if we


slow down, look at our safe haven options, and work together to create responsible affordable housing solutions that we can all be comfortable with.

Again we are asking that you say no to Stratford and yes to responsible affordable housing.

Thank you for your time and consideration, and a special thank you to Wally Adams, we watched the video of the November 16<sup>th</sup> BOS Meeting and you rocked!!!

Thanks again and have a happy Thanksgiving!

Scott & Patti Andersen  
630 Herring Brook Road

 Go green! Consider the environment before printing this email.  
**CONFIDENTIALITY NOTICE:** This transmission is intended solely for use by the named addressee(s) and any information contained in this email transmission and any attachment(s) is confidential, proprietary and/or privileged information/communication and intended solely for the use of the named addressee(s). If you are not an intended recipient or a person responsible for delivery to an intended recipient, please immediately notify the author and destroy this transmission in its entirety, whether in electronic or hard copy format. Any unauthorized use (and reliance thereon), copying, disclosure, retention or distribution of this transmission or the material in this transmission is forbidden.

12/7/15  
mk  
ref 1

---

**Gillespie-Lee, Laurie**

**From:** Andersen, Patricia F <pfandersen@statestreet.com>  
**Sent:** Wednesday, November 18, 2015 10:20 AM  
**To:** gawronsoncapecod@comcast.net; knightflight12@hotmail.com;  
burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com  
**Cc:** Gillespie-Lee, Laurie  
**Subject:** T-Time Proposal

Good Morning

Thank you for listening to the majority of Eastham residents (full and part-time) and voting to give us more time to review and discuss the many important issues with the T-Time proposal, and the possibility of working on a compromise with Stratford Capital Real Estate Investment Trust. We think it is great that there will be a community working group and hopefully Richard will finally listen to our concerns and be honest with us, something he has yet to do.

A little bit a background on us – we bought our house 5 ½ years ago at 630 Herring Brook Rd and spend most of our time working in our yard, giving it the beautiful Eastham feel (we hope ☺). We spend every possible minute that we can in Eastham (and \$). We currently live in Mansfield, MA and our goal is to live in Eastham full-time within 3 years. The only reason we are not there yet is because we can't afford to (ironic).

We sent 4 emails in the past 2 weeks detailing our opposition to this proposal including: traffic, safety, density, environmental issues, drain on town services..... and the fact that there are so many unknowns. Now we are writing with ideas for a compromise:

Size

1. 115 units is way too high for our first major affordable housing development and defeats the purpose of 40b which encourages settlement of lower income families within the community. This does the **exact opposite** since we will be centralizing them together in a small area - the sort of development 40b is trying to prevent. It would be more reflective of 40b if the 115 units were spread out between T-Time, Purcell and other locations
2. As you know, there is an Eastham Community Facebook page and this has been a hot topic on the page with lots of fighting back and forth. At first it was crazy with the us against them, but over the last week we've noticed people are moving closer to the middle on this issue. We all agree that Eastham needs affordable housing so we put a post out asking people if they were comfortable with the range of 40-60 units on this property, and only 2 stories tall instead of 3. People on both sides agreed with this range, some wanted less and some wanted more, but it sounds like a range that almost everyone can be comfortable with. Therefore, it might be helpful to set this as our range with Stratford and see where they go with it. They have a profitable development on the Cape with only 65 units, so it shouldn't be an issue **IF** they're willing to compromise. If they're not happy with this range they can walk away

Richard

He's a big part of the problem because it's one lie after another with him and we just can't trust him with this project. When asked about safety and recent fatal accidents he responded "it is what it is" (as you know) – almost everyone is offended and insulted by that response because we feel it means the following – I don't care if people die as long as I get my rent checks. He has basically walked all over us without any consideration for our opinions or the town of Eastham. He obviously has deep pockets and can easily get the financing for this project so it could be beneficial to work with him, but someone needs to sit him down and tell him to cut the BS! Also, we are VERY insulted and offended that he asked for \$800K – seriously???

### Research

We need some concrete research on a project of this magnitude including safety, traffic, environment, and real cost analysis across all town services..... If we see some real evidence we might all be more comfortable. And there needs to be strong focus on the right turn only, that could stop this and any other development from moving forward, regardless of the size

### Time

It seems like this project is being rammed down our throats with little time to look at the pros and cons. This is a MAJOR project for Eastham and it shouldn't be rushed. Hopefully the community task force will take their time and not feel rushed, and will listen to the concerns of all residents. If Stratford isn't willing to wait, they can walk away and move onto the next project

### Other Options

Many people would like to see more options, preferably with local developers and property managers. We're not even sure if that's an option, but it would be nice if we had a choice of something else. In addition, we believe there are "safe harbor" options that would allow Eastham to build 10-15 AH units per year which would protect us from unwanted 40b developers for 1 year, which would give us more time to strategize and look at other options.

It is FINALLY time for Richard to listen to us and compromise. So far he has done ALL of the taking and we have done ALL of the giving, and he is well aware of the opposition to this project. If he is not willing to compromise with us, he should walk away from this project, because that is what "friendly" 40b developers do.

Thank you again for your time and consideration, and for allowing more time for this very important issue

Scott and Patti Andersen  
630 Herring Brook Road



Go green! Consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This transmission is intended solely for use by the named addressee(s) and any information contained in this email transmission and any attachment(s) is confidential, proprietary and/or privileged information/communication and intended solely for the use of the named addressee(s). If you are not an intended recipient or a person responsible for delivery to an intended recipient, please immediately notify the author and destroy this transmission in its entirety, whether in electronic or hard copy format. Any unauthorized use (and reliance thereon), copying, disclosure, retention or distribution of this transmission or the material in this transmission is forbidden.

Elizabeth Shaw

---

**From:** Patti Andersen [pattiandersen1@gmail.com]  
**Sent:** Tuesday, December 01, 2015 8:53 PM  
**To:** Plagg@eastham-ma.gov; Phwade@comcast.net; L\_michaelhager@hotmail.com;  
baygetaway@comcast.net; jcoppelman@gmail.com  
**Cc:** Admin@eastham-ma.gov  
**Subject:** Stratford Capital T-Time Proposal

ADMINISTRATION

DEC 02 2015

RECEIVED

Good Evening

It is our understanding that you are meeting with Stratford Capital Real Estate Investment Trust tomorrow and they are asking to deplete our entire CPA budget for a development that has overwhelming opposition. They are a very profitable REIT with deep pockets and do not need this money, and we find it completely offensive that they are asking for these funds - it's a slap across the face! We are not at all surprised because over the last few months they have proved to us that they only care about money and profits, and not the town of Eastham, our citizens, or our affordable housing needs. In addition, we understand how their business works, the higher the profit on a development, the bigger the bonus, therefore we are using valuable funds to help Richard get a bigger year-end bonus. We need this money for our future affordable housing activities over the next few years and they certainly don't.

You must all be aware of the strong opposition to Stratford and their ultra-dense unsafe proposal. This could destroy the town we all love so much. You must also be aware of the strong support for responsible affordable housing. It's time to say no and goodbye to Stratford, and to work together as a community to develop safe and responsible affordable housing solutions.

Thank you for your time and consideration

Scott and Patti Andersen  
630 Herring Brook Road

## Gillespie-Lee, Laurie

---

**From:** Elizabeth Shaw <admin@eastham-ma.gov>  
**Sent:** Friday, December 04, 2015 8:43 AM  
**To:** Gillespie-Lee, Laurie  
**Subject:** FW: Stratford Capital T-Time Proposal

Lisa Shaw  
Administrative Asst./HR  
Town of Eastham/2500 State Highway/Eastham, MA 02642  
Direct Line: 774-801-3205  
Town Hall: 508-240-5900 x 3205  
Fax: 508-240-1291  
www.eastham-ma.gov

---

**From:** Andersen, Patricia F [mailto:pfandersen@statestreet.com]  
**Sent:** Thursday, December 03, 2015 10:20 AM  
**To:** gawronsoncapecod@comcast.net; knightflight12@hotmail.com; burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com; plagg@eastham-ma.gov; Phwade@comcast.net; L\_michaelhager@hotmail.com; baygetaway@comcast.net; jcoppelman@gmail.com  
**Cc:** Admin@eastham-ma.gov  
**Subject:** FW: Stratford Capital T-Time Proposal

Good Morning

We were unable to attend the CPA Committee Meeting yesterday but were updated by a few people who did. It is our understanding that people from Stratford and the Town of Eastham may have misspoken. We will not address any statements by Stratford because there is no need, I think we all know that it's one lie after another with them so no need to waste our time on that – they must have zero respect for the BOS and the residents of Eastham!

We understand the Committee made a statement related to the residents in Swan Pond in Yarmouth and said it is filled with upstanding people. This is incorrect and should probably be retracted. All you have to do is read a newspaper or do an internet search to prove this is completely inaccurate. Attached are links to recent articles in the Cape Cod Times and Cape Cod Today regarding Swan Pond, as well as apartment reviews. Because the proposed development by Stratford is more than twice as dense as Swan Pond, and it's only a few towns away, it's a good example for what is very likely to happen in Eastham.

Key messages from the 2 articles are listed below each link:

<http://www.capecodtimes.com/article/20150411/NEWS/150419890>

- 1) The title sums it up: **Swan Pond Village: Police tackle town's No. 1 criminal hotspot**
- 2) Yarmouth police made 70 on-site and off-site arrests of complex residents over the last 15 months for a laundry list of crimes
- 3) Quotes from Police Chief Steven Xiarios:
  - a. "there are bound to be some troublemakers in a 150-unit complex sitting on a small tract of land"

- b. "there's no known gang members, but we've had gang members from Boston in there visiting people and dealing drugs"
- c. "it's not just dangerous for the people who live there, but for our officers"

<https://www.capecodtoday.com/article/2015/04/09/224057-Yarmouth-police-report-productive-meeting-Swan-Pond-Village-management>

- 1) The 150-unit housing complex, which is subsidized through Section 8, is beleaguered by criminal and illegal drug activity
- 2) They are planning increased police presence, both uniformed and plain clothes

Below is a link for apartmentratings.com with reviews of Swan Pond:

[http://www.apartmentratings.com/ma/south-yarmouth/swan-pond-village\\_508394826202664/](http://www.apartmentratings.com/ma/south-yarmouth/swan-pond-village_508394826202664/)

**Our favorite review**

"This place used to be good until it sold in December. I couldn't wait to move. The lights in the parking lots never worked, my cars have been vandalized, there hasn't been a property manager on site in over 4 months, there are drug dealers that sell to children, and I was afraid to even go outside at night with all the thugs that walk through to get to the main road. Cops are always driving through the back path looking for people that run in there to hide. Garbage is everywhere, and this place used to be nice 5 months ago. I would hate to see what it looks like in another 5 months. Laundry rooms are gross I have seen roaches and dead mice on numerous occasions. Don't waste your time!"

This was just from a very quick internet search, you will probably want to do more on your own if you haven't already. It's very scary!!!!!!!!!!!!!!!!!!!!!!

After reading these articles we have 1 question for the BOS as well as other town officials:

**Why on earth do you want to expose the town of Eastham to this kind of risk?**

Thank you for your time and consideration,  
Scott and Patti Andersen  
630 Herring Brook Road

**From:** Patti Andersen [<mailto:pattiandersen1@gmail.com>]  
**Sent:** Wednesday, December 02, 2015 9:33 PM  
**To:** Andersen, Patricia F  
**Subject:** Fwd: Stratford Capital T-Time Proposal

----- Forwarded message -----

From: **Patti Andersen** <[pattiandersen1@gmail.com](mailto:pattiandersen1@gmail.com)>

Date: Tuesday, December 1, 2015

Subject: Stratford Capital T-Time Proposal

To: [Plagg@eastham-ma.gov](mailto:Plagg@eastham-ma.gov), [Phwade@comcast.net](mailto:Phwade@comcast.net), [L\\_michaelhager@hotmail.com](mailto:L_michaelhager@hotmail.com),  
[baygetaway@comcast.net](mailto:baygetaway@comcast.net), [jcoppelman@gmail.com](mailto:jcoppelman@gmail.com)

Cc: [Admin@eastham-ma.gov](mailto:Admin@eastham-ma.gov)

Good Evening

It is our understanding that you are meeting with Stratford Capital Real Estate Investment Trust tomorrow and they are asking to deplete our entire CPA budget for a development that has overwhelming opposition. They are a very profitable REIT with deep pockets and do not need this money, and we find it completely offensive that they are asking for these funds - it's a slap across the face! We are not at all surprised because over the last few months they have proved to us that they only care about money and profits, and not the town of Eastham, our citizens, or our affordable housing needs. In addition, we understand how their business works, the higher the profit on a development, the bigger the bonus, therefore we are using valuable funds to help Richard get a bigger year-end bonus. We need this money for our future affordable housing activities over the next few years and they certainly don't.

You must all be aware of the strong opposition to Stratford and their ultra-dense unsafe proposal. This could destroy the town we all love so much. You must also be aware of the strong support for responsible affordable housing. It's time to say no and goodbye to Stratford, and to work together as a community to develop safe and responsible affordable housing solutions.

Thank you for your time and consideration  
Scott and Patti Andersen  
630 Herring Brook Road



## Gillespie-Lee, Laurie

---

**From:** Elizabeth Shaw <admin@eastham-ma.gov>  
**Sent:** Friday, December 04, 2015 11:29 AM  
**To:** Gillespie-Lee, Laurie  
**Subject:** FW: T-Time proposal ; unsafe 40b in Eastham  
**Attachments:** The Safety of Eastham Residents is Not for Sale - Andersen 630HB.pdf.zip

Lisa Shaw  
Administrative Asst./HR  
Town of Eastham/2500 State Highway/Eastham, MA 02642  
  
Direct Line: 774-801-3205  
Town Hall: 508-240-5900 x 3205  
Fax: 508-240-1291  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

---

**From:** Andersen, Patricia F [<mailto:pfandersen@statestreet.com>]  
**Sent:** Friday, December 04, 2015 10:09 AM  
**To:** [gawronsoncapecod@comcast.net](mailto:gawronsoncapecod@comcast.net); [knightflight12@hotmail.com](mailto:knightflight12@hotmail.com); [burtl@nausetschools.org](mailto:burtl@nausetschools.org); [wallace.adams@comcast.net](mailto:wallace.adams@comcast.net); [boshea@navizone.com](mailto:boshea@navizone.com); [plagg@eastham-ma.gov](mailto:plagg@eastham-ma.gov); [Phwade@comcast.net](mailto:Phwade@comcast.net); [L\\_michaelhager@hotmail.com](mailto:L_michaelhager@hotmail.com); [baygetaway@comcast.net](mailto:baygetaway@comcast.net); [jcoppelman@gmail.com](mailto:jcoppelman@gmail.com); [mreastham@comcast.net](mailto:mreastham@comcast.net); [johnzazzaro@yahoo.com](mailto:johnzazzaro@yahoo.com); [swasby@albany.edu](mailto:swasby@albany.edu); [janice.lesniak@state.ma.us](mailto:janice.lesniak@state.ma.us); [rieko.hayashi@state.ma.us](mailto:rieko.hayashi@state.ma.us); [Admin@eastham-ma.gov](mailto:Admin@eastham-ma.gov)  
**Subject:** T-Time proposal ; unsafe 40b in Eastham

Good Morning

Attached is our signed petition which has been circulating in Eastham that reflects the opinion of the majority of Eastham residents – we are in favor of RESPONSIBLE and SAFE affordable housing but are opposed to the Stratford Capital proposal for the following reasons:

1. it is UNSAFE due to:
  - a. the density of the project
  - b. the pedestrian and vehicle traffic designs. Stratford's only response "it is what it is" confirms they are only concerned with profits, not safety (their only honest answer so far)
2. it defeats the purpose of 40b which encourages settlement of lower income families within the community – this does the EXACT OPPOSITE since we will be centralizing them together in a small area (an unsafe one to boot) - the sort of development 40b is trying to prevent
3. lack of research - there has been no concrete research on this massive project including safety, traffic, environment, and real cost analysis across all town services
4. local preference - not sure what that means but it's the term Stratford has been using, we have no indication on how many Eastham residents will be helped, again Stratford's main motivation is money and profits, not helping Eastham with their affordable housing needs
5. research - there hasn't really been any except for Stratford's biased "studies" and "reviews", and a few town guesses and estimates
6. education - we all need education on how to develop safe affordable housing options, look at what our neighboring towns are doing, hear from local developers that care about Eastham

Let's face facts - this proposal has been a nightmare from day 1. It has brought out the worst in the Eastham citizens and the BOS. We need to work together on this, not against each other, and Stratford has made it very clear they are not willing to compromise. If we work together and compromise on responsible affordable housing solutions, then EVERYONE will be happy. So we ask once again, please say no and goodbye to Stratford Capital Real Estate Investment Trust because the safety of Eastham is not for sale.

Thank you for your time and consideration,

Scott and Patti Andersen  
630 Herring Brook Road



Go green! Consider the environment before printing this email.

**CONFIDENTIALITY NOTICE:** This transmission is intended solely for use by the named addressee(s) and any information contained in this email transmission and any attachment(s) is confidential, proprietary and/or privileged information/communication and intended solely for the use of the named addressee(s). If you are not an intended recipient or a person responsible for delivery to an intended recipient, please immediately notify the author and destroy this transmission in its entirety, whether in electronic or hard copy format. Any unauthorized use (and reliance thereon), copying, disclosure, retention or distribution of this transmission or the material in this transmission is forbidden.

Elizabeth Shaw

12/7/15mk

**From:** Lois Beard [loiscbeard@gmail.com]  
**Sent:** Tuesday, November 24, 2015 8:55 AM  
**To:** Admin@eastham-ma.gov; Admin2@eastham-ma.gov  
**Subject:** Proposed Gov Prence affordable housing project

ADMINISTRATION

Dear Board members,

RECEIVED

My name is Lois Beard. My husband Glenn and I wish to make known our objections to the proposed Stratford Capitol development on the old T- Time property on Rt 6. We consider the proposal, as it stands now, to be unsafe, too dense and not in keeping with the character of Eastham.

A brief internet search of our neighbors on the lower cape illustrates how AH can and should be done.

In Orleans there are 12 housing sites of differing units spread across town. The two largest, 100 units each, are dedicated to elderly and disabled. There are 31 units dedicated to families shared among 5 different sites.

Wellfleet has a variety of creative solutions; 5 condos for purchase below market value, a design competition for Affordable Accessory Dwelling Units (AADU) along with tax benefits for qualifying home owners, rental assistance for 1-2 years, a 12 unit rental community, a buy down program which is a grant that helps moderate income applicants to reduce the purchase price of a new home, and 3 Habitat for Humanity homes. The town has also purchased several plots on Old King's Highway with plans to develop moderately priced homes.

Truro is developing Sally's Way with 16 affordable housing units.

Provincetown has multiple sites ranging from conventional rentals to 13 efficiencies for seasonal rentals.

All of our neighbors have managed to meet the state mandate for safe haven (Provincetown has achieved it's 10% AH goal) while maintaining the character of their towns. Stratford's proposal for 115 units with 90% of them subsidized is the antithesis of what our neighbors have done. I asked a full time resident of Wellfleet where the AH units are in Wellfleet and he couldn't tell me. I can't imagine that anyone will not be able to identify the N Eastham projects.

We have worked hard and saved for 30 years before we could afford to buy our little house by the sea. We support the state mandate for providing affordable housing. We do not support the development of property that will enrich the developer at the expense of current home owners and the town.

Thank you for your serious consideration to this pressing matter.

Sincerely,  
Lois and Glenn Beard  
1080 Massasoit Rd

Elizabeth Shaw

12/7/15 mtk

**From:** Michele Clarke [michele.clarke@mac.com]  
**Sent:** Friday, November 20, 2015 2:11 PM  
**To:** admin@eastham-ma.gov; admin2@eastham-ma.gov  
**Cc:** gawronsoncapecod@comcast.net; knightflight12@hotmail.com; burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com  
**Subject:** Put Eastham in control of its own destiny

Good afternoon -

The majority of Eastham residents find the Board of Selectmen's behavior and majority decisions to date concerning the Stratford Capital Group's dangerously dense and hazardous amended proposal to be unacceptable:

- You were elected to represent the residents of Eastham, not personal agendas or billionaire financiers proposing devastating consequences for our town. Preventing citizens from commenting during the "Public Comment" portion of the most recent BoS meeting - allowing residents to only ask questions - and then allowing two advocates to make speeches containing zero questions - was particularly disgraceful.
- The Chairperson's prepared remarks at the end of the Board meeting - asserting that Eastham was somehow "already ruined" and that plunging it further into a dangerous future was a good idea was shocking and appalled everyone in the room as well as an increasing number of residents who were not in the room who have read about the comments in the media and/or learned about it from people who were there. Anyone on the Board of Selectmen who is not fighting for a positive future for Eastham should resign. You are violating the terms and the spirit of the office.
- You have overwhelming - and repeated - evidence of opposition to Stratford Capital Group's revised plan. You have no evidence of equal support. You certainly have no evidence of greater support.
- The Massachusetts Department of Transportation has given the amended Stratford Capital Group an "F" grade. That's a Failing Grade.
- Eastham residents are clear: We support SAFE, sustainable, affordable housing for Eastham. We believe the town has a responsibility to create SAFE affordable housing for residents who will be moving in. We oppose the density of the proposed project in an overwhelming majority. We oppose the dangers to pedestrians, traffic and residents created by this project in an overwhelming majority. You are obliged to serve the residents of Eastham.

Eastham's hands are not tied:

- Affordable housing can be spread over the Tee Time property, the Purcell property, even the unfinished property next to the Town Hall. At a SAFE density. With SAFE entrances and exits for both pedestrians. The Massachusetts 40B Act was put into place to prevent exactly the kind of density of subsidized (i.e., Section 8) housing that the Stratford Capital Group's proposal creates.
- A billionaire financier who says anything less than 115 units is "not financially viable" is referring solely to his own profit objectives or his inability to manage a property, not to Eastham's reality. The CDP has said that 20 units is financially viable for any developer - and that 40 units creates a financially sustainable development. 40 units. Per the CDP.
- You have been aware of the first friendly 40B alternative to Stratford Capital Group for more than 48 hours and have made zero attempts to contact the developer.
- Your lack of action to date has put Eastham at the mercy of a predatory billionaire financier and predatory BoS member who is conflicted on all affordable housing matters per the State of Massachusetts' municipal conflict of interest law - and should recuse herself immediately from all discussions and votes, in public and private, concerning affordable housing in Eastham.

Any Board of Selectmen member who is not willing to do his or her job as outlined above should immediately resign from the BoS. Any Town Planning leadership and/or department person who is not willing to do their job as outlined above should also immediately resign.

This is an important and vital time for Eastham. The town has an opportunity to be a model for SAFE, sustainable affordable housing. It is not an opportunity - as the Chair of the BOS shockingly advocated in her prepared closing remarks - to plunge Eastham into an unsafe future that turns it into the next Brockton, Hyannis or Yarmouth. Yarmouth police are seeking a sub-station on the Yarmouth Swan Pond site — a housing project that is 250% \*less dense\* than the Stratford Capital Group proposal for Eastham — because the dramatic increase in crimes being committed against its residents and the chief of police explicitly calls out the project's density as a reason for both the high crime rate and his officers' difficulty in fighting it.

Eastham must move forward with SAFE, sustainable, affordable housing.

Michele Clarke

12/10/15mt

**From:** Michele Clarke <michele.clarke@mac.com>  
**Sent:** Monday, November 16, 2015 12:19 AM  
**To:** Elizabeth Shaw; Gillespie-Lee, Laurie  
**Subject:** Please consider this before Monday's meeting

Good morning –

There have been many disturbing revelations over the past seven days about the truthfulness, character and actions of Stratford Capital Group executives and their agents during this process.

Given this additional information we have as a town now, I urge you to reject Stratford Capital Group and take Eastham's future into our own hands – immediately creating a path to compliance that will...

- Secure a Safe Harbor from predatory 40B financiers (as Norwood and other towns have successfully done)
- Put Eastham on a fast path to comply with the State's affordable housing mandate
- Create SAFE, sustainable, affordable housing for Eastham residents.

**It is most troubling to have learned that Stratford Capital Group has repeatedly and brazenly lied to the Board of Selectmen, several pan-Cape organizations, and others they've (illegally?) been lobbying.**

Further, the financier is now trying to strong-arm the Board with threats of becoming a hostile 40B – after repeatedly saying they would walk away if the town opposed their proposal.

And most shockingly, we've learned in the last 72 hours that Stratford Capital Group is demanding the \$800,000 in CPA funds Eastham has remaining to help create affordable housing – meant for developers who need the assistance for worthwhile projects from Habitat for Humanity and others. As a multi-billion-dollar financial firm, Stratford Capital most certainly does not need these funds.

They are lying to us in many ways:

**1. Stratford Capital Group is lying about what they are.** They are not a “workforce and affordable housing developer”. They are an investment bank for private equity; they are a Real Estate Investment Trust; they are a creator of Financial Instruments that exist solely to further enrich their investors. As a reminder, these are the same activities – securitizing assets and re-selling them to investors - that caused the financial crisis from which Eastham has still not recovered.

This is how Stratford Capital describes itself in a February 2014 ad in Tax Credit Advisor on investment banks specializing in “Low-Income Housing Tax Credits”

Our proven record of success ... is built around a disciplined, rigorous approach towards targeting and acquiring multifamily properties ... [for] their long-term [financial] potential.

Target and acquire. Hear those words. Those are their own words. This is a predatory company.

And their Web site doesn't describe “homes” or “apartments”, it boasts about:

\$2.1 billion in securitized assets.

When someone reveals who they really are, you need to believe them.

And importantly, they are not the only option for affordable housing for Eastham. Now here is the description from a company called Sanctuary Residential.

The company will develop and own new communities and rehabilitate neglected neighborhoods, providing safe, secure homes for hard-working families and seniors whose housing cost burdens are rising. Sanctuary Residential also will develop and construct select market rate opportunities that further municipal economic development and redevelopment efforts in the territory. "At Sanctuary Residential, we believe that every man, woman and child is entitled to a high- quality living environment, and we will aggressively and proactively work to make that happen," Felder said. "We place utmost importance on our residents, neighborhoods, associates and capital partners, and our character drives everything we do."

Sanctuary Residential will be built on core principles of trustworthiness, respect, responsibility, fairness, caring and citizenship. "Every part of our business is held to the highest standards," Felder said, "because at the end of the day, we know that our character will make or break us."

This is 180-degrees from the way Stratford Capital Group describes itself.

And there are many additional developers who speak the same way as Sanctuary Residential: EHDOD, Congregate Management Services, Churchill Residential, Highridge Costa Housing Partners... this list goes on and on.

**2. Stratford Capital repeatedly and forcefully lied to the Board of Selectmen. about the town voting in favor of ultra-high-density housing.**

And when finally confronted with their deception, they claimed it was "a misunderstanding".

Please tell me, how does a firm that professes such expertise and has done such developments nationwide – misunderstand such a fundamental fact?

**3. Stratford Capital and their agents repeatedly and forcefully misled and lied to residents and Board of Selectmen about accepting Section 8 rentals.** Massachusetts law prevents any rental landlord from denying Section 8 applicants.

**Please drive through General Patton Road and Fresh Holes Road in Hyannis before voting on this Stratford Capital Group proposal. Both are Section 8 developments. They are the future of Eastham.**

Because as those familiar with Section 8 know, renters can be completely unemployed – because Section 8 holders only need to contribute as little as \$20 to their monthly rent. Eastham will have no influence over who Stratford Capital Group rents to in the dangerously-dense housing project.

And despite Stratford Capital's unenforceable-by-Eastham promises to rent to working people, an unemployed Section 8 tenant is extremely appealing financially to them because the landlord doesn't

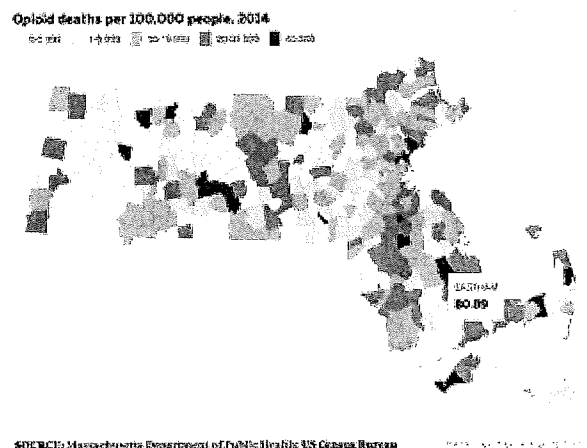
have to collect checks – the money is automatically deposited in Stratford Capital’s bank account by the State of Massachusetts. It doesn’t matter if the property is in disrepair. It doesn’t matter if the tenant has complained about any other deficiencies in the rental. Stratford gets its money. Every month. No problem.

Similarly, the town will have no say or way to enforce that Stratford Capital Group rents to Eastham residents.

And since Section 8 renters do not have the disposable income to shop in Eastham’s boutique stores; do not have the disposable income to eat in Eastham’s restaurants; and require a level of public transportation that does not exist in Eastham, the Stratford Capital Group proposal further reduces the quality of life – and ability to hold jobs – of the people who will live there.

And - in the most critical revelation of all - predatory drug rings target the residents of high-density low-income housing. Because it’s in their business model. It’s happening all over Massachusetts – including in Hyannis and Yarmouth in housing projects with *lesser density* than what Stratford Capital Group is trying to force down Eastham’s throat. The Yarmouth Police Department has moved to create a police sub-station *inside* its high-density housing project because of the dramatic increase in crime perpetrated *against* those residents – not by those residents.

This chart is alarming – Eastham is already one of the most affected communities in Massachusetts, let alone the Cape.



**4. And as to the claim that the State mandates that we accept an unsafe housing project plan from Stratford Capital, that is just not accurate.** And in fact, there are dozens of Federal and State groups who prioritize safety for such housing developments, including...

- The AARP
- The Center for the Study of Social Policy
- The Kitty & Michael Dukakis Center for Urban and Regional Policy
- The Surgeon General
- ... and this list goes on.

There is much support for Eastham to reject this unsafe housing project proposal.

**5. They are lying about the friendliness of other 40B developers.** There are, in fact, multiple alternative developers – including one with an investor ready to go immediately – who have friendly



40B proposals for the town to consider. Yet the BOS members continue to say, “our hands are tied” – when nothing could be further from the truth.

The Board of Selectmen can refuse to name Stratford Capital Group’s predatory proposal a “Locally Initiated Project” – can publically reassure developers that they are fully open to other friendly 40B proposals – and can activate a 40B Safe Harbor by engaging with a developer who will quickly build as few as 14 SAFE, affordable housing units. Fourteen.

Stratford Capital Group has no intentions of building SAFE, affordable housing for Eastham. Stratford Capital Group will be nothing more than an absentee landlord, sucking profits out of Eastham and redistributing the monies to their 1%-er Wall Street investors. Stratford Capital’s claim in the last 72 hours that they will “in good faith actively consider” safety improvements means nothing. They will only do what is legally binding.

It is no surprise that Stratford Capital Group is pressuring the Board to shorten the process – and do it in a way that public comment is eliminated or stifled. The more time Eastham has to learn who Stratford Capital Group is, the clearer it becomes that their proposal will be devastating to Eastham.

The people of Eastham strongly support the development of affordable housing. (I am such a strong supporter, for example, that I’ve even donated to the Community Development Partnership.)

And yet there are more than 500 people who signed a petition against Stratford Capital Group. More than 100 people appeared at a BOS meeting to voice their opposition despite it being hastily rescheduled to occur during the workday. There is overwhelming opposition to Stratford Capital Group planning to be at the meeting on Monday. There is no way this town can honestly say the Stratford Capital Group project is a “local initiative project”.

And please know that there are town employees – including at least one high-placed official, police officers, realtors, and owners of Eastham’s most prominent businesses who strongly oppose Stratford Capital Group’s dangerously-dense proposal. They are afraid to come forward because they fear they will lose their jobs or face retaliation by the town if they voice their opposition.

Is that really the kind of Eastham we want? Because it’s the kind of Eastham Stratford Capital Group’s continued presence and abhorrent behavior is creating.

Eastham deserves safe, sustainable, affordable housing. The State’s intention is that towns have that. And as our elected town officials, we have put you on the Board of Selectmen to be responsible for ensuring that.

SAFE affordable housing means a much lower density – one that is appropriate for Eastham’s economic, social, environmental and public-services infrastructure. It means strong pedestrian and traffic protection. It means locally based full-fledged property management, not an on-call handyman. It means financial reinvestment to guarantee safe, secure living, not an absentee landlord.

Reject Stratford Capital Group – do not grant the “Locally Initiated Project” status to this dangerously-dense and in many other ways alarmingly unsafe housing project proposal – and let’s move forward as a community with a developer who will ensure the safety and well-being of our current residents and our forthcoming neighbors.

This is an important and exciting time for Eastham. We will have one shot at developing the town for the betterment of residents, merchants and visitors. Character matters. And Stratford Capital Group is not someone Eastham should have as part of our community.

Thank you for your consideration.

With Kind Regards,

Michele Clarke

O: 508.255.2486

m: 203.912.0560

Elizabeth Shaw

---

**From:** Michele Clarke [michele.clarke@mac.com]  
**Sent:** Tuesday, December 01, 2015 8:11 PM  
**To:** phwade@comcast.net; l\_michaelhager@hotmail.com; baygetaway@comcast.net;  
jcoppelman@gmail.com  
**Cc:** plagg@eastham-ma.gov; admin@eastham-ma.gov  
**Subject:** Please do not grant Stratford Capital Group any CPA monies

ADMINISTRATION

DEC 02 2015

RECEIVED

Good evening -

It is outrageous that Stratford Capital Group is attempting to deplete Eastham's entire CPA budget for the next five years.

A \$1.2 billion private equity firm that's recently closed a huge financing round does not need the money to complete the project, it did not request the money in its original proposal, and given the overwhelming opposition by Eastham residents to the dangerously dense Stratford Capital Group low-income housing project - which has received an F grade from the Massachusetts Department of Transportation - the billionaire financier will be walking away from its proposal as it promised if the town opposed its housing project.

The town most certainly does oppose it.

The town also has extremely deserving affordable housing activities occurring over the next five years - including Habitat for Humanity and other projects - that are the best and most beneficial use of the monies.

Let's support affordable housing projects that actually benefit Eastham instead of destroying it.

With Kind Regards,  
Michele Clarke

Michele Clarke | 203.912.0560 | [michele.clarke@mac.com](mailto:michele.clarke@mac.com)

**From:** Michele Clarke <michele.clarke@mac.com>  
**Sent:** Thursday, December 03, 2015 10:56 AM  
**To:** gawronsoncapecod@comcast.net; knightflight12@hotmail.com; burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com; Paul Lagg; BobSheldon@remax.net; johnzazzaro@yahoo.com; swasby@albany.edu; phwade@comcast.net; l\_michaelhager@hotmail.com; baygetaway@comcast.net; jcoppelman@gmail.com  
**Cc:** Elizabeth Shaw; Gillespie-Lee, Laurie; jmn@stratfordcapitalgroup.com; bdm@stratfordcapitalgroup.com; kfw@stratfordcapitalgroup.com  
**Subject:** The Safety of Eastham Residents is Not for Sale

## **PETITION TO REJECT STRATFORD CAPITAL GROUP 40B LOW-INCOME/SECTION 8 HOUSING PROJECT PROPOSED FOR TEE TIME PROPERTY**

### **The Safety of Eastham Residents is Not for Sale**

I do not support the Stratford Capital Group proposal for the Tee Time property and call on the Eastham Board of Selectmen and Zoning Board of Appeals to do everything in its individual and collective power to prevent the housing project because...

1. **The DENSITY of the proposed housing project is unsafe.** With 85% to 90% of the proposed units designated as low-income Section 8 per Stratford Capital Group's admission in the October and November BOS meetings, the proposed housing project represents a material threat to the safety of both would-be residents of the proposed housing as well as current full-, part- and summer-time residents of Eastham. Housing projects with far LESS density across the Cape and the State are riddled with crime and otherwise unsafe living conditions and cause enormous budgetary drains in the cities and towns they occupy. As one example, and according to Yarmouth's Police Chief, Yarmouth's Swan Pond housing project – which is 250% *less* dense than the Stratford Capital Group proposal for Eastham and in a town more than twice the size of Eastham – has Boston gang members in the project dealing drugs and an overall level of crime so high that he has requested a police sub-station to be put INSIDE the housing project. He specifically cites the DENSITY of the Swan Pond

housing project – again 250% *less* dense than the Stratford Capital Group proposal – as a main factor in both the level of crime as well as the difficulty his officers have in fighting it.

2. **The PEDESTRIAN AND VEHICLE TRAFFIC designs of the proposed Stratford Capital Group housing project are unsafe.** The Massachusetts Department of Transportation has given the Stratford Capital Group proposal an F grade.
3. **The Eastham Board of Selectmen and Zoning Board of Appeals have not conducted any independent impact studies or educated themselves on the public-safety dangers of too-dense low-income/Section 8 housing** – i.e., not paid for by Stratford Capital Group or any of its associates or advocates or agents (e.g., the Community Development Partnership and/or agents hired by Stratford Capital Group).
4. **The DENSITY of the proposed housing project is not in line with the successful approaches to SAFE sustainable affordable housing achieved by other Lower and Outer Cape towns and violates the very objective to avoid high-density concentrations of low-income/Section 8 housing mandated by the State's 40B act.** And all of our neighboring towns have met the state mandate for safe haven while maintaining the character of their towns. Orleans has 12 housing sites with differing numbers of units spread across its town - 31 units are dedicated to families shared among 5 different sites. And the two largest, at 100 units each, are specifically dedicated to the elderly and disabled – neither of which population is a magnet for predatory criminals. Wellfleet has a variety of creative solutions: 5 condos for purchase below market value; a design competition for Affordable Accessory Dwelling Units (AADU); tax benefits for qualifying home owners; rental assistance for 1-2 years; a 12-unit rental community; a buy-down program which is a grant that helps moderate income applicants to reduce the purchase price of a new home; and 3 Habitat for Humanity homes. Wellfleet has also purchased several plots on Old King's Highway with plans to develop moderately priced homes. Truro is developing Sally's Way with 16 affordable housing units. And Provincetown has multiple sites ranging from conventional rentals to 13 efficiencies for seasonal rentals – further, Provincetown has met the state mandate for a permanent Safe Haven. At 115 units, the Stratford Capital Group proposal is materially worse and more dangerous than any of these as well as the crime-riddled low-income/Section 8 housing in Yarmouth, Hyannis and elsewhere.
5. **The Eastham Board of Selectmen (BOS) and the members of the Zoning Board of Appeals are elected and named to serve ONLY and EXCLUSIVELY the town of Eastham.** You are not serving on the Cape Cod Commission. The Eastham BOS is not responsible for assuming the financial and housing burdens of neighboring towns.

I therefore call on the Eastham BOS and the Zoning Board of Appeals to...

**1. Focus ONLY and EXCLUSIVELY on providing SAFE sustainable affordable housing for EASTHAM, not on servicing the needs of the Outer Cape, the Lower Cape, or any other region outside of Eastham.** The 40B requirements specify town-by-town percentages. The Eastham Board of Selectmen serves Eastham, not other towns. The Eastham BOS is not the Cape Cod Commission – it is the EASTHAM Board of Selectmen.

**2. Do everything in their individual and collective power to prevent Stratford Capital Group from moving forward with its dangerous proposed housing project, including and not limited to:**

- - Refusing to designate the Stratford Capital Group proposal a “Local Initiative Program” (LIP)
  - Immediately soliciting and engaging alternative friendly 40B developers on proposals for SAFE sustainable affordable housing projects at the Tee Time site, the Purcell site, and all other available and/or potentially available sites in Eastham.
  - Putting Eastham on a fast path to SAFE sustainable affordable housing that includes a comprehensive plan with said housing spread over multiple sites and being SAFE sustainable and affordable to gainfully employed Eastham residents.

**3. Secure independent assessments, analysis and data:**

- > Conduct *truly independent* impact studies – looking at all known public-safety and financial factors – for Eastham affordable- and low-income housing development. And make them primary factors in all decision making regarding affordable housing. Do not simply “review” developer-funded “studies” that are by definition biased in Stratford Capital Group’s favor. Conduct a full financial analysis – not “guesses” or “estimates” – to determine financial-impact scenarios.
- > Immediately tour high-density Section 8 housing projects in Boston, Lynn, Brockton, Hyannis and Yarmouth and speak to the police chiefs in each of those cities and towns to become educated on the public safety realities of low-income and affordable housing.
- > Implement the best practices learned from our neighboring towns and avoid the mistakes of high-density housing projects elsewhere on the Cape and in Massachusetts to ensure SAFE sustainable affordable housing in Eastham.

**4. Do nothing to endanger the public safety or individual well-being of Eastham’s full-, part- and/or summer-time residents.**

There is no evidence that the Stratford Capital Group proposed housing project is safe. There is overwhelming evidence that it is not.

Why are Eastham residents fighting harder than the Eastham Board of Selectmen for the safety of Eastham residents?

Signed,

Michele Clarke

105 Harding Road

---



Gillespie-Lee, Laurie

12/7/15mtk

**From:** Tonia Donovan <toniadonovan@hotmail.com>  
**Sent:** Monday, November 16, 2015 9:41 PM  
**To:** Elizabeth Shaw; Gillespie-Lee, Laurie; gawronsoncapecod@comcast.net;  
wallace.adams@comcast.net; burtl@nausetschools.org; knightflight12@hotmail.com;  
swasby@albany.edu; johnzazzaro@yahoo.com; jeanzazzaro@yahoo.com;  
boshea@navizone.com  
**Subject:** Housing Project  
**Importance:** High

Dear Selectmen,

I was not able to attend the meeting tonight, but did watch most of it on television. I must tell you how deeply disappointed my husband and I are in your recent actions of allowing such a huge development into Eastham. You were elected and thus entrusted to uphold the interests of the current Eastham residents and you have clearly lost sight of what is best for our small town. First of all a structure of this size and capacity will jeopardize our town's current well and septic systems. Our town's police force is not equipped to effectively handle an increase of crime and need from this unit of so many people. We rather you deal with the issues our current residents have such as unpaved and unplowed roads before you increase the population in this excessive manner. Not to mention what this increase will do to Eastham Elementary School. It will never be the same after such a dramatic increase basically overnight. How do you plan on funding all of these issues that will need to be addressed? What monies are being ear-marked? There is a definite need for affordable housing for families and elderly in Eastham, but it can be found in many other alternatives. No wonder there is public outrage over this project! We urge you to listen to the residents of Eastham and reject the current housing plan. Look into alternatives that will ensure the safety and well being of all the Eastham residents. It is your duty and why you were elected. Please do not loose sight of this. It is for the children of Eastham.

Tonia Donovan

Emails for Eastham Board of Selectmen...

[admin@eastham-ma.gov](mailto:admin@eastham-ma.gov)  
[admin2@eastham-ma.gov](mailto:admin2@eastham-ma.gov)  
[gawronsoncapecod@comcast.net](mailto:gawronsoncapecod@comcast.net)

Sheila Vanderhoef

12/7/15  
racker

**From:** Elizabeth Gawron <gawronsoncapecod@comcast.net>  
**Sent:** Friday, November 13, 2015 4:57 PM  
**To:** Sheila Vanderhoef  
**Subject:** Fwd: Concerns About Proposed 40B Housing Project

More

Sent from my iPhone

Begin forwarded message:

**From:** Kristen Harrigan <kristen.harrigan@gmail.com>  
**Date:** November 13, 2015 at 4:49:57 PM EST  
**To:** [gawronsoncapecod@comcast.net](mailto:gawronsoncapecod@comcast.net)  
**Subject:** Concerns About Proposed 40B Housing Project

Dear Ms. Gowron

I am writing to express my concerns about Stratford Capital Group's proposed housing development at the old T-Time/Family Sports Center site. I am a lifelong summer resident of North Eastham — my family has owned two properties here since 1959. Eastham is a special place for me and my family, as well as the 5,000 full-time residents, our part-time residents, and the thousands of tourists who visit our quiet town every summer.

The proposals submitted by Stratford Capital call for 115 to 130 rental units. On an approximately 10-acre site, this is far too dense, especially for a small town such as Eastham. Regardless of the type of housing proposed, be it below-market and Section-8 rental apartments or high-end condos, the sheer number of units is simply more than this site — and this town — can handle. It's a hasty, short-sighted "solution" to a Cape-wide affordable housing problem. It will be permanently devastating to this town should the proposed project be built.

My concerns are as follows:

1. Stratford Capital Group's proposal will clearly change the character and fabric of Eastham, not only for the residents, but also for our summer visitors, who come here for the quaintness of the town and to spend their money on our small businesses. Adding an extra 400 people in such a prominent, small area is completely inappropriate. People will not find Eastham is no longer the "quiet town" that is now considered "the gateway to the National Seashore," (both of these descriptions taken from the town's official website). As an architect, I am well qualified to critique the developer's submitted drawings. Quite frankly, it is out of character with the Cape and with Eastham in particular. The density is much too high for the 10-acre site. The massing of the units as shown should be sited in a larger town or small city such as Braintree or Leominster. They are high-density urban/suburban-type units that are not site-appropriate to Eastham.
2. The traffic impact on this area of Route 6 and the surrounding roads will be incredible. The traffic situation in the summer is already terrible, particularly when there is an motor vehicle accident anywhere from Eastham to Wellfleet, and on rainy days, with thousands of tourists driving to and from Provincetown. This proposed development has one-way in and one-way out within yards of each other. There will be no traffic lights and no left turn will be allowed. People coming from this development who want to head south towards Orleans will be expected to turn right, turn onto Railroad Lane, turn left onto Nauset Road, and wait for the light. I am sure that there will be those who take a left turn because it's "easier" than going through the hassle of that circuitous route, regardless of their own safety or the safety of others. The Commonwealth has already said "no" to a traffic light and other safety enhancements for this location.
3. The safety needs of pedestrians and cyclists must be studied. Given the recent pedestrian and cyclist fatalities, it is clear that there is already a problem that absolutely needs to be addressed. Add to that an additional 400 people living in one development, many of whom may rely on public transportation. Where are they supposed to cross Route 6 from the bus stop? There are no sidewalks, street lights, or pedestrian crossing lights, or crosswalks. What about those who rely on riding their bikes for transportation? Again, there are no bike lanes and no sidewalks for cyclists.

4. The town's municipal resources will be strained. What will the financial impact on the police and fire departments, the schools, the DPW, municipal offices and beaches? Looking just at the police department, additional money will need to be allocated/raised for public safety services. A similar project in Yarmouth, though its 150 units are on a 30-acre site, is having major issues with crime. 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. Who is going to pay for the resources Eastham will need with 400 additional residents? These issues must be addressed before entertaining the viability of this project.

I agree that Eastham, as well as all the Cape communities, must address the affordable housing shortage. Unfortunately, this particular project is not the solution. This endeavor is not something that should be rushed into because an impatient, national developer is hot to begin making a profit. I implore you to not be hasty, to think carefully, and to educate yourselves to the real consequences of allowing such a high-density housing development into our community. It is not an overstatement to say the future of Eastham lays in your hands. You have the power to put a stop to this reckless project. Your voting against this project would be the first step in opening the dialog for thoughtful, appropriate, affordable housing.

Respectfully,

Kristen A. Harrigan  
[kah@alum.mit.edu](mailto:kah@alum.mit.edu)

**From:** LESLIE [mailto:lmhart1@comcast.net]

**Sent:** Wednesday, December 02, 2015 1:40 PM

**To:** admin@eastham-ma.gov

**Subject:** Reject Stratford Capital Group 40B

In 12/7/15 packet

PETITION TO REJECT STRATFORD CAPITAL GROUP 40B LOW-INCOME/SECTION 8 HOUSING PROJECT PROPOSED FOR TEE TIME PROPERTY

The Safety of Eastham Residents is Not for Sale We the undersigned do not support the Stratford Capital Group proposal for the Tee Time property and call on the Eastham Board of Selectmen and Zoning Board of Appeals to do everything in its individual and collective power to prevent the housing project because...

1. The DENSITY of the proposed housing project is unsafe. With 85% to 90% of the proposed units designated as low-income Section 8 per Stratford Capital Group's admission in the October and November BOS meetings, the proposed housing project represents a material threat to the safety of both would-be residents of the proposed housing as well as current full-, part- and summer-time residents of Eastham. Housing projects with far LESS density across the Cape and the State are riddled with crime and otherwise unsafe living conditions and cause enormous budgetary drains in the cities and towns they occupy. As one example, and according to Yarmouth's Police Chief, Yarmouth's Swan Pond housing project - which is 250% less dense than the Stratford Capital Group proposal for Eastham and in a town more than twice the size of Eastham - has Boston gang members in the project dealing drugs and an overall level of crime so high that he has requested a police sub-station to be put INSIDE the housing project. He specifically cites the DENSITY of the Swan Pond housing project - again 250% less dense than the Stratford Capital Group proposal - as a main factor in both the level of crime as well as the difficulty his officers have in fighting it.
2. The PEDESTRIAN AND VEHICLE TRAFFIC designs of the proposed Stratford Capital Group housing project are unsafe. The Massachusetts Department of Transportation has given the Stratford Capital Group proposal an F grade.
3. The Eastham Board of Selectmen and Zoning Board of Appeals have not conducted any independent impact studies or educated themselves on the public-safety dangers of too-dense low-income/Section 8 housing - i.e., not paid for by Stratford Capital Group or any of its associates or advocates or agents (e.g., the Community Development Partnership and/or agents hired by Stratford Capital Group).
4. The DENSITY of the proposed housing project is not in line with the successful approaches to SAFE sustainable affordable housing achieved by other Lower and Outer Cape towns and violates the very objective to avoid high-density concentrations of low-income/Section 8 housing mandated by the State's 40B act. And all of our neighboring towns have met the state mandate for safe haven while maintaining the character of their towns. Orleans has 12 housing sites with differing numbers of units spread across its town - 31 units are dedicated to families shared among 5 different sites. And the two largest, at 100 units each, are specifically dedicated to the elderly and disabled - neither of which population is a magnet for predatory criminals. Wellfleet has a variety of creative solutions: 5 condos for purchase below market value; a design competition for Affordable Accessory Dwelling Units (AADU); tax benefits for qualifying home owners; rental assistance for 1-2 years; a 12-unit rental community; a buy-down program which is a grant that helps moderate income applicants to reduce the purchase price of a new home; and 3 Habitat for Humanity homes. Wellfleet has also purchased several plots on Old King's Highway with plans to develop moderately priced homes. Truro is developing Sally's Way with 16 affordable housing units. And Provincetown has multiple sites ranging from conventional rentals to 13 efficiencies for seasonal rentals - further, Provincetown has met the state mandate for a permanent Safe Haven. At 115 units, the Stratford Capital Group proposal is materially worse and more dangerous than any of these as well as the crime-riddled low-income/Section 8 housing in Yarmouth, Hyannis and elsewhere.
5. The Eastham Board of Selectmen (BOS) and the members of the Zoning Board of Appeals are elected and named to serve ONLY and EXCLUSIVELY the town of Eastham. You are not serving on the Cape Cod Commission. The Eastham BOS is not responsible for assuming the financial and housing burdens of neighboring towns.

We therefore call on the Eastham BOS and the Zoning Board of Appeals to...

1. Focus ONLY and EXCLUSIVELY on providing SAFE sustainable affordable housing FOR EASTHAM, not on servicing the needs of the Outer Cape, the Lower Cape, or any other region outside of Eastham. The 40B requirements specify town-by-town percentages. The Eastham Board of Selectmen serves Eastham, not other towns. The Eastham BOS is not the Cape Cod Commission – it is the EASTHAM Board of Selectmen.
2. Do everything in their individual and collective power to prevent Stratford Capital Group from moving forward with its dangerous proposed housing project, including and not limited to:
  - Refusing to designate the Stratford Capital Group proposal a “Local Initiative Program” (LIP)
  - Immediately soliciting and engaging alternative friendly 40B developers on proposals for SAFE sustainable affordable housing projects at the Tee Time site, the Purcell site, and all other available and/or potentially available sites in Eastham.
  - Putting Eastham on a fast path to SAFE sustainable affordable housing that includes a comprehensive plan with said housing spread over multiple sites and being SAFE sustainable and affordable to gainfully employed Eastham residents.
3. Get educated:
  - Conduct truly independent impact studies – looking at all known public-safety and financial factors – for Eastham affordable- and low-income housing development. And make them primary factors in all decision making regarding affordable housing. Do not simply “review” developer-funded “studies” that are by definition biased in Stratford Capital Group’s favor. Conduct a full financial analysis – not “guesses” or “estimates” – to determine financial-impact scenarios.
  - Immediately tour.
  - Implement the best practices learned from our neighboring towns and avoid the mistakes of high-density housing projects elsewhere on the Cape and in Massachusetts to ensure SAFE sustainable affordable housing in Eastham.
4. Do nothing to endanger the public safety or individual wellbeing of Eastham’s full-, part- and/or summer-time residents. There is no evidence that the Stratford Capital Group proposed housing project is safe. There is overwhelming evidence that it is not. Why are Eastham residents fighting harder than the Eastham Board of Selectmen for the safety of Eastham residents?

SIGNED: E. Marvin and Leslie Hart, 2215 Nauset Rd., Eastham

**Elizabeth Shaw**

---

**From:** Kathy Kotowski [kathykotowski@gmail.com]  
**Sent:** Wednesday, December 02, 2015 9:27 AM  
**To:** admin@eastham-ma.gov  
**Cc:** weskotowski@comcast.net  
**Subject:** Opposition to Proposed Project by Stratford Capital Group

ADMINISTRATION

DEC 02 2015

RECEIVED

To Whom it May Concern,

As a part time resident and taxpayer of Eastham I am writing on behalf of my husband and myself to express our opposition to the project proposed by the Stratford Capital Group. Their proposal is far too dense and poses a multitude of safety concerns. My husband and I just bought our home in Eastham at the beginning of 2015 and live in Boston. The reason we bought in Eastham is because of the small town, comfortable feel we got. I am fearful that such a large housing proposal will destroy that vibe. I am not opposed to affordable housing but would like to see it as a much smaller project.

As I said, I live in the City of Boston and have witnessed firsthand what a large housing project of this size can do to a neighborhood and would be very disappointed to see this happen in Eastham. In fact, had we known this was going to be an issue, we most certainly would have thought twice about buying our retirement home here and most likely would have looked somewhere else. I implore the BOS to reconsider and deny the request by Stratford Capital Group.

Respectfully submitted,  
Kathleen P. Kotowski  
Wieslaw Kotowski  
25 Clayton Road  
Eastham, MA

## Gillespie-Lee, Laurie

---

**From:** Elizabeth Shaw <admin@eastham-ma.gov>  
**Sent:** Friday, December 04, 2015 8:44 AM  
**To:** Gillespie-Lee, Laurie  
**Subject:** FW: Swan Pond Village: Police tackle town's No. 1 criminal hot spot

Lisa Shaw  
Administrative Asst./HR  
Town of Eastham/2500 State Highway/Eastham, MA 02642

Direct Line: 774-801-3205  
Town Hall: 508-240-5900 x 3205  
Fax: 508-240-1291  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

-----Original Message-----

From: Kathy Kotowski [<mailto:kathykotowski@gmail.com>]  
Sent: Thursday, December 03, 2015 12:49 PM  
To: [admin@eastham-ma.gov](mailto:admin@eastham-ma.gov); [plagg@easthamma.gov](mailto:plagg@easthamma.gov); [l\\_michaelhager@hotmail.com](mailto:l_michaelhager@hotmail.com); [baygetaway@comcast.net](mailto:baygetaway@comcast.net)  
Subject: Swan Pond Village: Police tackle town's No. 1 criminal hot spot

<https://shar.es/1c8smR>

Swan Pond Village is the latest hot spot for crime, with Yarmouth police making 70 on-site and off-site arrests of complex residents over the last 15

Sent using ShareThis

Sent from my iPhone=



## Gillespie-Lee, Laurie

---

**From:** do\_not\_reply@peoplegis.com  
**Sent:** Friday, December 04, 2015 8:46 AM  
**To:** Gillespie-Lee, Laurie; Paul Lagg; Rohmer, Edward  
**Subject:** A record has been submitted in the form 'IT Work Order Form'

The following record has been submitted in the form 'IT Work Order Form':

Date = Dec 04, 2015  
request\_nu = 'IT-162'  
requester = 'Joan Plante'  
dept = 'Treasurer/Collector'  
email = 'jplante@eastham-ma.gov'  
req\_type = 'Computer'  
explain = 'Print Screen doesn't work from counter computer - FIXED 12/3 Can't connect to Google on Joan's computer - FIXED 12/3'  
priority = '2'  
status = 'Received'  
assign = ''  
CompleDat = ''  
WorkDone = ''  
O\_Vend\_Hrs = ''  
TotalHrs = ''

The record can be viewed at the following URL:

[http://www.mapsonline.net/easthamma/forms/template\\_select.php?id=737853773&jump=c6884aa7da55e1d2768ea71f4df280f5](http://www.mapsonline.net/easthamma/forms/template_select.php?id=737853773&jump=c6884aa7da55e1d2768ea71f4df280f5)

Elizabeth Shaw

---

**From:** Michael W Kuchyt [ku02642@yahoo.com]  
**Sent:** Wednesday, December 02, 2015 11:40 AM  
**To:** admin@eastham-ma.gov; plagg@eastham-ma.gov; phwade@comcast.net;  
l\_michaelhager@hotmail.com; baygetaway@comcast.net; jcoppelman@gmail.com  
**Subject:** Affordable Housing in Eastham

Michael W Kuchyt  
49 Salt Pond Rd  
Eastham, MA

ADMINISTRATION  
DEC 02 2015  
RECEIVED

To the various Town of Eastham Board Members:

I am sending this email to voice my concerns about affordable housing in Eastham.

1) I am not in favor of The Stratford Capital Group as the developer of the TTime property. I do not feel this developer has the best interest of Eastham and its residents in mind.

a) their development has too many rental units for this property.

b) their development does not fit in with the character and beauty of Eastham.

c) safety issues i.e. traffic flow, pedestrian safety, etc. are not addressed.

2) We need someone to listen to Eastham residents.

3) We CAN NOT deplete a AF for the next 5 years for this one development.

4) There are possible violations of the OPEN MEETING LAW by the BOS chair.

I am in favor of affordable house in Eastham keeping with the charm of this town and helping Eastham and Outer Cape residents.

Please listen to your voters, neighbors and friends. STOP THIS STRATFORD CAPITAL GROUP DEVELOPMENT.

Thank you

Sent from my iPad=

Gillespie-Lee, Laurie

12/7/15 packet

**From:** Robert LaBranche <rlabranche3@gmail.com>  
**Sent:** Monday, November 16, 2015 8:42 PM  
**To:** Elizabeth Shaw; Gillespie-Lee, Laurie; gawronsoncapecod@comcast.net; wallace.adams@comcast.net; burtl@nausetschools.org; knightflight12@hotmail.com; swasby@albany.edu; johnzazzaro@yahoo.com; jeanzazzaro@yahoo.com; boshea@navizon.com  
**Subject:** tonight's meeting

Dear Ms. Gawron,

My name is Rob LaBranche and I am a history teacher at Nauset High School. I live in Eastham where I grew up and where my family has lived for the past forty plus years. I must admit that I am not always involved in town politics but I do get involved when there are important issues.

Tonight I attended the selectmen's meeting and I must admit that I left with a bad taste in my mouth.

This bad taste had nothing to do with anyone's opinion or feelings about the proposed project at the former Tee Time property. The bad taste was left by your rather rude and callous comment.

When a woman was at the microphone and somewhat emotionally spoke about opiate addiction and overdoses in the town of Eastham you raised both of your hands in a "stop" motion and said "well then it is already here."

I am not sure if you think this was funny, but I assure you that it was not and a large majority in the room was very offended.

I have had two students who have died of heroin overdoses and I had to wonder what their families would think of your comment.

You owe everyone in that room an apology for your rude and insensitive remark.

I welcome your response to this email.

Rob LaBranche

285 Queen Anne Drive

Eastham, MA

12/7/15 packeL

**Gillespie-Lee, Laurie**

---

**From:** Jacqueline Beebe <jbeebe@eastham-ma.gov>  
**Sent:** Monday, November 16, 2015 8:33 AM  
**To:** justinmurraycguk@gmail.com  
**Cc:** Sheila Vanderhoef; Gillespie-Lee, Laurie  
**Subject:** RE: high density vote and Mass Dept of transit report

Hi Justin,

The Board of Selectmen has taken no vote on the proposed housing developed by Stratford Capital. It is on the agenda for tonight's BOS meeting for further discussion. The proposal is in the early stages, and the developer is asking the BOS for a "letter of endorsement", so he can begin the formal process by applying to the state housing agency. Whether the BOS endorses or not, it has to go to the state and then the applicant will submit a formal proposal to the ZBA (town). The ZBA process requires public hearings and the ZBA has the power to ask for studies (like traffic) or to set some conditions. Those conditions are then reviewed by the state, who has the authority to uphold or overturn them. It is a process that takes many months. On the town website under the BOS meeting agendas, there is some timeline/other info on the 40B process attached to the Thursday, Nov 12, BOS meeting. They are useful handouts, and one describes the number of days attached to each step. That meeting was a training session on 40B and will also be up on demand by tomorrow.

The DOT has not given any report on the project that we are aware of.

If you have any other questions, just let me know. Thanks, Jacqui

Jacqueline W. Beebe  
Assistant Town Administrator  
Town of Eastham  
2500 State Highway  
Eastham, MA 02642  
(508)240-5900, ext 211  
[jbeebe@eastham-ma.gov](mailto:jbeebe@eastham-ma.gov)

**From:** Justin Murray [<mailto:justinmurraycguk@gmail.com>]  
**Sent:** Friday, November 13, 2015 1:26 PM  
**To:** Gillespie-Lee, Laurie  
**Subject:** high density vote and Mass Dept of transit report

Hi Eastham,

I was wondering if I could get more information on:

1. The high density housing vote outcome and necessity?
2. The Mass Dept of Transportation report on the proposed new affordable housing development by Stratford?

Thank you,

Justin Murray  
774-216-1107

12/7/15 packet

12/7

**Gillespie-Lee, Laurie**

---

**From:** nuendelcapecod@aol.com  
**Sent:** Wednesday, November 18, 2015 10:56 AM  
**To:** Gillespie-Lee, Laurie  
**Subject:** For the BOS, please

Dear folks,

Please let me commend the BOS for their self-discipline in responding to some very bad behavior obvious on the video tape of the 11/16 meeting. Don and I had to leave after the developers' presentation.

Would it be possible to get a response from any one or more of you regarding what I can do as a year round voter in Eastham to stem the tide of negativity regarding the Gov. Prence Residences? I have been fighting on the two Eastham Facebook pages to contradict misinformation but it's like trying to hold back the incoming tide. I have the same problem as expressed by Wally Adams at the meeting: "What does 'too big' actually mean?" I believe it is a fear of change and as it comes across on Facebook, a prejudice against people who need help to be able to live here.

My husband and I both agree strongly that a traffic light, pedestrian light and crosswalk is critical. If the state of MA mandates us to increase affordable housing, then they must be willing to let us make it safe. That area could benefit from an additional traffic light to slow down Rt. 6 traffic there even without a new development. Just look at the accidents!

Thank you for your attention to this matter. Elizabeth Gawron, I'm not a lawyer but I see no conflict of interest with your work with HOW and I and so grateful we voted you in and that YOU are chairman during this tumultuous time. Sincerely , Bonnie Nuendel 255 Meetinghouse Rd. Eastham 02642 508-255-6305

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

**Gillespie-Lee, Laurie**

---

12/7/15 packet

**From:** Eileen S <easeforme@yahoo.com>  
**Sent:** Friday, November 13, 2015 6:51 PM  
**To:** Gillespie-Lee, Laurie  
**Subject:** Stafford Proposed Project on T-Time parcel in Eastham

I strongly urge all those involved in the Town of Eastham departments to reject this project as it is currently proposed. There has been no time to do an in depth study of the impact this project will have on our infrastructure, Police, Fire & School needs. I also feel that the ingress & egress safety factor should be paramount in finding this proposal inadequate for the Route 6 highway as it is presently situated. We all know that the right turn only rule will be broken multiple times per day resulting in the potential for more deadly accidents on this stretch.

While I recognize that affordable housing is needed in Eastham, I question the need for a large or unregulated/controlled Section 8 classification. There should be limits set for this so that it does not become a "project" in the true sense of the word.

Do we need affordable housing, emphatically yes. Do we need it all at once without careful consideration, study and input from all agencies concerned, no.

Respectfully submitted,

Eileen Seaboldt  
365 Hay Road  
Eastham, MA 02642

Tues 11/17/15

# Board to work on agreement with developer

Vote falls short of endorsement but offers more control, town counsel says

By K.C. Myers

kcmymers@capecodonline.com

EASTHAM — Replacing the vacant field once occupied by a golf driving range with a 115-unit, mostly affordable housing development met with strong resistance from a standing-room-only crowd at Eastham Town Hall on Monday night.

The selectmen received more than 445 pieces of correspondence, or “petitions,” before the meeting, Town Administrator Sheila Vanderhoef said. Most of the 36 formal letters in the selectmen’s packets were in opposition.

And many Eastham residents rose at the meeting to criticize the size, density and traffic plan proposed by developer Richard Hayden, executive vice president of the Stratford Capital Group of Peabody.

The selectmen could have decided whether to lend their support to the project, known as Governor Prentice Residences. Hayden has said the selectmen’s endorsement is essential or he will withdraw his proposal. On the advice of town counsel, Selectman Bill O’Shea made a motion Monday to work instead on a memorandum of agreement with the developer.

The board voted 3-2 in favor, with Selectmen Wallace Adams and Linda Burt in opposition.

Town Counsel Ilana Quirk recommended that the board first develop such a memorandum in regard to any affordable housing project known as a 40B.

“It doesn’t mean you endorse it,” she said.

But if the parties do come to an agreement, Quirk added, the board can get in writing the density, height and a workable traffic agreement.

Adams wanted a citizens group suggested by resident Scott Kerry to discuss the unpopular aspects of the project with the developer, to

have a chance to do some work first.

Selectman Elizabeth Gawron, however, warned that Eastham was losing the charm that comes with diversity.

“We’re about to become a place with the largest 65 and older population on the Cape, surpassing Orleans without young families,” Gawron said.

Affordable housing stood at the top of the selectmen’s priorities this year, she said.

Many people were upset that the only entrance and exit points to the development would be from Route 6. The state Department of Transportation has stated there is not enough new traffic to warrant a traffic light, according to the developer. The department also recommended a right turn only for those exiting the development.

That would place a lot of traffic onto Railroad Avenue and Nauset Road.

David Schropfer asked if the selectmen would consider putting together a legislative team to go to the Transportation Department to see if something could be done to improve

that area of Route 6, where there currently are 18 curb cuts between Railroad Avenue and Brackett Road, none of them with left-turn restrictions.

The developer has tried to appease opposition by reducing the number of units from 130 to 115 on 10.6 acres.

Hayden explained how providing mostly affordable rental-only units for families and the elderly would fulfill the needs clearly stated in the town’s 2010 Affordable Housing Production Plan.

“We’re meeting the town’s objectives,” he said.

Based on demographic projections, the development would increase the population of Eastham by 223, or 4.5 percent. But that is only if the residents were all new to Eastham, which is highly unlikely, Hayden said.

Adele Blong, a volunteer on the Lower Cape Outreach Council, said in a letter of support for the project that 42 percent of the applicants for an affordable housing lottery in Eastham lived in town, and another 50 percent lived on the Lower Cape.

But many were skeptical.

If they live here already, Lisa Radke asked, why would they need this development?

She said the project would “bring down drug dealers” from Boston and Yarmouth.

The estimated population addition to the school system would be 21 children, according to Hayden.

Eastham Elementary School’s student population has plummeted from 355 in 1999 to 177 this year, according to Hayden’s presentation.

Only 1.6 percent of Eastham’s housing stock is affordable, making it the lowest on the Cape.

The developer seeks a “friendly 40B,” which means he will work cooperatively with the town. The project already meets all the town’s zoning criteria, Hayden said.

Because the affordable housing stock is below 10 percent, the town could be forced under state law to accept an “unfriendly” 40B, which would not have to work within local zoning bylaws.

— Follow K.C. Myers on Twitter: @kcmymerscct.



# Eastham BOS serves residents, not Stratford

By Michele Clarke

The Eastham Board of Selectmen's behavior and decisions to date concerning the Stratford Capital Group's dangerously dense and hazardous amended proposal to develop affordable housing on the Tee Time site continue to be unacceptable.

The board is elected to represent the residents of Eastham, not personal agendas or billionaire financiers proposing devastating consequences for our town. Preventing citizens from commenting during the public comment portion of the most recent meeting - allowing residents to only ask questions, and then allowing two advocates to make speeches containing zero questions, was particularly disgraceful.

The chairperson's prepared remarks at the end of the meeting, asserting that Eastham was somehow "already ruined" and that plunging it further into a dangerous future was a good idea, were shocking and appalled everyone in the room as well as an increasing number of residents not in the room who have read about the comments in the media and/or learned about it from people who were there.

Selectmen who is not fighting for a positive future for Eastham should resign. They are violating the terms and the spirit of the office. The board has overwhelming, and repeated, evidence of opposition to Stratford Capital Group's revised plan. It has no evidence of equal support. It certainly has no evidence of greater support.

The state department of transportation has given the amended Stratford Capital Group an "F" or failing, grade.

Eastham residents are clear: We support safe, sustainable, affordable housing for Eastham. We believe the town has a responsibility to create safe, affordable housing. We oppose the density of the proposed project in an overwhelming majority. We oppose the dangers to pedestrians, traffic and residents created by this project in an overwhelming majority. The board is obliged to serve the residents of Eastham.

Eastham's hands are not tied. Affordable housing can be spread over the Tee Time property, the Purcell property, even the unfinished property next to the town hall, at a safe density with safe entrances and exits for both pedestrians.

Chapter 40B was put into

place to prevent exactly the kind of density of subsidized (i.e., Section 8) housing that the Stratford Capital Group's proposal creates.

A billionaire financier who says anything less than 115 units is "not financially viable" is referring solely to his own profit objectives or his inability to manage a property, not to Eastham's reality.

In fact, Stratford Capital Group's largest project to date on the Cape has totaled only 65 units. The Community Development Partnership admits that 20 units is financially viable for any developer and that 40 units creates a financially sustainable development.

The board has been aware of the first friendly 40B alternative to Stratford Capital Group for more than 48 hours and have made zero attempts to contact the developer.

The board's lack of action to date has put Eastham at the mercy of a predatory billionaire financier and predatory selectman who is conflicted on all affordable housing matters per the state's municipal conflict of interest law and should recuse herself immediately from all discussions and votes, in public and in private, concerning

affordable housing in Eastham. I call on Eastham selectmen to do three things:

Immediately investigate alternative friendly 40B interest and actively solicit friendly 40B bids from on-Cape developers that also specify local property management once built for all existing and potential properties.

Alert Stratford Capital Group that the town is against the proposal - based on the overwhelming evidence - and that the billionaire financier should not file for a 40B due to unfavorable resident - and thereby unfavorable town - sentiment. And do nothing to move the Stratford Capital Group proposal forward until the alternatives have been fully investigated.

Immediately put an actionable plan in place that puts Eastham on a fast track to achieve the state's affordable housing goals. This plan should go up to and include activities that will secure a one-year Safe Harbor status for Eastham so our town is never again at the mercy of a predatory billionaire financier who wants to shove a dangerous housing project down Eastham's throat.

Any selectman who is not

willing to do their job as outlined above should immediately resign. Any Town Planning leadership and/or department person who is not willing to do their job as outlined above should immediately resign.

This is an important and vital time for Eastham. The town has an opportunity to be a model for safe, sustainable affordable housing. It is not an opportunity, as the chair of the selectmen board shockingly advocated in her prepared closing remarks, to plunge Eastham into an unsafe future that turns it into the next Brockton, Hyanis or Yarmouth.

Yarmouth police are seeking a substation on the Yarmouth Swan Pond site - a housing project that is 250 percent less dense than the Stratford Capital Group proposal for Eastham - due to the dramatic increase in crimes being committed against its residents, and the chief of police explicitly calls out the project's density as a reason for both the high crime rate and his officers' difficulty in fighting it.

Eastham must move forward with safe, sustainable, affordable housing.

*-Michele Clarke lives in Eastham.*



**From:** Kim Ahern <kimahern@yahoo.com>  
**Sent:** Thursday, December 03, 2015 8:56 PM  
**To:** Elizabeth Shaw; Gillespie-Lee, Laurie; gawronsoncapecod@comcast.net; knightflight12@hotmail.com; burtl@nausetschools.org; wallace.adams@comcast.net; boshea@navizone.com; Paul Lagg; BobSheldon@remax.net  
**Subject:** PETITION TO REJECT STRATFORD CAPITAL GROUP 40B LOW-INCOME/SECTION 8 HOUSING PROJECT PROPOSED FOR TEE TIME PROPERTY

**PETITION TO REJECT STRATFORD CAPITAL GROUP 40B LOW-INCOME/SECTION 8 HOUSING PROJECT PROPOSED FOR TEE TIME PROPERTY**

The Safety of Eastham Residents is Not for Sale

We the undersigned do not support the Stratford Capital Group proposal for the Tee Time property and call on the Eastham Board of Selectmen and Zoning Board of Appeals to do everything in its individual and collective power to prevent the housing project because...

**1. The DENSITY of the proposed housing project is unsafe.** With 85% to 90% of the proposed units designated as low-income Section 8 per Stratford Capital Group's admission in the October and November BOS meetings, the proposed housing project represents a material threat to the safety of both would-be residents of the proposed housing as well as current full-, part- and summer-time residents of Eastham. Housing projects with far LESS density across the Cape and the State are riddled with crime and otherwise unsafe living conditions and cause enormous budgetary drains in the cities and towns they occupy. As one example, and according to Yarmouth's Police Chief, Yarmouth's Swan Pond housing project – which is 250% less dense than the Stratford Capital Group proposal for Eastham and in a town more than twice the size of Eastham – has Boston gang members in the project dealing drugs and an overall level of crime so high that he has requested a police sub-station to be put INSIDE the housing project. He specifically cites the DENSITY of the Swan Pond housing project – again 250% less dense than the Stratford Capital Group proposal – as a main factor in both the level of crime as well as the difficulty his officers have in fighting it.

**2. The PEDESTRIAN AND VEHICLE TRAFFIC designs of the proposed Stratford Capital Group housing project are unsafe.** The Massachusetts Department of Transportation has given the Stratford Capital Group proposal an F grade.

**3. The Eastham Board of Selectmen and Zoning Board of Appeals have not conducted any independent impact studies or educated themselves on the public-safety dangers of too-dense low-income/Section 8 housing – i.e., not paid for by Stratford Capital Group or any of its associates or advocates or agents (e.g., the Community Development Partnership and/or agents hired by Stratford Capital Group).**

**4. The DENSITY of the proposed housing project is not in line with the successful approaches to SAFE sustainable affordable housing achieved by other Lower and Outer Cape towns and violates the very objective to avoid high-density concentrations of low-income/Section 8 housing mandated by the State's 40B act.** And all of our neighboring towns have met the state mandate for safe haven while maintaining the character of their towns. Orleans has 12 housing sites with differing numbers of units spread across its town - 31 units are dedicated to families shared among 5 different sites. And the two largest, at 100 units each, are specifically dedicated to the elderly and disabled – neither of which population is a magnet for predatory criminals. Wellfleet has a variety of creative solutions: 5 condos for purchase below market value; a design competition for Affordable Accessory Dwelling Units (AADU); tax benefits for qualifying home owners; rental assistance for 1-2 years; a 12-unit rental community; a buy-down program which is a grant that helps moderate income applicants to reduce the purchase price of a new home; and 3 Habitat for Humanity homes. Wellfleet has also purchased several plots on Old King's Highway with plans to develop moderately priced homes. Truro is developing Sally's Way with 16 affordable housing units. And Provincetown has multiple sites ranging from conventional rentals to 13 efficiencies for seasonal rentals – further, Provincetown has met the state mandate for a permanent Safe Haven. At 115 units, the Stratford Capital Group proposal is materially worse and more dangerous than any of these as well as the crime-riddled low-income/Section 8 housing in Yarmouth, Hyannis and elsewhere.

**5. The Eastham Board of Selectmen (BOS) and the members of the Zoning Board of Appeals are elected and named to serve ONLY and EXCLUSIVELY the town of Eastham.** You are not serving on the Cape Cod Commission. The Eastham BOS is not responsible for assuming the financial and housing burdens of neighboring towns. We therefore call on the Eastham BOS and the Zoning Board of Appeals to...

**1. Focus ONLY and EXCLUSIVELY on providing SAFE sustainable affordable housing FOR EASTHAM, not on servicing the needs of the Outer Cape, the Lower Cape, or any other region outside of Eastham.** The 40B requirements specify town-by-town percentages. The Eastham Board of Selectmen serves Eastham, not other towns. The Eastham BOS is not the Cape Cod Commission – it is the EASTHAM Board of Selectmen.

**2. Do everything in their individual and collective power to prevent Stratford Capital Group from moving forward with its dangerous proposed housing project, including and not limited to:**

- Refusing to designate the Stratford Capital Group proposal a "Local Initiative Program" (LIP)
- Immediately soliciting and engaging alternative friendly 40B developers on proposals for SAFE sustainable affordable housing projects at the Tee Time site, the Purcell site, and all other available and/or potentially available sites in Eastham.
- Putting Eastham on a fast path to SAFE sustainable affordable housing that includes a comprehensive plan with said housing spread over multiple sites and being SAFE sustainable and affordable to gainfully employed Eastham residents.

**3. Get educated:**

- Conduct *truly independent* impact studies – looking at all known public-safety and financial factors – for Eastham affordable- and low-income housing development. And make them primary factors in all decision making regarding affordable housing. Do not simply "review" developer-funded "studies" that are by definition biased in Stratford Capital Group's favor. Conduct a full financial analysis – not "guesses" or "estimates" – to determine financial-impact scenarios.
- Immediately tour high-density Section 8 housing projects in Boston, Lynn, Brockton, Hyannis and Yarmouth and speak to the police chiefs in each of those cities and towns to become educated on the public safety realities of low-income and affordable housing.
- Implement the best practices learned from our neighboring towns and avoid the mistakes of high-density housing projects elsewhere on the Cape and in Massachusetts to ensure SAFE sustainable affordable housing in Eastham.

**4. Do nothing to endanger the public safety or individual well-being of Eastham's full-, part- and/or summer-time residents.**

There is no evidence that the Stratford Capital Group proposed housing project is safe. There is overwhelming evidence that it is not.

Why are Eastham residents fighting harder than the Eastham Board of Selectmen for the safety of Eastham residents?

Signed, Address:

Kim Ahern

455 Quason Drive, Eastham, MA

## Gillespie-Lee, Laurie

---

**From:** Jeanmarie Lee <jmlee450@yahoo.com>  
**Sent:** Thursday, December 03, 2015 2:12 PM  
**To:** Gillespie-Lee, Laurie  
**Subject:** Stratford Capital opposition

Sent from my iPhone

This is an article written by Jay Coburn of the CDP.

I as life long resident of Eastham do not feel that is my town responsibility to house the lower Capes work force. Let the other lower cape towns take their responsibilities.

It is common knowledge that Stratford's proposal for 115 units on this 10 acre lot is unprecedented. There's nothing else like it in any other town on the outer Cape or Lower Cape. There is no other AH development of this size in Provincetown, Truro, Wellfleet, Brewster, Harwich, Chatham or Orleans. Whether you are for or against this project, you have to ask you yourself why Eastham? Why is Eastham the right place for this kind of AH development but it is not right in any of these other towns?

In the below article Jay Coburn, speaking as Executive Director of the Community Development Partnership and notably not as a Truro Town Selectmen, he talks of all the reasons why this unprecedented development is right for Eastham.

- 1) The Lower Cape needs it. Not Eastham, the Lower Cape. We need a place for workers of the Lower Cape to live cheaply.
- 2) Density is an issue but smaller developments are not profitable. Strangely, every single AH development on the Outer / Lower Cape is smaller. Stratford's 65 Unit Simpkins School development is profitable. I have been told that Jay himself says that developments as small as 40 units are profitable. In Jay's town of Truro he supported building the 16 unit Sally's Way development on a 10 acre lot.
- 3) He tells us that the Stratford proposal has carefully considered traffic issues. It is surprising that he suggests that safety concerns have been alleviated. I think most are in absolute agreement that this proposal has not adequately addressed safety.
- 4) "The aesthetics are right" – Again, I think most would strongly disagree with this. I would agree the aesthetics of Sally's Way in Truro, that he implemented in his town, are right. But not this development that is being proposed in Eastham

I bring these points up because there are lots of people that do not live in Eastham or don't have a vested interest in Eastham that are talking loudly about why this is so great for Eastham. Yet the vast majority of people in Eastham that I talk to say it is not right for Eastham – for the exact same reasons that people of all these other towns have said it wasn't right for them.

Maybe these other towns think Eastham is so far behind on their AH planning that Eastham won't be able to get their act in gear in time to prevent this. Maybe they think our BOS can be easily convinced that Eastham will like this unprecedented development when all other towns did not. Maybe they think that the voting residents of Eastham don't have enough pride in their town to stand up for what they want.

I really don't know, I have no idea why people outside of Eastham think this unprecedented AH development will be accepted by Eastham. But one thing I know for sure is that Eastham should be the ones deciding what is right for Eastham, not our surrounding towns.

as a life long resident of Eastham I plead with you to send this billionaire profiteer packing. Ask him to build in Truro where he lives. And listen to his excuses.

# **PETITION TO REJECT STRATFORD CAPITAL GROUP 40B LOW-INCOME/SECTION 8 HOUSING PROJECT PROPOSED FOR TEE TIME PROPERTY**

## **The Safety of Eastham Residents is Not for Sale**

We the undersigned do not support the Stratford Capital Group proposal for the Tee Time property and call on the Eastham Board of Selectmen and Zoning Board of Appeals to do everything in its individual and collective power to prevent the housing project because...

1. **The DENSITY of the proposed housing project is unsafe.** With 85% to 90% of the proposed units designated as low-income Section 8 per Stratford Capital Group's admission in the October and November BOS meetings, the proposed housing project represents a material threat to the safety of both would-be residents of the proposed housing as well as current full-, part- and summer-time residents of Eastham. Housing projects with far LESS density across the Cape and the State are riddled with crime and otherwise unsafe living conditions and cause enormous budgetary drains in the cities and towns they occupy. As one example, and according to Yarmouth's Police Chief, Yarmouth's Swan Pond housing project – which is 250% *less* dense than the Stratford Capital Group proposal for Eastham and in a town more than twice the size of Eastham – has Boston gang members in the project dealing drugs and an overall level of crime so high that he has requested a police sub-station to be put INSIDE the housing project. He specifically cites the DENSITY of the Swan Pond housing project – again 250% *less* dense than the Stratford Capital Group proposal – as a main factor in both the level of crime as well as the difficulty his officers have in fighting it.
2. **The PEDESTRIAN AND VEHICLE TRAFFIC designs of the proposed Stratford Capital Group housing project are unsafe.** The Massachusetts Department of Transportation has given the Stratford Capital Group proposal an F grade.

3. **The Eastham Board of Selectmen and Zoning Board of Appeals have not conducted any independent impact studies or educated themselves on the public-safety dangers of too-dense low-income/Section 8 housing** – i.e., not paid for by Stratford Capital Group or any of its associates or advocates or agents (e.g., the Community Development Partnership and/or agents hired by Stratford Capital Group).
4. **The DENSITY of the proposed housing project is not in line with the successful approaches to SAFE sustainable affordable housing achieved by other Lower and Outer Cape towns and violates the very objective to avoid high-density concentrations of low-income/Section 8 housing mandated by the State's 40B act.** And all of our neighboring towns have met the state mandate for safe haven while maintaining the character of their towns. Orleans has 12 housing sites with differing numbers of units spread across its town - 31 units are dedicated to families shared among 5 different sites. And the two largest, at 100 units each, are specifically dedicated to the elderly and disabled – neither of which population is a magnet for predatory criminals. Wellfleet has a variety of creative solutions: 5 condos for purchase below market value; a design competition for Affordable Accessory Dwelling Units (AADU); tax benefits for qualifying home owners; rental assistance for 1-2 years; a 12-unit rental community; a buy-down program which is a grant that helps moderate income applicants to reduce the purchase price of a new home; and 3 Habitat for Humanity homes. Wellfleet has also purchased several plots on Old King's Highway with plans to develop moderately priced homes. Truro is developing Sally's Way with 16 affordable housing units. And Provincetown has multiple sites ranging from conventional rentals to 13 efficiencies for seasonal rentals – further, Provincetown has met the state mandate for a permanent Safe Haven. At 115 units, the Stratford Capital Group proposal is materially worse and more dangerous than any of these as well as the crime-riddled low-income/Section 8 housing in Yarmouth, Hyannis and elsewhere.
5. **The Eastham Board of Selectmen (BOS) and the members of the Zoning Board of Appeals are elected and named to serve ONLY and EXCLUSIVELY the town of Eastham.** You are not serving on the Cape Cod Commission. The Eastham BOS is not responsible for assuming the financial and housing burdens of neighboring towns.

We therefore call on the Eastham BOS and the Zoning Board of Appeals to...

**1. Focus ONLY and EXCLUSIVELY on providing SAFE sustainable affordable housing FOR EASTHAM, not on servicing the needs of the Outer Cape, the Lower Cape, or any other region outside of Eastham.** The 40B requirements specify town-by-town percentages. The Eastham Board of Selectmen serves Eastham, not other towns. The Eastham BOS is not the Cape Cod Commission – it is the EASTHAM Board of Selectmen.

**2. Do everything in their individual and collective power to prevent Stratford Capital Group from moving forward with its dangerous proposed housing project, including and not limited to:**

- Refusing to designate the Stratford Capital Group proposal a “Local Initiative Program” (LIP)
- Immediately soliciting and engaging alternative friendly 40B developers on proposals for SAFE sustainable affordable housing projects at the Tee Time site, the Purcell site, and all other available and/or potentially available sites in Eastham.
- Putting Eastham on a fast path to SAFE sustainable affordable housing that includes a comprehensive plan with said housing spread over multiple sites and being SAFE sustainable and affordable to gainfully employed Eastham residents.

**3. Get educated:**

- Conduct *truly independent* impact studies – looking at all known public-safety and financial factors – for Eastham affordable- and low-income housing development. And make them primary factors in all decision making regarding affordable housing. Do not simply “review” developer-funded “studies” that are by definition biased in Stratford Capital Group’s favor. Conduct a full financial analysis – not “guesses” or “estimates” – to determine financial-impact scenarios.
- Immediately tour high-density Section 8 housing projects in Boston, Lynn, Brockton, Hyannis and Yarmouth and speak to the

police chiefs in each of those cities and towns to become educated on the public safety realities of low-income and affordable housing.

- Implement the best practices learned from our neighboring towns and avoid the mistakes of high-density housing projects elsewhere on the Cape and in Massachusetts to ensure SAFE sustainable affordable housing in Eastham.

**4. Do nothing to endanger the public safety or individual well-being of Eastham's full-, part- and/or summer-time residents.**

There is no evidence that the Stratford Capital Group proposed housing project is safe. There is overwhelming evidence that it is not.

Why are Eastham residents fighting harder than the Eastham Board of Selectmen for the safety of Eastham residents?

Signed,

Andrea Popoli 25 Bonya Road Eastham 02642

*Andrea Popoli*

|      |         |
|------|---------|
| Name | Address |
| Name | Address |
| Name | Address |
| Name | Address |
| Name | Address |

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|

|      |         |
|------|---------|
| Name | Address |
|------|---------|



**Sheila Vanderhoef**

---

12/7/15  
agda

**From:** Elizabeth Gawron <egawron326@gmail.com>  
**Sent:** Monday, November 30, 2015 11:10 AM  
**To:** Sheila Vanderhoef  
**Cc:** RAH@stratfordcapitalgroup.com  
**Subject:** Fwd: 40 B

Sheila, here is a note I got from Sandy Bayne.

Hi, E,

I have a couple of concerns I would like to follow up on. Having watched the 40-b training video, I think it is ZBA I need to bring them to. But I wonder if your MOU might include them?

They are:

1. Further info on the amphidrome system's ability to remove phosphorus, which George Heufelder could provide. (Jane knows him well, and she could get the info.)
2. The need for some really good landscaping. I second Ilana's point about the usefulness of considering this carefully. Ilana was talking about placating neighbors, but I am talking about within the development itself. A development, like a town, needs a place to gather.

I am not talking about pretty shrubs, although that is nice, but about the need which will exist to provide a comfortable welcoming park like gathering space and some shade. A big flat space will be easily mowed so is the usual fall back position, but has little to recommend it. Sizeable trees within the space will provide shade, welcome, and help create community when accompanied by benches, picnic tables, etc.

The space needn't be big or include little fussy time consuming beds; trees and furniture would do it! Play equipment could be interspersed.

Of course buildings should have some shade trees as well.

Maintenance for trees often amounts simply to leaf removal, so although big trees are expensive, they are much easier to maintain than gardens.

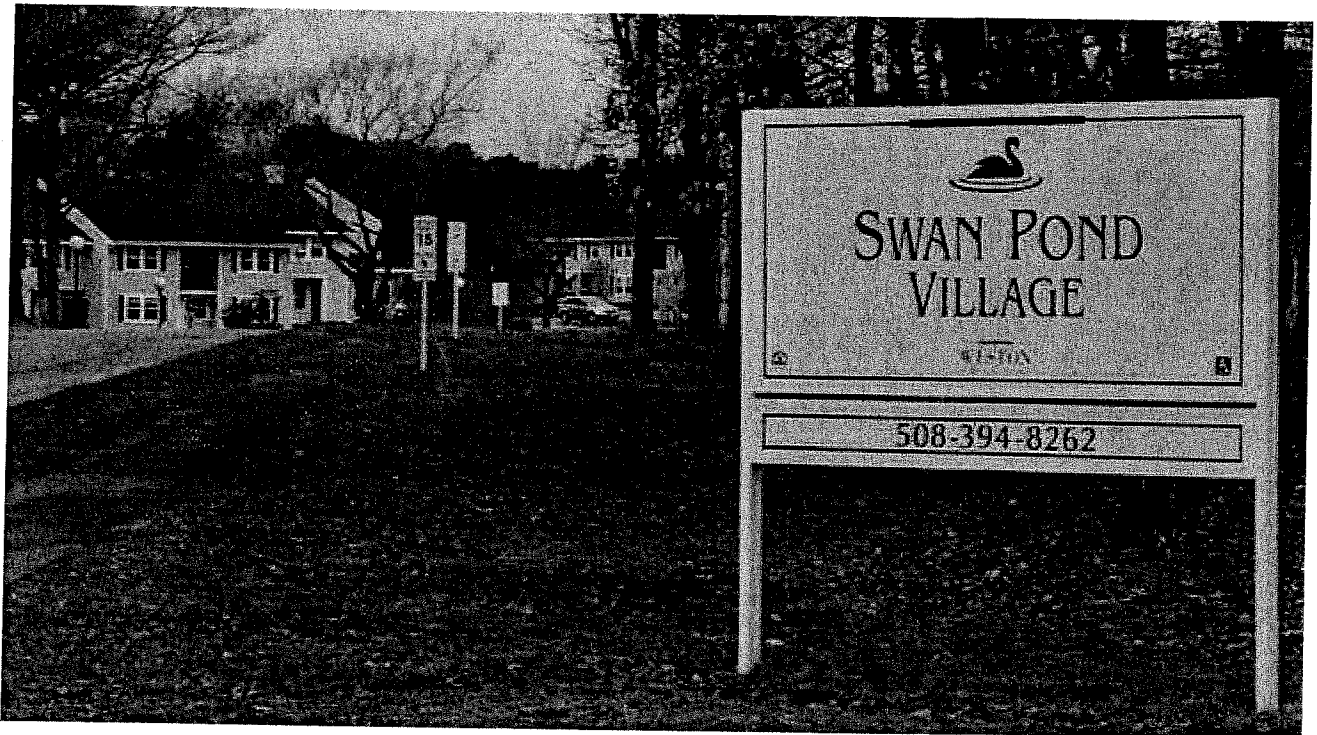
Using natives would be a big plus because easier to maintain as well.

Sandy

Begin forwarded message:

- **Swan Pond Village: Police tackle town's No. 1 criminal hot spot**

- Swan Pond Village is the latest hot spot for crime, with Yarmouth police making 70 on-site and off-site arrests of complex residents over the last 15 months for a laundry list of crimes.



Yarmouth police have made 70 arrests of residents who live at Swan Pond Village within the past 15 months and are trying new ways to combat crime in the area. The 150-unit complex is located off of Long Pond Drive. Steve Heaslip/ Cape Cod Times

By Christine Legere

[clegere@capecodonline.com](mailto:clegere@capecodonline.com)

Posted Apr. 11, 2015 at 2:00 AM

SOUTH YARMOUTH — Swan Pond Village is the latest hot spot for crime, with Yarmouth police making 70 on-site and off-site arrests of complex residents over the last 15 months for a laundry list of crimes.

Drug-related incidents and violence, both domestic and otherwise, top the list of offenses that have so frequently drawn local officers to the 150-unit subsidized housing project.

“The crimes pretty much run the gamut,” Yarmouth police Lt. Patrick Carty said Friday.

After checking back through department records, Deputy Chief Steven Xiarhos said, police decided it was time to take action.

It wouldn’t be the first time public safety officials sat down with the Swan Pond management.

“We’ve been working on and off with them for years,” Xiarhos said.

Carty said a Neighborhood Watch program was established there last September, with block captains who help train people to keep their eyes and ears open for criminal activity and report it to police.

Still, the area continues to be the No. 1 crime spot in town.

As Xiarhos put it, there are bound to be some troublemakers in a 150-unit complex sitting on a small tract of land.

Examples of trouble include the arrest of Swan Pond Village resident Christopher Andrade in December, found by police in the area of a drug overdose. He had two hypodermic syringes and a bag containing several small baggies of heroin and was charged with possession of heroin with intent to distribute.

On Jan. 20, Swan Pond resident Alan J. Carey was arrested for possession of heroin with intent to distribute after an apartment search yielded heroin, baggies, and other items. He was charged again with heroin possession with intent to distribute in mid-February, after another search. That time, Kayla Proia, who lives with Carey at Swan Pond, was arrested and also charged with heroin possession with intent to distribute.

Another January arrest involved Boston resident Ali Jean. Police stopped him in the Swan Village complex because he was acting suspiciously. They found 90 grams of heroin on the ground near him. He was charged with heroin trafficking.

"There's no known gang in there, but we've had gang members from Boston in there visiting people and dealing drugs," Xiarhos said

"We recently reached out to the management based on the number of the calls and the seriousness of the calls," the deputy chief said. "It's not just dangerous for the people who live there, but for our officers."

In February, an officer was allegedly attacked by Swan Pond resident Rafael Rivera when he attempted to arrest him. Rivera was subdued with the help of a Taser after backup officers arrived.

Police later found Rivera had a quantity of heroin, cocaine, pills, electronic scales, four cellphones, several knives and edged weapons among his belongings, along with some cash.

Police said he also had a 3-inch blade clipped to the waistband of his pants.

Carty said the situation is frequently dangerous for police, particularly with drug arrests.

"They're motivated to fight," the police lieutenant said. "If they are on drugs, they don't want to be arrested and have to face withdrawal. If they deal drugs, they will lose their source of income and may face some ramifications from the people above them."

Swan Pond is overseen by Boston-based Weston Associates. The firm's property management director, Michael Kiley, agreed to discuss the situation. On Wednesday, Kiley and the complex's site manager met with Police Chief Frank Frederickson, Xiarhos, representatives from the detective division, proactive anti-crime unit, and patrol force. The focus was on prevention through proactive police work and quick identification of any criminal activity.

"We're going to have more police details there — both uniformed and plainclothes," Carty said. Residents will use parking permits on their cars to help police determine who lives there and who doesn't.

"They also want to give us a police substation down there someday when we have enough police," Xiarhos said. "And they're going to pay for some of the police details there."

The deputy chief said the aim is to forge a partnership between Swan Pond Village residents, management and the police.

"If you work together, it makes it powerful," Xiarhos said.

Kiley did not return calls for comment.

Police ask anyone with nonemergency criminal information or quality of life concerns in the Village complex to call the Yarmouth Police Department at 508-775-0445 any time or contact the department's liaison Officer Phil Magnuson at the above number, ext. 2333. He can also be reached via email at [pmagnuson@yarmouth.ma.us](mailto:pmagnuson@yarmouth.ma.us).

— *Follow Christine Legere on Twitter: @chrislegereCCT.*



For Eastham's Home Rule Charter; See the following LINK >>

<https://law.resource.org/pub/us/code/city/ma/Eastham.html>

See C2-7. Initiative,

**§ C2-7. Initiative.**

**A.** By written petition to the Board of Selectmen, **10 voters may secure the inclusion of an article in the warrant for the Annual Town Meeting**, provided that such petition shall be submitted in accordance with bylaws governing Town Meeting warrants.

**B.** **By written petition to the Board of Selectmen, any 100 voters may secure the inclusion of an article for the warrant of any special Town Meeting**, provided that such petition shall be submitted in accordance with bylaws governing Town Meeting warrants.

*cc: ccTimes*



[Invite by Email](#)

## DESCRIPTION DESCRIPTION

This group is intended to discuss a more responsible approach to Affordable Housing in Eastham than the current 130 unit proposal. Members are invited to exchange ideas for a better path forward so that we can affect change in Eastham.

[See More](#)

## CREATE NEW GROUPS

[Create Group](#)

Groups make it easier than ever to share with friends, family and teammates.

RECENT GROUP PHOTOS [See All](#)

230 members

[Join](#)

Just a question. Where, in any of the documents, is it said that the Stratford Capital affordable housing proposal would be for Section 8? I understand that a certain amount would be for 30% of AMI, and another certain amount would be for 60% of AMI, then in between 60 and 100% of AMI and market rate after that, but I am confused as to whether this is, in fact, a Section 8 proposal.

[Like](#)[Comment](#)[Share](#)

[Seen by 72](#)

[Bonnie Nuendel](#) likes this.

### Comments



[Nancy Butterwei Daniels](#) There is NO Section 8 proposal, Ruth. section 8 is a voucher that can be used to rent apartments just like this one any where in MA. There are 2 kinds of Section 8: mobile and specific to the complex. I' v been told there are no specific Vouchers for this complex but that mobile ones will ( and HAVE to be) accepted here.

[Like](#) · [Reply](#) · 16 hrs · [Edited](#)



[Ruth E. Leistensnider](#) Thanks Nancy, I don't understand all the parameters of Section 8, which is why I asked the question.

[Like](#) · [Reply](#) · 1 · 16 hrs



[Ruth E. Leistensnider](#) So just to be clear, while Section 8 vouchers would have to be accepted, there is no guarantee that the entire complex (or the 90% affordable that Stratford Capital is proposing) would be for Section 8 housing, just those that meet the income requirements?

[Like](#) · [Reply](#) · 15 hrs



Nancy Butterwei Daniels replied · 1 Reply



**Ruth E. Leistensnider** Thank you Nancy, that should help alleviate some of the fears of the residents.

[Like](#) · [Reply](#) · 15 hrs



**Jeff Zima** The developer will most likely prefer Section 8 folks as those funds are guaranteed on a monthly basis. No need to chase rents down. No worries of checks not clearing.

[Like](#) · [Reply](#) · 5 hrs



**Ruth E. Leistensnider** Now that I've slept on the answer about Section 8, wouldn't this be true no matter who develops property as affordable housing?

[Like](#) · [Reply](#) · 1 · 2 hrs



**Jeff Zima** Yes. Which is why 40b is written as it is. 40b makes an attempt to stop the segregation of the poor, or a consolidation of them into one area. It provides incentives for developers to develop AH mixed in with market rate housing, so those in need become integrated into the community rather than centralized and ostracized.

[Like](#) · [Reply](#) · 2 hrs



**Ruth E. Leistensnider** Thanks Jeff. I'm just trying to suss out the issues here in my mind. So the fact that there will be Section 8 vouchers (and the claimed increase in crime and drug usage associated with Section 8 housing) shouldn't have any bearing upon who develops the property, since no matter who does so, they will have to accept the vouchers.

[Like](#) · [Reply](#) · 1 · 2 hrs



Jeff Zima replied · 1 Reply



**Ruth E. Leistensnider** Jeff, I understand your position, but I view the issue of how the property is developed as different than the issue of who does it. I understand that the vast majority of the comments here want to see a smaller development, but I've also seen a lot of comments here denigrating the developer. I just want to put the identity of the developer aside, for the moment, and focus on the real issues.



[Like](#) · [Reply](#) · 2 hrs



Jeff Zima replied · 1 Reply



**[Ruth E. Leistensnider](#)** Jeff, I would agree with you, up to a point. The return on investment in development costs is capped at 10%, which I think everyone can agree upon, right? Don't you think that any developer (other than a not-for-profit) would try and get as close to the 10% number in order to entice investors to put their money up to build this project? The question is the balance of size versus ROE.

[Like](#) · [Reply](#) · 1 · 2 hrs



Jeff Zima replied · 6 Replies · 1 hr



**[Ruth E. Leistensnider](#)** My understanding is that the profit limit is 20% for sale affordable housing, but 10% for rental housing. I'm not sure I'd rely upon a 6 year old report as substantiating what is happening in 2015, especially since those reports got a lot of attention and caused some crack-downs on the process.

[Like](#) · [Reply](#) · 1 hr



Jeff Zima replied · 5 Replies · 48 mins



**[Ruth E. Leistensnider](#)** Jeff, this interchange has been helpful to me to narrow down what I see the issues are with this proposal. Size/density, definitely yes. Traffic/safety, definitely yes. Both issues can probably be addressed in the MOA. Other issues are more "soft", ...[See More](#)

[Like](#) · [Reply](#) · 1 · 1 hr



Jeff Zima replied · 1 Reply



**[Ruth E. Leistensnider](#)** If this development is allowed under 40B, on its face, I'm not sure I understand your point.

[Like](#) · [Reply](#) · 1 hr



Jeff Zima replied · 1 Reply



**Ruth E. Leistensnider** Thanks Jeff, that just adds an issue which probably needs to be addressed, and that is the issue of the mix of affordable versus market rate rental units in the proposal. The use of the term "exploit" is negative. I'm just trying to have a positive conversation here.

[Like](#) · [Reply](#) · [1](#) · 59 mins · [Edited](#)



**Ruth E. Leistensnider** And just to be complete, Nancy, the adequacy of the disclosures of the value of those assets. That was the downfall, and the SEC has come down hard on those that may not have adequately disclosed the risks associated with the assets that caused the problem in 2007-2008.

[Like](#) · [Reply](#) · 55 mins



Ruth E. Leistensnider replied · 6 Replies · 41 mins



**Jeff Zima** I'm honestly at a loss. I apologize my vocabulary choices do not meet your preferences.

[Like](#) · [Reply](#) · 54 mins · [Edited](#)



**Ruth E. Leistensnider** Jeff, no need to apologize. I thought Ryan started this group to have a constructive conversation..

[Like](#) · [Reply](#) · 50 mins



Ruth E. Leistensnider replied · 2 Replies · 46 mins



Write a comment...