

AGENDA

Monday

October 03, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, October 3, 2016
5:00 p.m.**

Location: Earle Mountain Room

I) SELECTMEN/PUBLIC INFORMATION

II) APPOINTMENTS

- (a) 5:05 p. m. Progress of Town Administrator Search Committee – Dave Schropfer, Chair
- (b) 5:10 p.m. Review and Approval of Search Committee Brochure – Jessica Dill, Chair
The Search Committee has completed a brochure they would like to use for information and recruitment of new board and committee members, and they are requesting approval to disseminate it to the community.

III) LICENSING

Consideration of holding a public hearing to revoke fuel storage license for Nickerson Gas Station- Chief Farrenkopf (Discussion Only, Needs Public Hearing If action is to occur.) Sue Fischer, Town Clerk, and Kent Farrenkopf, Fire Chief

IV) ADMINISTRATIVE MATTERS

A. Action (Vote Required)

- (a) Eastham Fire Association Request to erect and maintain portable building to house antique Fire Engine owned by the Association. (Vote to Allow) – Require insurance and permission is revocable by Board of Selectmen with 30 days notice.
- (b) Town of Orleans permission to use Rock Harbor Parking Area to store floats this winter during their bulkhead reconstruction – Neil Andres (Vote to permit action) Set Term of use and use is revocable by Board of Selectmen with 30 days notice.
- (c) Accept Resignation of Leone Verrone from Historical Commission. (Vote Required)
- (d) Comments on Comprehensive Permit under M.G.L. c 40B to construct a 50 Unit rental development at 4790 State Highway (formerly Tee-Time). Case Number ZBA 2016-10. The Board has the option and should consider making comments on the project that will be reviewed by the Zoning Board of Appeals, which may be incorporated into the final decision conditions to be issued by the Zoning Board. There is no requirement to make comments.

V) TOWN ADMINISTRATOR'S REPORT

VI) EXECUTIVE SESSION

To discuss strategy with respect to collective bargaining strategy and, personnel matters; to discuss litigation regarding the Library Project, the matters of Schrock et al v. Town of Eastham, Holway v. Town of Eastham, and Ross v. Town of Eastham, and the Chairman so declares, an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.

VII) OTHER BUSINESS

Upcoming Meetings

October 5, 2016

3:00p.m.

Timothy Smith Room

Work Session

October 17, 2016

5:00p.m.

Earle Mountain Room

Regular Session

The listing of matters includes those reasonably anticipated by the Chair that may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may 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

**Town Administrator Search Committee
Report to Board of Selectmen
Monday, October 3, 2016**

Members: David Schropfer, Chair, Scott Kerry, Secretary, Dan Coppelman, Darin Krum, Carol Martin, Kara Risk, James Taylor,

Progress to Date:

1. Reviewed legal issues, Town Administrator job description and the role of the T.A. Committee in the process. Also received a suggested timetable.
2. Reviewed questioning process and developed a list of initial issues to be covered with all candidates chosen for review. Determined who shall ask questions, and method of follow up.
3. Developed a system of keeping the resumes confidential and numbered rather than named. Also an evaluation process to help sort out resumes for initial review of candidates was agreed upon.
4. There are many criteria for this position that each resume should reflect. While we are seeking all the required levels of skill and education, it is not our intention to eliminate an applicant due to a lack of one or two requirements.

Resumes:

We have received several resumes to date. It is early in the process and we expected that more resumes would be received by the final date of October 14.

The Committee has not selected any to propose to the Board until each one is compared to all resumes received. We will continue the process and report to the Board after the 10/14 resume deadline (actually received 10/17).

Consultant:

We are aware of the Board's interest in a consultant and we agree.

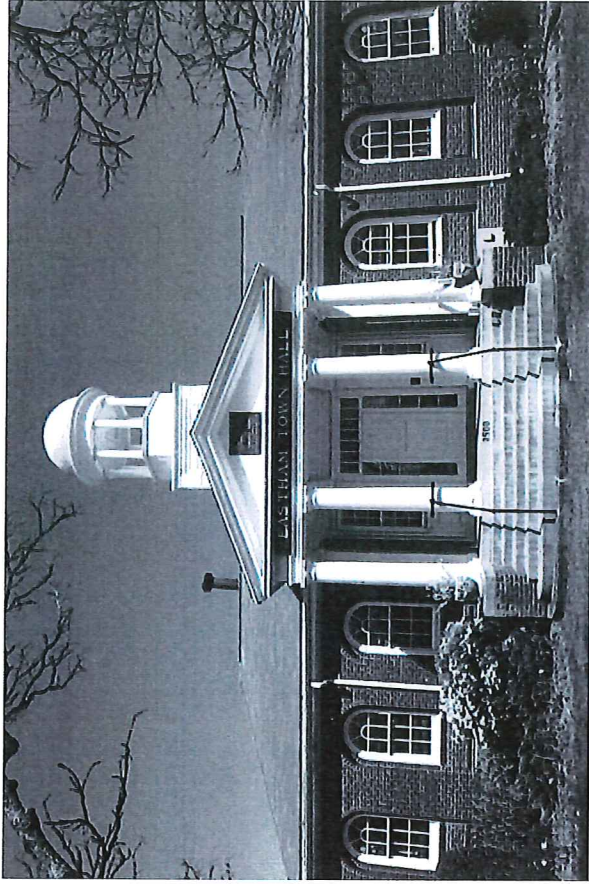
A service, the Collins Center, (at UMass Dartmouth) has a complete service, but we feel the need is for only for solicitation and background checking (including education, work history and criminal check or CORI).

The Collins service is about \$14,000 plus expenses estimated to be about \$3,000. Alternate services are less expensive (\$4 to 6,000), and are provided by individual organizations not associated with the State Government.

Ideally, from our perspective, the person selected would solicit resumes from parties who might not respond to the current online and print advertising. We also want only one pool of applicants whether they respond to advertising or direct solicitation. From this pool we will recommend those who seem most appropriate to the Board.

Respectfully submitted,

Dave Schropfer, Chair



Town of Eastham COMMITTEES BOARDS & COMMISSIONS

*A publication of
The Eastham Search Committee*

#5. Appointments

Dear Fellow Citizens,

We are so pleased that you are reviewing this Eastham Committees and Commissions brochure.

Eastham's Committees, Boards, and Commissions serve a vital role in the functioning, preservation and improvement of our town. This brochure will provide you with an overview of each committee's role and responsibilities.

For further information, go to the Town of Eastham's website: <http://www.eastham-ma.gov> and click on "Boards and Commissions". Select any committee that may interest you and click on it to read the "charge" and the names of the current members.

If you are looking for an opportunity to use your knowledge, skills, ideas, and experience in a productive and meaningful way, we hope you will consider volunteering to serve your town.

The last page of this brochure shows you how to apply.

Go ahead, make a difference. Get involved!

With appreciation,
Town of Eastham, Search Committee

Charge to the Zoning Board of Appeals

9-5-13 Statute Chapter 40A-Zoning Board of Appeals. A Zoning Board of Appeals of five members and two alternates shall be appointed by the Board of Selectmen for three year overlapping terms.

From Eastham Home Rule Charter - 1992

Charge to the Water Management Committee

The Board of Selectmen hereby appoints a body that shall be known as the Water Management Committee (WMC). The purpose of this Committee is to exercise review and advice on issues related to groundwater, wastewater, and fresh water systems. These functions include guidance for the development of comprehensive water supply and waste water management plans that will:

1. Provide public water in critical areas;
2. Protect the water resources with appropriate remediation measures;
3. Protect the water quality of ponds; and
4. Comply with MA DEP TMDL regulations

The committee shall consist of nine (9) members who shall be appointed for three year overlapping terms. There shall also be one alternate position, with a term ending 6/30/2010.

Staff support for this Board shall be provided by the Health Agent and, if appropriate, by the Town Planner, who shall attend and participate but not vote in the Board's deliberations.

The specific responsibilities of the Committee shall include:

Investigation of experiences in other communities with regard to water supply and wastewater management practices, and the protection of ponds.

Compilation of a working library of information about water supply, wastewater management pond quality-protection practices.

Research current and evolving innovative methods of treatment and/or disposal of wastewater.

Identification of specific tasks and expertise necessary to complete water and wastewater management Plans, and recommendations regarding which tasks can be completed by the Board, Town staff, Cape Cod Commission and/or external consultants.

The Board shall annually report progress to the Board of Selectmen. At that time, the Board shall make implementation recommendations to further the protection of water quality in Eastham.

***This Committee incorporates the duties of the former Water Resources Advisory Committee and the Waste Water Management Planning Committee.**

Adopted by the Board of Selectmen on December 15, 2008.

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Visitors'Tourism & Promotion Services Board Charge (Continued)

and public improvements which are of clear mutual interest to the residents and visitors of the town of Eastham, and which strengthen said town as an attractive center for tourism, conventions, and related purposes of the visitor industry. The cost of such programs shall not exceed the funds available in the Eastham Promotions Fund, and shall be used for public improvements, including beautification, recreational resources, and public safety related to the mutual needs of visitors and residents with the balance available for promotional programs and projects.

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

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

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

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

Visitors' Tourism & Promotion Services Board Charge

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-Eight

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

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

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

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

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

SECTION 4. Said Visitors Service Board shall recommend to the annual town meeting, programs and projects that enhance the beautification, recreational resources, public safety promotional and marketing activities, events, services,

(Continued)

Animal Advisory Committee

Members: 3

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: Quarterly and as needed

Purpose/Responsibilities: The Animal Advisory Committee was established to advise the Board of Selectmen, Town Administrator and the Animal Control Officer on animal issues, particularly when complaints are brought before the Board of Selectmen (BOS) for action. The AAC is convened at the request of the police department and/or the Town Administrator. The AAC gathers information through site inspections and interviews with defendants and complainants. The AAC then prepares a list of recommendations for the BOS and testifies at the hearing. The AAC works very closely with the Eastham Police Department and with the Animal Control Officer.

Criteria for Membership: The complaints brought before the BOS generally involve dogs. Since the recommendation made by the AAC are based upon a knowledge of dog behavior and accepted training practices, it is expected that a prospective member shall have experience and/or interest in one or more of the following areas; obedience training, behavior modification, veterinary medicine, animal husbandry, animal boarding, animal breeding, or animal protection services such as but not limited to Wild Care, MSPCA, or the Animal Rescue League of Boston.

The Board of Assessors

Members: 3 plus 1 alternate

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: As necessary, 12 to 18 times a year. Most meetings are in October, November and December.

Purpose/Responsibility: Ensure fair and equitable property assessments in accordance with state statutory requirements. This board is required by town charter and is responsible for reviewing and acting on all tax abatements or exemptions requested. This may require site visits. The board collaborates with town property assessors and the town treasurer.

Criteria for Membership: Must be willing to complete training in assessment practices at Town expense. Knowledge of real estate sales and appraisals is helpful but not required.

Charge to the Search Committee

(Continued)

encourage h/ she to meet with the applicant prior to the interview.

4. Interviews of all applicants will be conducted by an interview panel consisting of one member from the Search Committee, one member of the Board of Selectmen (This may be the liaison to the Search Committee, the liaison to the subject committee, or a Selectman designated by the Chair of the Board of Selectman) and the Chair or his/her designee, from the multi member committee/board/commission needing a new member. (These interviews are subject to the open meeting law posting requirements. These meetings are public meetings but not public hearings, and while the public is invited to attend, they are not allowed to participate, or question the candidate in said interview/meetings.)
5. The interview panel shall select preferred candidate(s) for appointment by the Board of Selectmen and forward a written recommendation stating the reasons therefore. No candidate shall be recommended without a positive vote of the Committee Chair and Selectman representative on the interview panel.
6. On the next available Monday night meeting, the Board of Selectmen, having reviewed the application and recommendation of the search committee, shall meet the candidate. The candidate will be encouraged to give a 1 or 2 minute overview of their background, qualifications, or service history.
7. The Board of Selectmen shall appoint the recommended candidate, on Monday or at the following Wednesday meeting.

Committee created by the Eastham Home Rule Charter-1992, and as amended May 2010.

Approved by Board of Selectmen on October 4, 2010

*Pending adoption of a special act by the State Legislature, submitted June 2010, to change the Town Charter.

Charge to the Search Committee

A Search Committee of seven (7) members shall be appointed for three-year overlapping terms. * No member shall serve more than nine consecutive years. Three (3) members shall be appointed by the Board of Selectmen, two (2) members shall be appointed by the Town Moderator and two (2) members shall be appointed by the Finance Committee.

The committee shall advise the Board of Selectmen, the Finance Committee and the Town Moderator concerning the names and qualifications of taxpayers of the town available to serve on multi-member bodies. Additionally, the Search Committee shall periodically review all committee charges and make recommendations to the Board of selectmen to consolidate, eliminate, add and/or recharge committees.

The Search Committee may establish procedures for soliciting candidates for consideration including, but not limited to, direct contact, newspaper or other media advertisements, and personal knowledge and recommendations. Further, the Search Committee members may consult with current and former committee members or chairs to assist in determining preferred skills for individuals to be considered. Only town residents or taxpayers are eligible for consideration for appointment to town committees. In certain cases, employees may be appointed to a committee as an advisory member unless prohibited by law. All potential candidates shall be informed of their responsibilities under the Open Meeting Law and Ethics Law, and told of the requirement to take the ethics exam available on line, prior to being sworn into a position, and that additional information on the Open Meeting law is available from the Town Clerk and the Attorney General, and additional information on Ethics is available from the Town Clerk and the Secretary of State Office.

The Chair of the Search Committee, upon receipt of a committee vacancy, shall convene a meeting of the Search Committee to begin the process of filling the vacancy. The process is as follows:

1. Review appropriate applications in the committee applications book at Town Hall.
2. Contact subject committee chair to review applicant pool and confirm next meeting date and time.
3. Contact the applicant(s) to determine whether they are still interested in being on the committee(s) noted on their form, and whether they have attended subject committee meetings before. (If not, inform the applicant (s) of the next scheduled committee(s) meeting date(s) and times.) All applicants are required to attend a committee meeting prior to appointment to the committee. If the committee does not have a meeting scheduled, then, the Search Committee shall contact the Chair of the subject committee and

(Continued)

Board of Health

Members: 5

Appointed by: Board of Selectman

Length of term: 3 years

Meeting times: Last Thursday of the month at Town Hall

Purpose/Responsibilities: The Board of Health (BOH) is a regulatory board that is charged with protecting all aspects of public health. The BOH conducts hearings for variances from Town regulations concerning septic systems and private wells. It enacts regulations that protect and promote public health. Recently, the BOH has enacted regulations for the use of fertilizers, use of tobacco products and derivatives (including raising the minimum legal age to 21) and protection of the future public water supply. The BOH conducts health clinics and public information efforts that promote awareness of health issues. The BOH interacts with the Board of Selectmen, the Planning Board, the Conservation Commission and with the Barnstable County Department of Health and Environment and relevant State agencies.

Criteria for Membership: Members generally have a professional background in a health-related field; however, this is not a criterion for selection. Any member of the community with an interest in public health may be selected.

Board of Cemetery Commissioners

Members: 3

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: Every 3rd Wednesday, 10:00 a.m. Town Hall

Purpose/Responsibility: The Commission maintains the public cemeteries in the town and with the approval of the selectmen appoints employees to maintain the public cemeteries. The public cemeteries are Cove Burying Ground and Bridge Road Cemetery. The DPW regularly mows the cemeteries and does special projects such as removing trees at the direction of the Commission. All other responsibilities are handled by the Commission members. Both town cemeteries are in the National Register of Historic Places.

Responsibilities include:

- Gravestone maintenance: cleaning, resetting, minor repairs and hiring/funding major stone repairs by professional conservators.
- Grounds maintenance: fence painting, brush clearing at borders, litter pick up and identifying special projects for DPW.
- Visitor relations: greeting visitors, answering questions, conducting tours and providing written information about the cemeteries and the gravestones.

Criteria for membership: An interest in maintaining the town cemeteries and knowledge of Eastham history.

Charge to the Recycling Committee (Continued)

The Committee shall consider existing regulations, by-laws, policies and procedures in developing their proposals and shall include in any proposal, as necessary, any enforcement recommendations or methods and costs and savings anticipated by implementation.

The Town Administrator shall designate staff support for this Committee, which may include, but not be limited to, staff of the Board of Health and Department of Public Works.

Adopted by the Board of Selectmen on March 3, 2010.

Revised and Adopted by the Board of Selectmen on May 23, 2012.

Revised and Adopted by the Board of Selectmen on May 19, 2014.

Charge to the Recycling Committee

In accordance with the provisions of the Eastham Home Rule Charter section 9.5.14, the Board of Selectmen hereby appoints a committee that shall be known as the **Eastham Recycling Committee**. The Committee shall consist of five (5) members, plus a Subcommittee of up to 12 non-voting members for the sole purpose of working in the Swap Shop, in overlapping, rotating shifts, during hours of operation. All Committee and Subcommittee members shall be appointed by the Board of Selectmen for three-year overlapping terms. No appointee may serve more than three consecutive terms.

The specific responsibilities of the Committee shall include, but not be limited to the following:

1. The Committee will focus on encouraging recycling at the Eastham Transfer Station through recommendation to the DPW Superintendent of innovative ways to increase the rate of recycling including, but not limited to, development with the Board of Health of new Transfer Station regulations and, with the Board of Selectmen, development of an evaluation of the costs and benefits of mandatory recycling.
2. The Committee shall assist the Transfer Station Manager with the development of volunteer work hours, operating hours, and regulations for the Swap Shop.
As part of this Task the Committee shall:
 - * Develop written protocols for and train volunteers
 - * Develop written Volunteer Handbook
 - * Develop protocols for outreach to social service agencies for them to request items for use by their clientele, and specify items possible for agency selection
 - * Work with appropriate local, county, and state agencies and employees to secure funding for educational materials and events to educate about and encourage opportunities for further diversion of re-useable items from the waste stream.
3. The Committee will continue to review Transfer Station hauling costs and resident fee structures and recommend changes to the BOS for their consideration as and when appropriate.
4. The Committee shall prepare a summary of its yearly activities for including in the Town of Eastham Annual Report.

(Continued)

Community Preservation Committee

Members: 9

Appointed by: Board of Selectmen 2 at large individuals

In addition 1 member from each of the following boards as designated by the named board:

- 1 member of the Conservation Commission
- 1 member of the Historical Commission
- 1 member of the Planning Board
- 1 member of the Recreation Commission
- 1 member of the Eastham Housing Authority
- 1 member of the Eastham Affordable Housing Trust
- 1 member of the Open Space Committee

Length of term: 3 years

Meeting times: Monthly, 1st Wednesday of the month, 5:30 p.m.

Purpose/Responsibilities: The Community Preservation Committee (CPC) administers the Massachusetts Community Preservation Act (CPA) as it relates to the Town of Eastham. The Community Preservation Act is intended to help communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. The CPC solicits proposals, evaluates them, and recommends CPA projects and budgets to Town Meeting for approval. The CPC is guided by the Town of Eastham Community Preservation Plan, which is available on the Town website. Staff assistance is provided by the office of the Town Planner.

Criteria for Membership: Life experience and a collegial attitude.

Conservation Commission

Members: 7

Appointed by: Eastham Board of Selectmen

Length of term: 3 Years

Meeting times: Regular Public Hearing –6 p.m.

2nd and 4th Tuesday each Month

preceded by 8:15 a.m. site visits.

Work sessions as required

Purpose/Responsibilities: This is the town's environmental agency.

It acquires and oversees conservation lands, assuring protection of important land and water resources; enforces state and local laws regulating activity in or close to wetlands, primarily by reviewing project applications; and encourages conservation and responsible use of our land and water resources.

Criteria for Membership: There are no minimal special requirements to become a commission member. However, applicants should be comfortable with reading and understanding regulations and working through technical explanations and the details of environmental, ecological and project construction matters. The applicant shall be aware that the Commission meets twice each month and therefore should generally be available throughout the year. Committee members spend time preparing before each meeting by reading through submitted project plans and documents.

Charge to the Recreation Committee

The Eastham Recreation Commission is an advisory committee of the Town of Eastham, authorized by the Town of Eastham Charter, Section 9-5-11, consisting of five members, appointed by the Board of Selectmen, serving three year overlapping terms. The Commission is dedicated to promoting all types of sports, recreation, play, and physical education for all age groups in the Town of Eastham. The Commission shall meet at least ten times per calendar year, with the Beach and Recreation Administrator to review department programs, utilization, revenue, expenditures and discuss upcoming planned activities.

The Eastham Recreation Commission duties shall include:

Assisting the Beach and Recreation Services Director in the development, promotion, and safety growth of active and passive recreational activities for all age groups.

Reviewing and assisting the Recreation Director in the development of participation rules and regulations associated with those activities.

Make suggestions through the Beach and Recreation Services Director, and/or hold joint meetings with other committees and commissions including but not limited to the Board of Selectmen, Open Space Committee, Library Trustees, and Conservation Commission, to discuss joint programs and events that may make use of facilities under the care of other town departments.

Develop an Eastham Bikeways plan that shall become part of the Town of Eastham Capital Plan. Actively monitor existing bike routes, provide recommendations to the Board of Selectmen for future improvements as related to user safety and convenience, and needs such as toilets, racks, water, etc. Assist in the implementation of these recommendations. Work with the Police Department patrol to enhance bike safety.

The Recreation Commission shall seek input from citizens in the evaluation of existing programs and suggestions for the development of new programs and activities. Such input may be sought at an annual public hearing scheduled by the Recreation and Beach Services Director.

The Recreation Commission activity goals and objectives, supported by the Beach and Recreation Services Director, shall be reported annually to the Board of Selectmen through the Town Administrator.

From the Eastham Home Rule Charter-1992

Charge added by the Board of Selectmen on October 23, 2013.

Charge to the Planning Board

9-5-10 -Planning Board. A Planning Board of seven members shall be appointed by the Board of Selectmen to three-year overlapping terms. The Planning Board shall cooperate with the Conservation Commission and the Board of Health and shall participate in joint meetings with them at least once annually.

From the Eastham Home Rule Charter-1992

Council On Aging Board Of Directors

Members: 11

Appointed by: Appointed by the Board of Selectmen

Length of term: Three-year overlapping terms

Meeting times: 4th Thursday of every month at 9:30 a.m.

Purpose/Responsibilities: The Council on Aging is a department of the Town of Eastham as permitted under Chapter 40, section 8B of the MA General Laws. It sets Policy, in conjunction with the staff, identifies the needs and interests of the senior population. The Board provides input to the Director regarding long and short term goals and objectives and becomes familiar with the annual budget process, grant applications, Human Services Gift Account, and FEEOA funding support.

Board members develop and coordinate programs, services, and activities and volunteer to assist in at least one area of interest. Members develop knowledge of matters relating to seniors and become familiar with agencies which provide funding for the Council on Aging. Members serve as a source of information to others in the community and advocate for our Department with the Town Administrator, Selectmen, Finance Committee, and other town departments and organizations.

Criteria for Membership: Any person or organization interested in the Eastham Council on Aging is eligible to join.

Cultural Council

Members: 5 and up to 22
Appointed by: Board of Selectmen
Length of term: 3 years
Meeting times: 2nd Tuesday of the Month at Town Hall at 6:30 p.m.

Purpose/Responsibilities: The Eastham Cultural Council's overarching purpose is to promote excellence, education and diversity in the arts, humanities and interpretive sciences in order to improve the quality of life for all Eastham residents. The Eastham Cultural Council is responsible for the distribution of approximately \$4,000 in Commonwealth grant monies for arts-related projects (art, music, theater, etc.), especially those targeting children, submitted by local non-profits and individuals. The grant application cycle begins in October and the funds are distributed during January of the following year.

The Council also sponsors the "Hands on the Arts" festival on Father's Day weekend each year on Windmill Green. The festival includes children's arts activities, entertainment, food and a large craft show and attracts local families and visitors alike.

Criteria for Membership: Membership is open to any Town of Eastham resident, 18 years and older, with a strong interest in the arts, humanities & science and a willingness to volunteer their time to help the Council with the following:

1. Review grant applications and distribute funds during the Fall
2. Plan and help at the Hands on the Arts Festival during the Spring
3. Develop and implement other arts activities selected by the committee

Charge to the Open Space Committee

In accordance with the Town of Eastham Home Rule Charter Section 9-5-13, the Board of Selectmen hereby establishes an Open Space Committee. Said committee shall be composed of *seven members*, appointed by the Board of Selectmen for three year overlapping terms. *One member shall also be a member of the Conservation Commission*, and may serve as chair, if so selected.

The specific responsibilities of the committee shall be to:

Prepare and maintain an open space planning document for the Town of Eastham in accordance with 301 CMR 7.04 & 7.01;

To identify and prioritize a program of continuous land acquisition and protection;

To develop plans for use and maintenance of current open space holdings;

To develop plans for use and maintenance of potential open space acquisitions, and to include such plans in comments to the Board of Selectmen concerning recommended acquisitions under the C.P.A. as part of an acquisition report

Revised and adopted by the Board of Selectmen on July 18, 2005.

Old Town Centre Historic District Commission (Continued)

An applicant may, within twenty (20) days of the filing of the decision of the Commission with the Town Clerk, appeal to a superior court. The Commission must pay costs only if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.

Violation of any of the provision of this by-law shall incur a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), each day constituting a separate offense.

SECTION 8. The Town of Eastham shall be subject to the provisions of this by-law notwithstanding any Town By-Law to the contrary.

SECTION 9. This by-law may be amended from time to time by a two-thirds (2/3) vote of the Town Meeting subject to the procedures as set forth in Chapter 40C, Section 3 of the General Laws.

SECTION 10. In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 11. Effective Date: Following Town Meeting approval, this by-law shall take effect immediately when the following conditions have been met:

approval by the Attorney general of the Commonwealth;

filing of a map of the boundaries of the Historic District with the Eastham Town Clerk, the Eastham Building Inspector and the Registry of Deeds for Barnstable County, or take any action relative thereto.

By Historic District Study Committee

Under the provisions of Chapter 40C, Massachusetts General Laws, as amended by Chapter 168, Acts of 1975 by-law was adopted at Annual Town Meeting 1986.

Finance Committee

Members: 9

Appointed by: Board of Selectmen (3 members),
Moderator (3 members) and
Finance Committee (3 members)

Length of term: 3 years

Meeting times: The committee meets on the 2nd Wednesday of every month or as requested by the Board of Selectmen or Town Administrator. Numerous additional meetings are required in January, February and March to review and vote on the town budget and warrant before the annual town meeting. Attendance is also required at the annual town meeting.

Purpose/Responsibilities: The primary purpose of the Finance Committee is to give its recommendations and comments on articles in the town meeting warrant, as required by the town charter. As part of this process, the committee reviews the annual budget and then advises the Board of Selectmen. A secondary role of the Finance Committee is oversight of significant capital projects with a representative on each Capital Projects Committee as required by the town charter.

In addition, the Finance Committee provides analysis and advice on all finance, accounting and related operational matters referred by the Board of Selectmen or Town Administrator, or as identified by the committee as requiring the attention of town officials. Finance, accounting and related operational matters include but are not limited to:

- * Sources of new or expanded revenue
- * Opportunities to reduce costs or increase operational efficiency
- * Opportunities to increase taxpayer value from existing assets
- * Capital planning
- * Independent audit process
- * Pension and related liabilities and funding

Criteria for membership: The Finance Committee seeks members who have finance, accounting or operational experience (to include formal education and/or relevant work/life experiences gained from working in government, business, or other fields of interest).

Eastham Historical Commission

Members: 7

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: 3rd Tuesday of each month, 4 p.m. to 5 p.m.

Purpose/Responsibilities: The purpose of the historical commission is to identify all properties in Eastham that are seventy- five years old or older. The commission assists owners of these historic properties (75 years or older) in the preservation of the historic uniqueness of their homes. This includes researching Barnstable County records, Town of Eastham records, and working with the Eastham Historical Society. The commission recognizes homeowners who have successfully preserved their historic property by awarding them the distinguished George Abbott Award.

The commission is responsible for collecting, updating, reviewing and filing all significant data on these buildings. The commission is also responsible for making recommendations concerning demolition requests of these structures. It is the commission's intent to preserve all historic properties in Eastham whenever possible.

The State of Massachusetts requires each municipality of the Commonwealth to establish a commission for the purpose stated above. The commission works with the Town Planner, the Assessor's office, the Tax Department, Town Clerk's office, Eastham Public Library, and the Eastham Historical Society.

Criteria for Membership: Genuine love of history, historical knowledge, devotion to the Town of Eastham.

Old Town Centre Historic District Commission (Continued)

of the time, place and purposes of the hearing shall be given at least fourteen (14) days in advance and the Commission must notify by mail affected parties as provided in Chapter 40C of the General Laws, as amended.

E. The Commission shall decide upon the determination of any application within sixty (60) days of its filing or within such further time as the applicant may request in writing.

F. A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the historic district. In the case of a disapproval or an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in the records of the Commission to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

G. Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.

H. If an application is deemed inappropriate or if application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but no affecting the historic district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in Section 7E of this by-law.

I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificates and determinations of disapproval with the Town Clerk and the Building Inspector.

(Continued)

Old Town Centre Historic District Commission (Continued)

Signs used in connection with non-residential purposes which are not more than twelve square feet in area are excluded from review, provided that:

Only one sign is displayed for each building or structure.

The sign consists of letters painted on wood without a symbol or trademark; If illuminated, is illuminated only indirectly.

All signs should conform to present Eastham Town Sign Code except as herein noted.

Temporary signs and structures up to thirty days.

SECTION 7. Procedures

A. Except as this by-law provides in Section 5, no building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within the historic district until the certificate required by this section has been issued by the Commission.

B. Applications for certificates shall be made in triplicate with the Historic District Commission. Applications shall be in the form specified by the commission, to include plans and elevations drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission Plot and site plans should be filed when application for certificates are made for improvements affecting appearances, such as walls and fences. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.

C. Within fourteen (14) days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.

D. If the application requires the Commission's review or at the request of the application the Commission shall hold a public hearing, unless waived according to the provision of Chapter 40C of the General Laws, as amended. Public notice

(Continued)

Human Services Advisory Committee

Members: 7

Appointed by: Board of Selectmen

Length of term: 2 years (maximum 3 consecutive terms)

Meeting times: Wednesdays 7 pm (October through December/January)

Purpose/Responsibilities: The Human Services Advisory Committee's role is to accept and review all funding requests from human services providers, to evaluate their programs in view of the community's needs, and to recommend to the Board of Selectmen and Town Administrator a specific grant amount. The Human Services Advisory Committee considers the merits of these requests through application review, interviews and/or site visits.

Criteria for Membership: Personal or professional experience with Human Services Organizations and/or a strong interest in ensuring that the residents of Eastham receive critical human services.

Old Town Centre Historic District

Members: 5 regular 2 alternate

Appointed by: Board of Selectmen (when possible with 1 regular member nominated by the Historical Commission.)

Length of term: 3 years

Meeting times: As needed, to discuss policy and whenever a homeowner wishes to make changes to their District home that is visible from any public road. One case may take a few meetings to discuss and resolve.

Purpose/Responsibilities: The members of the OTC Committee are interested in history, especially the history of Eastham. They want to retain historical integrity of the District by working with homeowner's requests and to preserve the historical aspects of homes in the Old Town Centre Historical District. Whenever a case is presented to the committee, the members need to familiarize themselves with the details involved. The committee works with the building inspector and town planner to whom any application for changes to District buildings is given. The Eastham Historical Commission often aids the OTC with some of the cases.

Criteria for Membership: If you care about the history of Eastham and retaining the character of the Historic District you should consider applying to be a member.

Old Town Centre Historic District Commission (Continued)

SECTION 6. Limitations and Exemptions

A. The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects of architectural characteristics of the surroundings and of the historic district.

B. The following are exempt from the control of an Historic District Commission:

1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials.
2. Any constructions, demolitions or alterations under a permit issued by a building inspector or similar agent prior to the effective date of the establishment of the district.
3. Any constructions, demolitions or alterations under orders issued by a building inspector or similar agent of the purpose of public safety.
4. Landscaping with plants, trees, hedges or shrubs.
5. Terraces, walks, sidewalks and other similar structures, including driveways or parking lots provided that the structure is at grade level.
6. Storm doors and windows, screen doors and windows, air conditioners and conventional roof-top TV antennae. (Not exempt from Commission review would be TV satellite dishes and short-wave radio antennae).
7. The reconstruction substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
8. Signs used for residential occupation or professional purposes which are not more than one foot square in area are excluded from review, provided that:
 - a. Only one sign is displayed for each building or structure.
 - b. The sign consists of letters painted on wood without a symbol or trademark.
 - c. If illuminated, is illuminated only indirectly.
 - d. All signs should conform to the present Eastham Town Sign Code except as herein noted.

(Continued)

Old Town Centre Historic District Commission (Continued)

SECTION 5. Duties and Powers of the Commission: The Historic District Commission shall have all the powers and duties of Historic District Commission as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by this by-law.

A. Rules and Regulations: The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic District Act.

The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

General Regulatory Powers: The Commission shall have control over new construction, reconstruction, alterations, movements and demolitions of all exterior architectural features of buildings and structures within the Historic District which are visible from any public street, public way or public park within the Historic District, except as limited by this by-law. The term "structure" includes stone walls, fences and appurtenant fixtures on lots, buildings or structures. For purposes of this by-law, and structure partially within the Historic District shall be considered wholly within the district.

Considerations: In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design arrangement of the features involved, and the relation of such features to similar features of building and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission

shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable zoning by-laws.

D. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, or structures may be constructed or altered without review by the Commission.

(Continued)

Open Space Committee

Members: 7

1 of our members is a liaison from ConsCom,
1 from CPA.

Additionally, one member serves on the Forest
Advisory Committee.

Appointed by: Board of Selectmen.

Length of term: 3 years

Meeting times: The 3rd or 4th Wednesday of the month at 7 p.m.

Purpose/Responsibilities: The Committee is responsible for preparing and maintaining an open space planning document, identifying those properties for potential acquisition, and including those plans in comments to the Board of Selectmen and recommending acquisitions under the C.P.A.

The Committee is also responsible for the preparation of the Open Space and Rec Plan for the town and its submission to the State for approval.

Criteria for Membership: There is no specific requirement for members except an interest in the management and preservation of Eastham's open space.

Planning Board

Members: 7 Regular Members and 2 Alternate members
Appointed by: Board of Selectmen
Length of Term: 3 Years
Meeting Times: Regular Public Hearing: Third Wednesday
each month at 5:00
Work Sessions: As required

Purpose/Responsibilities: The Planning Board is entrusted with reviewing applications relating to the development and/or redevelopment of land as defined in the Town of Eastham Zoning By-Law. The goal of the Planning Board is to serve the public interest by ensuring that new development and/or re-development which may have significant impacts upon abutting land, the Town, or any neighborhood, are designed in a manner which complies with the Zoning By-Laws and addresses other community needs such as the protection of abutting land-owners from unnecessary inconvenience and provides for adequate parking and traffic management and sound waste disposal, drainage and other environmental protection. The Planning Board bases its decisions on criteria contained in the Eastham Zoning Bylaw.

The Planning Board grants approvals for subdivisions and other land divisions under the State's Subdivision Control Law (MGL Chapter 41, Section 81). The Planning Board grants Site Plan Approvals and grants Special Permits for residential and commercial applications that meet certain criteria listed in the Eastham Zoning By-Law. In addition, the Planning Board reviews the current Zoning By-Laws and makes recommendations for proposed amendments which are voted on by residents at the Annual Town Meeting. The Town Planner and Community Development Administrative Assistant serve as staff to the Planning Board. On occasion, the Planning Board holds joint hearings with the Zoning Board of Appeals (ZBA).

Criteria for Membership: Interest in the Town's planning and zoning functions. An ability to read applications and an ability and/or willingness to learn to read engineering and architectural plans. An ability to make site visits of venues that are the subject of applications to the Planning Board. Prospective members should be aware of the Planning Board's meeting schedule and should generally be available to participate throughout the year.

Old Town Centre Historic District Commission

SECTION 1. This by-law shall be known and may be cited as the Eastham Historic District By-Law and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts Amended.

SECTION 2. Purpose: The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of building and places significant in the history of the Town of Eastham or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 3. Historic District: There is hereby established under the provision of Chapter 40C of the General Laws and historic districts be known as the "Old Town Centre Historic District" which district shall be bounded as shown on map entitled "Old Town Centre Historic District", 1986, attached and made part of this by-law.

SECTION 4. Historic District Commission Membership: There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of five unpaid regular members and two unpaid alternate members appointed by the Board of Selectmen within the Town of Eastham where at least one regular member, when possible, shall be a nominee of the local historical society; at least one regular member, where possible, shall be a nominee of the Chapter of the American Institute of Architects; a third regular member, when possible, shall be a nominee of the Board of Realtors covering the . If the above groups do not submit nominees, commission members may then be chosen from the categories listed below. When the Commission is first established, one regular and one alternate member shall be appointed for two years, and two regular members shall be appointed for three years. Successors shall each be appointed for a term of three years. Vacancies shall be filled within sixty days by the Board of Selectmen by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest by a member, the Chairman shall designate an alternate member of the Commission to act for a specified time. The Commission shall elect annually a Chairman and Vice-Chairman from its own number and a Secretary from within or without its number.

*Additional membership suggestions: Lawyer, professional historian, residents of district, member of Planning Board, member of Conservation Commission, individuals interested in historic preservation.

(Continued)

Human Services Advisory Board

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

Recreation Commission

Members: 5

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: Monthly at the Eastham Recreation Office,
500 State Highway, Eastham

Purpose/Responsibilities: The Eastham Recreation Commission is an advisory committee dedicated to promoting all types of sports, recreation, play, and physical education for all age groups in the Town of Eastham. The Commission meets regularly with the Beach and Recreation Administrator to review department programs, utilization, revenue, expenditures and planned activities and to assist in the development of participation rules and regulations associated with those activities. The Commission is charged with the development of an Eastham Bikeways plan and may meet with the Board of Selectmen, Open Space Committee, Library Trustees, and Conservation Commission to discuss joint programs and events that may make use of facilities under the care of other town departments.

Criteria for Membership: A physical education, coaching, education, or event planning background is helpful.

Recycling Committee

Members: 5 plus a subcommittee up to 12 to work in Swap Shop
Appointed by: Board of Selectmen
Length of term: 3 years

Purpose/Responsibility: This committee focuses on encouraging recycling at the Eastham Transfer Station. It makes recommendations to the DPW Superintendent in order to increase the rate of recycling.

The Committee assists the Transfer Station Manager with the development of volunteer work hours, operating hours, and regulations for the Swap Shop. As part of this Task, the Committee:

- Works with appropriate local, county, and state agencies and employees to secure funding for educational materials and events to educate about and encourage opportunities for further diversion of re-useable items from the waste stream.
- Reviews Transfer Station hauling costs and resident fee structures and recommends changes to the BOS for their consideration.
- Prepares a summary of its yearly activities for inclusion in the Town of Eastham Annual Report.

Criteria for Membership: Open to anyone with an interest in recycling.

Historical Commission, Continued

cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which town appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two, or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage same.

Under the provisions of Chapter 40, Section 8D, Massachusetts General Laws, adopted by the Board of Selectmen on April 22, 1992.

Historical Commission

A city or town which accepts this section may establish a historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual report. The commission may appoint such clerks and other employees as it may from time to time require. *The commission shall consist of not less than three nor more than seven members.* selectmen. When a commission is first established, the terms of the members shall be for one, two, or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in

(Continued)

Search Committee

Members: 7

Appointed by: Board of Selectmen, Town Moderator, and Finance

Length of Term: 3 years

Meeting Times: Monthly, 3rd Monday of the month

Purpose/Responsibilities: The Search Committee is charged with filling openings on Eastham's Committees, Boards and Commissions. The committee provides the public information about openings, reviews applications, arranges applicant interviews with a panel consisting of the chair of the relevant committee, the Board of Selectman liaison to that committee, and a Search Committee representative. The Search Committee member is then responsible for forwarding the interviewers' recommendation to the Board of Selectman for the official appointment. The Search Committee may engage in activities to publicize openings.

Criteria for Membership: The Search Committee seeks members with good communication and organizational skills.

1651 Forest Advisory Committee

Members: 5

Appointed by: Board of Selectmen

Length of term: 3 years

Meeting times: Approximately 4 per year as called

Purpose/Responsibilities: The basis of the 1651 Forest Project is a 100-year management handbook created in 2001 to restore an approximation of a primeval forest in Wiley Park that blanketed Eastham in 1651, the year of Eastham's incorporation. The Forest Advisory Committee provides oversight of the Project together with the 1651 Friends of the Eastham Arboretum, which is the volunteer implementation arm of the restoration, and in conjunction with the Conservation Commission, Open Space Committee and Natural Resources. The Committee reviews and tracks plantings for use in the Park, making decisions concerning the interpretation of the handbook, particularly as it relates to the timing, type, maintenance and progress of the plantings, to ensure continuation of the forest.

Criteria for Membership: The Committee seeks members having some experience or interest in horticulture, botany, forestry and or environmental science.

Charge to the Board of Health

9-5-6 Board of Health. A Board of Health of five members shall be appointed by the Board of Selectmen to three year overlapping terms. The Board of Health shall cooperate with the Conservation Commission and the Planning Board and shall participate in joint meetings with them at least once annually.

From Eastham Home Rule Charter - 1992

Charge to the Finance Committee, Cont.

The Finance Committee shall elect a chairman and secretary from their members at their first meeting, held as soon as possible, each year after the Annual Town meeting.

Section III. In the event of a vacancy or vacancies occurring in the Finance Committee, the remaining members thereof and the Selectmen of the town, shall fill such vacancy or vacancies, and the person or persons so appointed, shall perform the duties of the office until the next annual town meeting, when the office shall be filled by vote of combined appointing authority, for the unexpired term thereof.

In each instance the majority of the officers entitled to vote shall be necessary for such appointment, and for the purpose of this by-law each member of a board of committee shall be deemed an officer entitled to vote.

By-Law Adopted at Annual Town Meeting on March 4, 1968.

Revised and Adopted by the Board of Selectmen on May 23, 2012.

Visitors Tourism & Promotions Board

Members: 5

Appointed by: Board of Selectmen and Chamber of Commerce

Length of Term: 3 years

Meeting Times: As needed

Purpose/Responsibilities: The Visitors Service Board, is an ad hoc committee which provides services and events for visitors to Eastham and residents with a variety of projects which include, musical evenings on the Green in the summer and banners in the central area of town. It has decorated the Green throughout the year and has updated the Green with lighting.

Criteria for membership: Interest and willingness to participate in these events as well as adding new activities and ideas.

Water Management Committee

Members: 9 Members and 1 Alternate
Appointed by: Board of Selectmen
Length of term: 3 Years
Meeting times: Regular Meeting 2nd Tuesday each month 2 p.m.

Purpose/Responsibilities: The Water Management Committee provides review and advice on water supply, wastewater, and protection of water quality (inland and coastal water; surface, ground, fresh, and saline). Specific responsibilities include, but are not limited to:

- Survey other communities' experience with water resources management.
- Compile a working library of information concerning Town water resources.
- Research current/evolving methods for wastewater treatment and disposal.
- Identify specific tasks and expertise necessary to complete water supply and wastewater plans, and recommend which tasks can be completed by the Committee, Town staff, Cape Cod Commission and/or external consultants.

Criteria for Membership:

The Committee seeks members with knowledge of, or willingness to learn, water resource management, and local government practices.

Charge to the Finance Committee

The primary focus of the Finance Committee is to give its recommendation and comment on articles on the town meeting warrant, as required by the town charter. As part of the process, the committee will review the annual budget and then advise the Board of Selectmen.

A secondary role of the Finance Committee is oversight of significant capital projects with a representative on each Capital Projects Committee as required by the town charter.

In addition, the Finance Committee will provide analysis and advice on all finance, accounting and related operational matters referred by the Board of Selectmen or Town Administrator, or as identified by the committee as requiring the attention of town officials. Finance, accounting and related operational matters will include but not be limited to:

- Sources of new or expanded revenue (including advice on setting fees for services)
- Opportunities to reduce cost and increase operational efficiency
- Opportunities to increase taxpayer value from existing assets (use of town owned land, facilities, etc.)
- Capital planning
- Independent audit process
- Pension and related liabilities and funding

Article 61

Section II. The Moderator, the Board of Selectmen, and the Finance Committee, each in their individual and official capacity shall, within thirty days of the Annual Town Meeting, appoint one member to the Finance Committee, from the citizens of the town, for the term of three years, and it shall be the duty of the Moderator to see that such appointments are made, and to notify the Town Clerk of the names of the persons so appointed each year.

No members of the Finance Committee shall serve more than three successive full terms.

(Continued)

Charge to the Cultural Council

At least five (5) members but no more than twenty-two volunteer members. Length of term and term limits: The term of membership for a council member is three years. Members can serve a maximum of two consecutive terms, or a total of six years. They must remain off the council for a one-year interval before serving additional terms. Each council must annual elect a chair, secretary and treasurer. In addition, the terms of individual council members should be staggered; there should never be 100 percent turnover of members in a single year unless the MCC determines otherwise, as provided in 962 CMR 2.10. Local councils may also elect to designate former officers or members as nonvoting, ex officio council members to ensure continuity.

Zoning Board of Appeals (ZBA)

Members: 5 Regular Members and 2 Alternate members
Appointed by: Board of Selectmen
Length of Term: 3 Years
Meeting Times: First Thursday each month at 5:00

Purpose/Responsibility: The Zoning Board of Appeals (ZBA) is entrusted with the granting of Special Permits and Variances to the Town's Zoning By-laws. The Board also decides appeals from decisions of the Building Commissioner. In addition, the ZBA is the permit granting authority for applications for Comprehensive Permits under the State's Chapter 40B (affordable housing) regulations. The goal of the ZBA is to serve the public interest by ensuring that its decisions will not have a detrimental impact to the established or future character of the neighborhood and the Town. The ZBA bases its decisions on criteria contained in the Eastham Zoning Bylaw.

The Town Planner and Community Development Administrative Assistant serve as staff to the ZBA. On occasion, the ZBA holds joint hearings with the Planning Board.

Criteria for Membership: Interest in the Town's planning and zoning functions. An ability to read applications and an ability and/or willingness to learn to read engineering and architectural plans. An ability to make site visits of venues that are the subject of applications to the ZBA.

Prospective members should be aware of the ZBA's meeting schedule and should generally be available to participate throughout the year.

To apply for membership on a
Town Board or
Town Committee:

go to: www.eastham-ma.gov
and

Click on "Boards and Commissions"

At the bottom of Boards and Commissions page you may select to submit an application online, or print out a hard copy to submit at the front desk at Town Hall.

OR, pick up an application at the front desk at Town Hall.

Once your application has been submitted, you will be contacted by a member of the Search Committee to set up your interview with the Chair of the selected committee/board and the liaison from the Board of Selectmen.

Once you have had your interview and you have been approved by the interview committee, your name will be submitted to the Board of Selectmen for final approval.

You will be required to take an ethics exam and then be sworn in by the Town Clerk.

Charge to the Council on Aging Board of Directors

An eleven member Council on Aging Board of Directors shall be appointed by the Board of Selectmen for three-year overlapping terms.

The duties of said Council on Aging shall be to: (1) identify the total needs of the community's elderly population, (2) educate the community and enlist support and participation of all citizens concerning these needs, (3) design, promote or implement services to fill these needs, or coordinate present existing services in the community, (4) promote and support any other programs which are designed to assist elderly programs in the community. Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Office of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Office of Elder Affairs.

From Eastham Home Rule Charter-1992

Conservation Commission Charge

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

From Eastham Home Rule Charter-1992

Date Received:	Application #:
Date Interviewed:	

Sample Volunteer Application
TOWN OF EASTHAM
EASTHAM VOLUNTEER APPLICATION
 2500 State Highway, Eastham, MA 02642
 All Departments 508-240-5900
 www.eastham-ma.gov

One of the foundations of good government in a small town is volunteer citizen participation on the boards, commissions, and committees, which play a vital part in the management of local affairs. The members of these boards and committees arbitrate issues that arise in interpreting and enforcing local laws, and recommend policies that will help to shape the future of our Town.

APPLICANT INFORMATION:

Name: _____

Address: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Email: _____

LOCAL COMMITTEES: Please indicate up to three boards, commissions, or committees in which you are interested.

Please note: To be appointed to a regulatory committee (bold letters), you must be a registered voter in Eastham, and you may only serve on one regulatory committee.

Committee Selections:

Describe briefly your experience, including volunteer service, that you feel would be useful to the Town and to the committee(s) you are interested in. You may add any additional information including education, other formal training, specialized courses, professional licenses or certifications. Describe briefly your experience, including volunteer service, that you feel would be useful to the Town and to the committee(s) you are interested in. You may add any additional information including education, other formal training, specialized courses, professional licenses or certifications.

COMMITTEE SERVED	TERMS SERVED

EXPERIENCE:

Check the Town website http://www.eastham-ma.gov/Public_Documents/EasthamMA_RCommIndex for meeting dates and times and additional committee information. If you have any questions, call Town Hall, 508-240-5900.

Please respond to the following additional questions:

I have attended a meeting(s) of the committee(s) selected.

I have read the charge of the committee.

I have met with the chair(s) of the committee(s).

I have read The Ten Rules Municipal Employees Need to Know about the Conflict of Interest Law.

COMMENTS:

This Volunteer Form is being filed with the Town's Search Committee to be processed. The Committee will contact you for an interview. If you are aware of any possible conflicts of interest to serve on a particular committee, please contact the MA State Ethics Commission @ (617) 371-9500 or (888) 485-4766 for an opinion.

I certify that the above information is accurate and true.

Electronic Signature

Date

Town of Eastham Town Hall- Selectmen Office
 2500 State Highway Eastham, MA 02642
 Phone: 508-240-5900 Fax: 508-240-1291

APPENDIX A:

Other Committees

Specially Appointed

Community Preservation Committee By-Law, Cont.

The Community Preservation Committee may include in its recommendation to the Board of Selectmen and Town Meeting, a recommendation to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas: (a) open space (not including land for recreational use), (b) historic resources, (c) affordable housing, or as otherwise authorized under Section 298 of Chapter 149 of the Acts of 2004.

3.0 Requirement for a quorum and cost estimates. The Community Preservation Committee shall comply with the provision of the Open Meeting Law, G.L. c.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Board of Selectmen and Town Meeting shall include the committee's anticipated costs.

4.0 Amendments. This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

5.0 Severability. In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

6.0 When Effective. Provided that Town Meeting approves Article 2 of the December 13, 2004 Special Town Meeting to adopt Section 298 of Chapter 149 of the Acts of 2004, and voters of the Town at the May 17, 2005 Annual Town Election approve adoption of same, this by-law shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL.c.40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

By-Law Adopted by Special Town Meeting on December 13, 2004.

Community Preservation Committee By-Law

1.0 Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5., appointed by the Board of Selectmen. The composition of the committee and the term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Commission, as designated by said Commission; one member of the Eastham Housing Authority as designated by said Authority; one member of the Eastham Affordable Housing Task Force as designated by said Task Force; one member of the Open Space Committee as designated by said Committee; and two at large individuals. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have recommending authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

2.0 Duties. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

The Community Preservation Committee shall make recommendations to the Board of Selectmen and Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided in this section. With respect to affordable housing, the Community Preservation Committee may recommend the reuse of existing buildings or construction of new buildings on previously developed sites.

Affordable Housing Trust

At the Eastham Annual Town Meeting held on May 5, 2008, a motion was made and seconded by the Board of Selectmen to accept Article 32; G. L. c.44, Section 55C, and establish a Municipal Affordable Housing Trust to be known as the Eastham Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and to implement said Trust Fund, to vote to authorize the Board of Selectmen to execute a Declaration of Trust and Certificate of Trust for the Eastham Affordable Housing Trust which Declaration of Trust shall provide for five (5) member Board of Trustees to be appointed by the Board of Selectmen for staggered terms not to exceed two (2) years, of whom at least one member shall be a Selectman; said Trustees shall have the full range of powers and duties specified in G. L. c.44, §55C, including the following:

1. To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law;
2. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
3. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
5. To employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
6. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
7. To apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

Affordable Housing Trust, Continued:

8. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
10. To carry property for accounting purposes other than acquisition date values;
11. To borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
12. To make distributions or divisions of principal in kind;
13. To compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
14. To manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
15. To hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
16. To extend the time for payment of any obligation to the trust.
17. The Board of Selectmen may require a financial audit in any fiscal year if deemed appropriate.

The Affordable Housing Trust shall report to the Board of Selectmen at least once in each year. Said report shall include but is not limited to, financial transaction, property acquisitions and policy decision.

By-Law Adopted by Annual Town Meeting- May 5, 2008.

Charge To Board Of Cemetery Commissioners

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

Chapter 114: Section 27 Appointment of board of cemetery commissioners; powers and duties. Section 27. If a town so votes under section twenty-one of chapter forty-one the selectmen shall appoint a board of cemetery commissioners to consist of three members, to be appointed for the term of three years. The commissioners shall, under the supervision and control of the selectmen, maintain the public cemeteries in the town, and shall with the approval of the selectmen, appoint such employees as are necessary to maintain such cemeteries.

III
Licensing

October 3, 2016

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

RE: Agenda Item III Licensing

This matter is before you for your consideration of whether to proceed to a public hearing to revoke the fuel storage license for Nickerson Gas Station. Fire Chief Farrenkopf and Sue Fischer, Town Clerk, will be present to provide information.

Attached please find information from the Fire Chief, DEP, and Town Clerk. The matter before you is the fuel storage license (permit). The permit expired in May of 2016 but in order to revoke the permit, a noticed public hearing must be held. If you choose to proceed, after hearing from the staff, we will proceed to the legal process for such a hearing.

Town of Eastham
Fire Department and Emergency Medical Services

Kent Farrenkopf
Chief of Department
2520 State Highway Eastham, MA 02642
508-255-2324

February 18, 2016

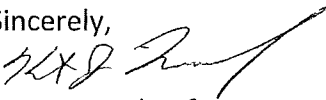
Mr. Bruce MacGregor
Draw W
Hyannis, MA 02601

Dear Mr. MacGregor:

I am writing in regards to the underground fuel storage tanks and fuel pumps located at the Nickerson Service Center, 4515 State Highway in Eastham. I have received a call from MassDEP requesting information on the owner of this property. I checked with the assessors department at Eastham Town Hall and have determined that you are the owner.

I have been in contact with Patti Mullan at MassDEP regarding the issue of these fuel storage tanks and fuel pumps being out of service. Please contact Patti Mullan regarding the required steps which need to be taken to leave these tanks in the ground or to have them removed. The MassDEP has regulation and control over all underground storage tanks. Please contact Patti Mullan at MassDEP regarding the underground tanks at 617-556-1018. Please call Jeff Gifford at MassDEP regarding the fuel pumps at 617-556-1144. Thank you for your attention to this matter. Please contact me if you have any questions at 508-255-2324.

Sincerely,



Kent Farrenkopf
Fire Chief

cc: MassDEP
State Fire Marshal's Office



FP-5 Rev. 12/00

The Commonwealth of Massachusetts
Department of Fire Services - Office of the State Fire Marshal
Post Office Box 1025, Stow, Massachusetts 01775



CERTIFICATE OF REGISTRATION

Eastham

City or Town

August 22, 2014

Date

Directions: Complete top of the form and forward both sections and fee to local City or Town Clerk. **Do not return form to the Department of Fire Services.**

In accordance with the provisions of Massachusetts General Laws, Chapter 148, Section 13, the undersigned hereby certifies that:

Scott Nickerson/ACN Realty Holding LLC

Name of holder of license

at 4515 Route 6, Eastham, MA 02642

Address of holder of license

is the holder of the license granted for the lawful use of the building(s) or other structure(s) situated or to be situated at 4515 Route 6, Eastham, MA 02642 Map 08 Parcel 160 14,000 gals underground
Street and number gas

as related to the **Keeping, Storage, Manufacture or Sale of Flammables or Explosives.** 400 gal waste oil

Note: This certificate of registration must be signed by the holder of the license.

Scott Nickerson

Signature

Owner

State whether owner, occupant or holder

4515 Route 6, Eastham, MA 02642

Address

Susanne Peschke, Town Clerk

August 22, 2014

Date



Facility Detail Report

GENERAL FACILITY AND REPORT INFORMATION

Facility Name: NICKERSON SERVICE CENTER		Facility ID: 1293
Address: 4515 ROUTE 6 EASTHAM, MA 02651		
Region: Southeast Regional Office		
Type: Retail Motor Vehicle Fuel Dispensing		
Owner Type:		
Phone:		

OWNER INFORMATION

Owner Name: SCOTT W NICKERSON	Contact Name:
Owner Address: PO BOX 1850 EASTHAM, MA 02651	Contact Address:
	Contact Phone:

OPERATOR INFORMATION

Operator Name: SCOTT W NICKERSON	Contact Name:
Operator Address: PO BOX 1850 EASTHAM, MA 02651	Contact Address:
	Contact Phone:

TANKS							
#	Installed	Status	Status Date	Compartments	Capacity	Contents	Use
5	04/01/1988	Tank Temporarily Out of Service	03/27/2012	2	4,000/4,000	Gasoline/Gasoline	Motor Vehicle/Motor Vehicle
6	04/01/1988	Tank Temporarily Out of Service	03/27/2012	1	6,000	Gasoline	Motor Vehicle

DUE DATES	
Type	Due Date
Third Party Inspection Report (TPIR)	05/05/2016

ENFORCEMENT ACTIONS						
Doc No	Type	Status	Date Issued	Due Date	Date Resolved	Date Paid
NON-BO-13-U-074	Notice of non compliance	Closed (Resolved)	10/31/2013	12/19/2013	07/18/2014	
RPAN-BO-14-U-014	Reporting Penalty Assessment Notice (\$500)	Escalated	06/02/2014	07/09/2014		
NON-BO-16-U-397	Notice of non compliance	Escalated	07/20/2016	09/03/2016		

DISPENSERS			
Number	Owner Number	Sump	Sump Continuously Monitored?

SUBMITTED DOCUMENTS			
Submission ID	Form	Date Submitted	Signatory

FINANCIAL RESPONSIBILITY						
Type	Issuer	Start	End	Per-Occurrence	Aggregate	
21J Program						

Facility History		
Owner	Start	End
SCOTT W NICKERSON	01/07/1995	

Tank Detail Report

Status	Tank Temporarily Out of Service	Install Date	04/01/1988
Owner Tank ID		Tank Construction	Double-walled metal tank (cathodic protection required)
Financial Responsibility	21J	Total Capacity	8,000

Compartments

Capacity	Contents	Use	CAS Reg. #
4,000	Gasoline	Motor Vehicle	
4,000	Gasoline	Motor Vehicle	

Piping

Install Date

Piping Description

Piping and Fittings Construction Material	Double-walled non-corrodible material (No corrosion protection required)
---	--

Turbine Sumps

Is the tank equipped with a submersible pump?	No
---	----

Submersible Pump Installation Date

Is the tank equipped with a turbine sump?	No
---	----

If yes, is the turbine sump equipped with a sump sensor continuously monitored for liquids?	No
---	----

Intermediate Sumps

Is the piping system associated with this tank equipped with one or more intermediate sumps?	No
--	----

If yes, is this intermediate sump equipped with a sump sensor continuously monitored for liquids?	No
---	----

Spill Buckets

Spill Bucket Installation Date

Is the spill bucket equipped with sensors?	No
--	----

Overfill Prevention Devices

Overfill Prevention Device Installation Date

Primary Overfill Prevention Device Type

Tank Leak Detection

Leak Detection System Installation Date

Primary Leak Detection System Type	Continuous Interstitial Monitoring
------------------------------------	------------------------------------

Piping Leak Detection

Leak Detection System Installation Date

Leak Detection System Type	Continuous Interstitial Space Monitoring
----------------------------	--

Automatic Leak Detection

Leak Detection System Installation Date

Tank Corrosion Prevention System Type

Pipe and Fitting Corrosion Prevention System Type

Tank Detail Report

Status	Tank Temporarily Out of Service	Install Date	04/01/1988
Owner Tank ID		Tank Construction	Double-walled metal tank (cathodic protection required)
Financial Responsibility	21J	Total Capacity	6,000

Compartments

Capacity	Contents	Use	CAS Reg. #
6,000	Gasoline	Motor Vehicle	

Piping

Install Date

Piping Description

Piping and Fittings Construction Material	Double-walled non-corrodible material (No corrosion protection required)
---	--

Turbine Sumps

Is the tank equipped with a submersible pump?	No
---	----

Submersible Pump Installation Date

Is the tank equipped with a turbine sump?	No
---	----

If yes, is the turbine sump equipped with a sump sensor continuously monitored for liquids?	No
---	----

Intermediate Sumps

Is the piping system associated with this tank equipped with one or more intermediate sumps?	No
--	----

If yes, is this intermediate sump equipped with a sump sensor continuously monitored for liquids?	No
---	----

Spill Buckets

Spill Bucket Installation Date

Is the spill bucket equipped with sensors?	No
--	----

Overfill Prevention Devices

Overfill Prevention Device Installation Date

Primary Overfill Prevention Device Type

Tank Leak Detection

Leak Detection System Installation Date

Primary Leak Detection System Type	Continuous Interstitial Monitoring
------------------------------------	------------------------------------

Piping Leak Detection

Leak Detection System Installation Date

Leak Detection System Type	Continuous Interstitial Space Monitoring
----------------------------	--

Automatic Leak Detection

Leak Detection System Installation Date

Tank Corrosion Prevention System Type

Pipe and Fitting Corrosion Prevention System Type

October 3, 2016

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

RE: Agenda Item Portable Building

The Fire Department has provided the attached building type and is seeking a location at the DPW. He will discuss location and space needed.

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IV A(2)

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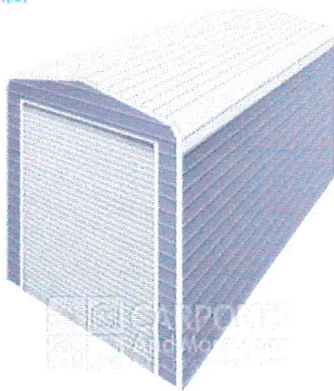
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Specification

WidthLengthHeight

13'24'11'

Roof:Standard Horizontal

Gauge:14g

IV A(b)



TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

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

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

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

September 29, 2016

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

RE: Float Storage at Rock Harbor

Dear Sheila:

In preparation for the start of construction to replace the bulkhead at Rock Harbor in November, I am writing to request permission to store our floats in Eastham's parking area at Rock Harbor from October 26, 2016 to March 31, 2017.

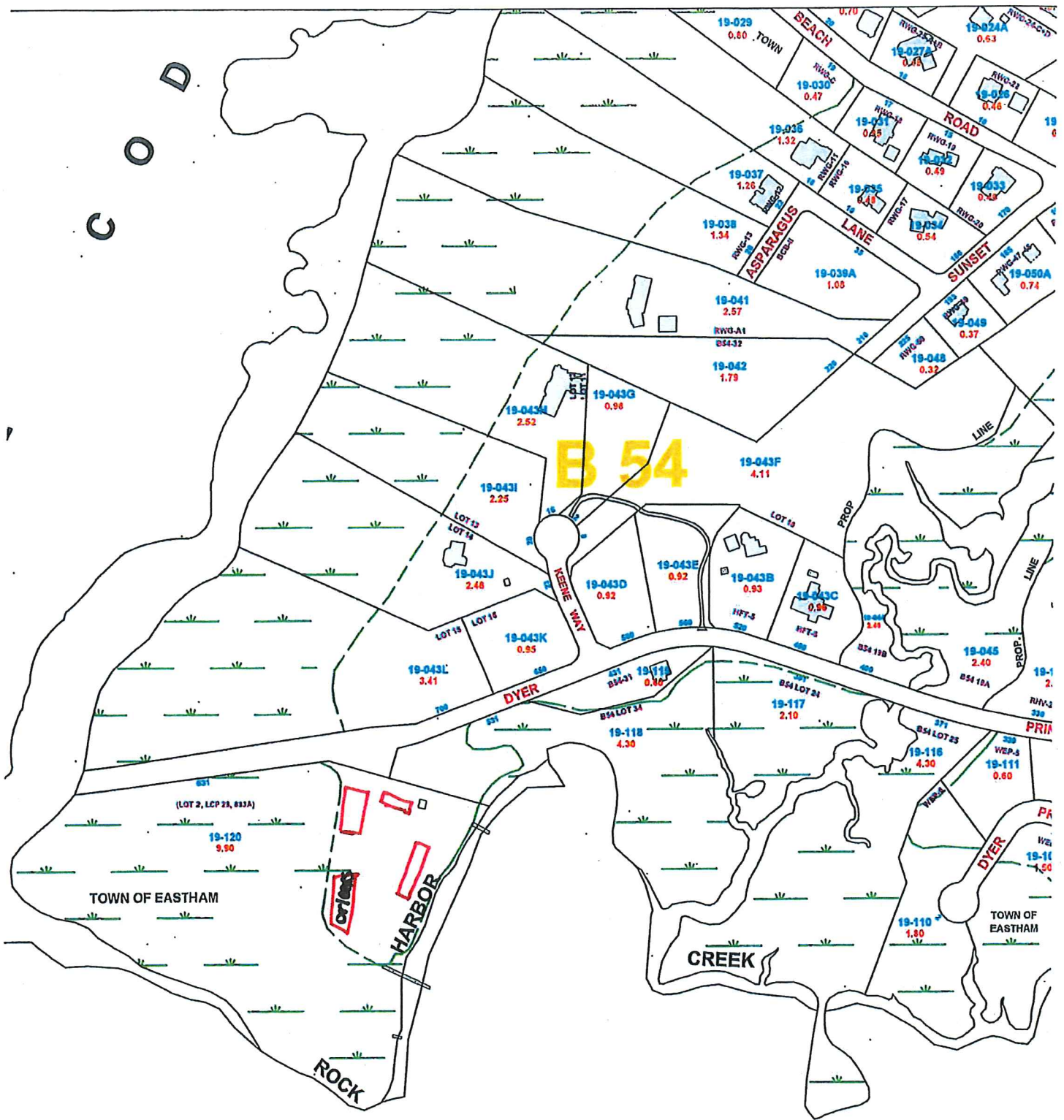
Normally, these floats are stored for the off season in our parking lot but the entire area is needed by the contractor for their staging during construction and the floats have to be relocated. We will ask MIIA to provide Eastham with a certificate of insurance to cover the period of relocation if you so desire.

I understand from communications between Shana Brogan and Nate Sears that this request will be considered by your Board at their upcoming meeting. Please let me know if you have any questions or need any additional information to support this request.

Sincerely,

John F. Kelly
Town Administrator

Cc: Nate Sears, Natural Resources Manager





Google earth





TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508 240-5900 Fax 508 240-1291
www.eastham-ma.gov

IV A (c)

October 3, 2016

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: Committee Resignation

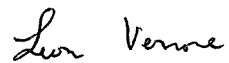
Please see the attached letter of resignation from Leon Verrone of the Historical Commission.

September 11, 2016

Dear J. Holden Camp,

It is with deep regret that I once again must resign from the Historical Commission due to ill health. I enjoyed my tenure and the time spent working with you. I have moved back to Connecticut to be closer to my family but will always hold Eastham dear to my heart.

Sincerely,

A handwritten signature in cursive script that reads "Leon Verrone".

Leon Verrone

October 3, 2016

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

RE: Agenda Item Administrative Matters (d)

The first hearing with the ZBA has been held and is available for viewing. The second session of hearing will be on Thursday, Oct 6, 2016. This is an opportunity for the Board to provide written comments on the Comprehensive Permit under M.G.L. c 40B to construct a 50 Unit rental development at 4790 State Highway (formerly Tee-Time). Case Number ZBA 2016-10. The Board should consider exercising this opportunity and providing comments on the project. Those comments to the Zoning Board of Appeals, may be incorporated into the final decision as conditions and thereby requirements of the developer. There is no requirement to make comments.

I have included for you information, the most recent staff comments, and information from the applicant that will go to the Zoning Board, as well as your issues discussed at the September 7 meeting.

From September 7, 2016 BOS Meeting:

Request for Comments concerning Affordable Housing Case No. ZBA2016-10, 4790 State Highway, Map 5, Parcel 124

Paul Lagg, Town Planner advised the Board that the 40B application for this property is scheduled on the September 15, 2016 Zoning Board of Appeals agenda. The ZBA has asked for feedback and comments from both the Department Heads and the Board of Selectmen. The Department Heads are reviewing the application and plans now and will be meeting to provide feedback and comments to Paul for the Zoning Board.

Paul Lagg and Sheila Vanderhoef met with Stratford Capital Group and have identified some deficiencies with the plans. Based on that, Stratford Capital Group will be providing additional information as follows:

- Clarity on the layout which now divides the property and includes 50 units on north half
- Setbacks
- Drainage systems
- Capacity of septic system to keep below 10,000 gallons to not require DEP approvals
- Confirmation that they have reviewed and resolved any situations involving the multiple easements on the property
- Traffic study – full study
- Clean list of zoning waivers needed
- Heat is electric by looking at propane as natural gas not expected until 2019
- Landscape plans are not required but Paul and Sheila have asked for them
- The developer is talking to the CCRTA about the bus stop
- The Affordable Housing Trust is also reviewing the plans
- What is going to be done to address areas currently being used by St. Aubin's Garden Shop

Based on the information provided by Paul Lagg, the Board agreed to watch the video of the September 15, 2016 ZBA meeting which is when Stratford Capital Group will present the full plans. The case will be continued as there is a lot of information to review and consider. The Board will discuss the plan in detail at their September 21, 2016 meeting.



TOWN OF EASTHAM

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

DATE: September 27, 2016
TO: Eastham Zoning Board of Appeals
FROM: Paul Lagg, Town Planner
RE: Staff Review **ZBA2016-10** - 4790 State Highway

SUPPLEMENTAL STAFF REPORT 1

APPLICATION TYPE: 40B Comprehensive Permit
LOCATION: 4790 STATE HIGHWAY
ZONING DISTRICT: E (RESIDENTIAL/LIMITED COMMERCIAL)

The following information summarizes the feedback and recommendations received from staff, local boards, and commissions to date and is based on the latest plans dated 9/13/16.

HOUSING DATA:

At the September 15 hearing a member of the applicant's development team referenced that there were 800 families living in Eastham that meet the qualification of being "cost burdened". The ZBA requested staff to verify this item. The following information is taken from the 2016 Eastham Housing Production Plan:

Definition of Affordable Housing:

There are a number of definitions of affordable housing, as federal and state programs offer various criteria. For example, the U.S. Department of Housing and Urban Development (HUD) generally identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household's income (with a small deduction for each dependent, for child care, and for extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, homeowners association fees, property taxes and insurance) is not more than typically 30% of income. If households are paying more than these amounts, they are described as experiencing housing affordability problems; and if they are paying 50% or more for housing, they have severe housing affordability problems and severe cost burdens. (Eastham Housing Production Plan pp.14-15)

"The 2014 census estimates suggest that 788 households, or 35% of all Eastham year round households, were living in housing that is by common definition beyond their means and unaffordable. A special HUD report further indicates that, of the almost 1,000 households earning at or below 80% of area median income, 519, or more than half, were overspending, and one-quarter had severe cost burdens as they were spending more than half of their income on housing. Moreover, there were 170 households earning at or below 30% of area median income, referred to by HUD as extremely low-income households, and almost all of those were experiencing severe cost burdens." (Eastham Housing Production Plan p.5).

PLANNING BOARD/TOWN PLANNER COMMENTS:

Note: Planning Board Chair, Dan Coppelman will attend the 10/6 ZBA hearing and is authorized to speak on behalf of the Planning Board regarding the following comments.

Consider adjusting curbing on North and South access points to control vehicular movements.

- Skew the curbing for the entry and exit driveways to ensure right turns only at the northern exit and southern entrance. Add an island at the southern entrance to separate traffic entering from southbound and northbound lanes on Rte. 6. This configuration will force vehicles exiting the site to head north and utilize the Rte. 6/Nauset Rd. intersection. Traffic impacts to this intersection should be further analyzed.

Consider requests to MassDOT on potential signage/pavement markings on Rte. 6

- Signage and/or pavement markings on Rte 6 may help augment the controls on vehicular movement outlined above. Appropriately placed signage may also alert through traffic in advance that there will be vehicles slowing down and turning in this area.

Consider Rotating Orientation of Building #1

- Rotating the front building to bring the community/management space closer to State Highway will set the residential portion of the building further back and provide some buffer from the highway. It will also provide the site with an architectural streetscape more in keeping with the height and scale that is closer to a traditional village center. The proposed front deck/trellis community area will benefit from an improved orientation away from the highway.

Consider reducing the pavement and parking areas in the front of the site.

- Relocating the parallel parking spaces along the front access road and relocating them internally on the site along with appropriate landscaping will enhance the streetscape along Route 6. Consider the use of pervious reinforced paver material in certain areas to break up the use of pavement (similar to that proposed for the reinforced grass fire truck lane behind building #2).

Consider relocating trash/recycling areas

- The current proposal shows a trash/recycling area in the front of the site. This area could be relocated in a more central location on the site. Also, the placement of the Trash/Recycling area located at the rear of the site may cause a conflict with the turning movement onto the proposed grass fire truck lane located behind building #2.

Consider relocating "Tot Lot"

- The current location for the play area requires users from Building #2 to cross a long distance through parking areas with vehicular activity. Moving the Tot Lot closer to the shared community garden area will consolidate the shared site amenities and provide opportunity for increased interaction among residents. This will also bring the play area closer to Building #2 which contains the majority of the 3 bedroom family units.

Consider adding outdoor storage and Bike Racks

- Residents will likely have bicycles and other bulky items that will not be feasible to store within the apartment units. Providing some form of outdoor storage space will allow residents to safely and securely store their items. It will also help keep the site clean and orderly. Bike racks will also provide a consolidated space for bicycle storage and may encourage multi-modal transportation via the adjacent bike path.

Consider multi-modal accommodations for entire site.

- The walkway running adjacent to Building #1 does not connect to the rest of the pedestrian areas.
- Safe pedestrian and bicycle access should be provided so that residents of all ages and mobility levels can move safely throughout the entire site.

Drainage Issues:

- See Cape Cod Commission memo dated 9/15/16 (page 5) regarding design specifications.

Zoning Waivers:

- Recommend adding the following item to the requested zoning waiver list:
 - **Density:** The density limit for Zoning District E is 1 unit per 40,000 sf. The proposal of 50 units on 6.14 acres exceeds standard zoning requirements.
- Recommend submitting revised zoning waiver list in an alternative format (simple list) that itemizes only the specific items being requested for waivers.

Fee Waivers:

- Any requests for the waiver of local fees must be directed to the Eastham Board of Selectmen.

Property Division:

Chapter 40B grants the ZBA the same power to issue permits or approvals as any other local board which would normally act with respect to an application, including but not limited to waivers, consents, and affirmative actions such as plan endorsements and requests for waivers.

- Recommend facilitating the division of the site into two separate lots via an Approval Not Required (ANR) Plan.
- Recommend applicant submit ANR application (Form A) with accompanying plan that meets the requirements listed on the ANR application checklist, available on the Eastham Planning Webpage.

Request additional information on the following:

- Landscaping Plan
- Lighting Plan
- Building elevations for all four side of Building 1 and Building 2
- Full Traffic Study
- Storm-water/Wastewater reports

EASTHAM DEPARTMENT OF PUBLIC WORKS COMMENTS:

Catch Basin Model:

- Consider using the "Eliminator" model for oil/debris trap. DPW has found that this model is less expensive and easier to install than the proposed "Snout" model. The "Eliminator" model can also be cleaned via clam shell and/or jetting methods.

Catch Basin Frames:

- Detail Sheet C-301 specs call for East Jordan Iron Works model or Approved Equal. Detail sheet should stipulate "MassDOT Approved Equal" to ensure appropriate quality materials will be used.

Inspection Ports:

- Recommend installing the optional inspection ports as they provide venting to the system.

Pavement Patching:

- Pavement patch detail shown on Plan C-303 should match pavement specification thickness.

Drainage Plan:

- An inspection and maintenance plan should be implemented to ensure the long term drainage functionality.

Utilities:

- Recommend utility plans be reviewed/approved by appropriate utility companies.

EASTHAM HEALTH DEPARTMENT COMMENTS:

- The site is located within the Zone 2 of a Public water Supply Well. Proposed wastewater flow: 50 units (88 bedrooms) = 9,680 gpd. The proposal of 88 bedrooms with a total flow of 9,680 gpd on 6.14 acres exceeds local approval and would require a Groundwater Discharge Permit subject to DEP approval. The Eastham Board of Health, although not the approval authority would like an opportunity to review the proposed wastewater treatment system with the project engineer to allow for public comment and recommendations prior to submittal to DEP.
- See attached memo dated 9/15/16 for additional information.

EASTHAM FIRE DEPARTMENT COMMENTS:

- Add fire hydrants internally on site - locations dependent on final site layout
- Proper water main size, and a loop system with no dead end mains
- Sufficient road/ drive widths with large enough turning radii to allow for a ladder truck to make entry (Length of a ladder truck 43 feet, width 10-11 feet to outside of mirrors, height 11 ft. 5 inches)
- No vehicle parking to interfere with needed road/drive widths, emergency access to all buildings
- Sufficient turn around area for apparatus and ambulances
- The ability to have access to all sides of the buildings (preferred)
- Walkways to all doors large enough to accommodate rescue equipment
- Request further detail on proposed reinforced grass fire truck lane located to the side of Building 2.
- Request further details on fire protection systems, elevators and interior egress with the developer as project planning continues.
- Additional comments will be provided upon final site layout design

EASTHAM BUILDING DEPARTMENT:

No comments at this time

EASTHAM POLICE DEPARTMENT COMMENTS:

Per ZBA request, accident data has been gathered for Route 6 and will be provided.

EASTHAM NATURAL RESOURCES DEPARTMENT COMMENTS:

No comments at this time

CAPE COD COMMISSION COMMENTS:

See comment letter dated 9/15/16.

To: Eastham Zoning Board
From: Jane Crowley, Health Agent
Date: September 15, 2016

Project Comments

Applicant: Governor Prence Residencies
Location: 4790 State Highway Map: 5 Parcel: 124
Lot Size: 10.867 acres total
 6.14 acres used

RE: Wastewater System Requirements

Review: 4790 State Highway is located in the protected Zone 2 of a Public Water Supply Well. The proposed flow is as follows:

- 50 Units
- 88 Bedrooms
- Total flow 9,680 gpd
- With advanced treatment on a 10.867 acre lot the maximum limit would be calculated:
 $10.867 \times 43,560 \text{ sq. ft/acre} = 473,366 \text{ sq. ft} / 6666 \text{ sq. ft/ bedroom} = 71 \text{ bedrooms}$
maximum would be approvable under local Title 5 with I/A Treatment

With advanced treatment on 6.14 acres lot the maximum limit would be calculated:
 $6.14 \times 43,560 \text{ sq. ft/ acre} = 267,458 \text{ sq. ft} / 6666 \text{ sq. ft. / bedroom} = 40 \text{ bedroom}$
maximum on the 6.14 acre portion of the lot would be approvable under local Title 5 approval with I/A Treatment

- This proposal of 88 bedrooms with a total flow of 9,680 gpd on 6.14 acres exceeds local approval options and would need to be submitted under a Groundwater Discharge Permit subject to DEP approval. The Board of Health, although not the approval authority, would like a presentation by the project engineer before submission to DEP to allow for public comment and recommendations of the BOH to be forwarded to DEP for consideration.

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



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

September 15, 2016

Patty Daley, Deputy Director
Cape Cod Commission
3225 Main Street, PO Box 226
Barnstable, MA 02630

Robert Sheldon, Chair
Zoning Board of Appeals
Town of Eastham
2500 State Highway
Eastham, MA 02642

RE: Governor Prence Residences Comprehensive Permit Application

Dear Mr. Sheldon,

The Cape Cod Commission (Commission) received a copy of the August 12, 2016 application from SCG Development Partners, LLC to the Eastham Zoning Board of Appeals (ZBA) for the Comprehensive Permit project proposed at 4790 State Highway, North Eastham. Pursuant to Section 13(j) of the Commission Act, the Commission is considered a local board for purposes of project review under the Comprehensive Permit Law, GL Ch. 40B, ss. 20-23, inclusive, and on its behalf, Commission staff provides the following comments for the ZBA's consideration in its review of and decision-making on the project.

Commission staff has reviewed the project application relative to the Cape Cod Commission Act and 2009 Regional Policy Plan (RPP), as amended August 2012, and its comments are based on and arranged by the relevant issue areas from the RPP.

Commission staff respectfully requests copies of any additional or revised application materials that might be submitted, and it may provide further comment to the ZBA as and when additional or revised application materials are submitted.

AFFORDABLE HOUSING

The Applicant is proposing to restrict 44 of the 50 units as affordable in perpetuity. This exceeds the Comprehensive Permit Law minimum requirement of 25% and the RPP's 10% requirement.

The 44 affordable units are proposed to be restricted for households earning 30-60% of area median income. The remaining units will be unrestricted market rate rentals. Commission staff notes that the proposed rents of the market rate units are below HUD's estimate of fair market rent, demonstrating a positive commitment by the developer to address a spectrum of affordability needs.

The project is consistent with many other regional housing goals as it proposes to provide rental housing located at a reasonable distance, via public transit, from employment areas in Provincetown and the Lower Cape.

There is a clear and pressing need for more affordable housing in the town of Eastham as well as throughout Barnstable County. Presently, 1.9% of Eastham's year-round housing is considered affordable, falling short of the demand for affordable housing in the town. The project will double the number of affordable units in Eastham from 50 to 100, bringing Eastham to nearly 4% of its year-round housing being considered affordable and furthering the town's progress toward the Commonwealth's 10% goal for communities.

COMMUNITY CHARACTER

The project is generally consistent with the Community Character goals and standards of the RPP. The proposed buildings incorporate various heights and differing roof forms and materials consistent with traditional development in the region.

Commission staff recommends that the Applicant consider the following revisions to the proposed design of the project:

- Move the proposed front-most building closer to Route 6 to support the goal of fostering traditional village center development in North Eastham and improve character along Route 6. Moving the building would bring it more in line with traditional development patterns and setbacks in the surrounding area, and allow the parking in front of that building to be relocated to its side or rear.
- Rotate the front-most building to bring its smaller massing closer to the road and further reinforce traditional village center development forms.
- Provide additional site landscaping to better integrate the development with the site as well as to provide greater buffering to the surrounding properties.

Finally, the project includes a number of proposed on-site amenities such as the 'Tot Lot,' a transit stop, and a community room. Commission staff notes that a large percentage of the 2- and 3-bedroom units, which are likely to be occupied by families frequenting the amenities, are proposed in the rear-most building. Access to the amenities from the rear-most building would require traversing multiple driving and parking areas. The amenities should be located on-site so that they may be safely and conveniently accessed by all residents of the development.

TRANSPORTATION

The project application included a memorandum dated August 4, 2016, prepared by CHA on behalf of the Applicant, ("CHA memo"), which analyzed the proposed redevelopment of the site

relative to traffic and parking. Commission Transportation staff understands a more detailed traffic report is being prepared by the Applicant; such a traffic report may address some of the concerns noted below.

Trip Generation

Commission Transportation staff suggests that the CHA memo appropriately characterizes the anticipated trip generation of the proposed project. Based on information from the Institute of Transportation Engineers (ITE) Trip Generation Manual, the CHA memo estimates the proposed project will generate 426 new weekday daily trips, 28 new AM peak hour trips, 45 new PM peak hour trips, 320 new Saturday daily trips, and 26 new Saturday peak hour trips.

Parking

The project site plans show a total of 104 parking spaces proposed on site, 4 more than required under local zoning. Based on ITE Parking Generation Data, the CHA memo presents an Average Peak Period Parking Demand of 62 spaces for the 50 units. The CHA memo does not otherwise discuss parking demands unique to the development in excess of the minima required under local zoning or the ITE Parking Generation Data.

Commission Transportation staff suggests that there may be more parking spaces proposed than are actually needed and the Applicant could consider reducing the number of spaces proposed. For instance, removing the parallel parking spaces nearest to Route 6 would allow opportunities for additional landscaping, pedestrian accommodations, a bus pull-out, and would reduce proposed impervious area on-site, all of which would be encouraged under the RPP.

Site Access

The proposed development generally follows good access management practices by both minimizing the number of curb cuts to the site and utilizing an interconnection with an adjacent property. Additionally, limiting the site to one entrance and one exit will help to avoid confusion and reduce vehicle conflicts. Commission Transportation staff recommends that the Applicant provide further details concerning driveway signage and design. Signage should be installed and driveway openings designed in a way to make this one-way configuration clear to drivers and to discourage improper use of the driveways. If turn restrictions are proposed, the driveway openings should be designed to physically restrict prohibited movements.

Traffic Impacts

As the only major route through Eastham and to the Outer Cape towns, Route 6 experiences significant traffic volumes, particularly in the summer months. On an average summer weekday, 25,000 – 30,000 vehicle travel along Route 6 in the vicinity of the project site. These volumes, across four lanes, makes turning out of driveways particularly difficult on this section of roadway. As no detailed analysis of the site driveways was provided in the CHA memo or elsewhere in the application, Commission Transportation staff does not have enough information to provide informed comments on the anticipated operation or safety of these driveways.

South of the proposed project site, the intersection of Route 6 at Brackett Road has a long history of congestion and safety issues. Despite improvements to this intersection over time, the problems persist. As no detailed analysis of potential impacts on this intersection was provided in the CHA memo or elsewhere in the application, Commission staff does not have enough information to provide informed comments on anticipated impacts to the intersection occasioned by the project.

Commission staff recommends that the Applicant provide further analysis of the operation and safety of site driveways and potential project impact on nearby roadways and intersections.

Bicycle, Pedestrian, and Transit Accommodations

Commission transportation staff suggests that opportunities to safely and conveniently access the site by means other than a single-occupancy motor vehicle are important both for the well-being of residents of the development and to reduce congestion on the roadway. The site plans show generally good pedestrian connectivity throughout the site and a connection to the Cape Cod Rail Trail (CCRT) to the east of the project site. A connection to the CCRT is important given the many destinations along the trail likely to be frequented by residents of the development. Commission staff recommends that, to the extent feasible, the connection be ADA-accessible.

Commission transportation staff has continuously recommended the construction of sidewalk on the east side of this portion of Route 6 through its ongoing transportation planning work in the area. Similarly, Commission Transportation staff strongly recommends that the Applicant consider constructing a sidewalk along the site's frontage on Route 6 and, to the extent feasible, work with neighboring property owners to connect this sidewalk south to the Brackett Road intersection.

The Cape Cod Regional Transit Authority (CCRTA) as well as inter-city bus providers operate along this portion of the Route 6 corridor. CCRTA buses stopping on Route 6 provide disruptions to motorists and a safety hazard to passengers. Commission Transportation staff strongly recommends that the Applicant revise its site design and work with the CCRTA to provide a bus pull-out and, as feasible, a bus shelter on the proposed project site. This would provide a safe and convenient place for residents of the development and transit users from nearby destinations to access CCRTA service.

WATER RESOURCES

According to site utility plans, the project will connect to public water supply and construct a wastewater treatment plant on site that is capable of advanced nitrogen treatment.

The site is located entirely within direct discharge zones: groundwater from the west side of the site flows directly to Cape Cod Bay and groundwater from the east side of the site flows directly to the Atlantic Ocean. Therefore, the property lies outside of Marine Water Recharge Areas. The site is also located outside of Freshwater Recharge Areas.

The site is within Groundwater Protection Districts recently designated by the Town of Eastham associated with new public water supply wells established for the town's public water supply system. Groundwater protection "Zone II" delineations for these wells were established as part of the Massachusetts Department of Environmental Protection's (MassDEP) New Source Approval process which was undertaken by the Town of Eastham.

Especially considering the site's location within these groundwater protection resource areas, the Applicant should aim to meet the RPP Water Resources goals of protecting groundwater and drinking water quality and quantity in its project design. Such goals are advanced, among other measures, by ensuring the proper operation of public and private wastewater treatment facilities, and by improving stormwater management. The RPP generally limits nitrogen loading from development and redevelopment in these areas to 5ppm, and the project should strive to meet this nitrogen loading standard.

Site-wide nitrogen loading calculations for this project were not included in the Comprehensive Permit application. Commission staff recommends that the Applicant prepare site-wide nitrogen loading calculations for the project according to the method set out in the Commission's Nitrogen Loading Technical Bulletin 91-001; the calculations must account for inputs from all controllable on-site nitrogen sources such as wastewater, fertilizer and stormwater. To this end, the Applicant should provide more details about the specifications of the proposed wastewater treatment system, stormwater management design and extent of managed turf area for the project. Commission staff suggests that it is feasible for the Applicant to design the project to meet a site-wide nitrogen load of 5ppm.

Drainage plans submitted as part of the Comprehensive Permit Application indicate that site stormwater will be captured via deep sump catch basins and conveyed into one of four underground infiltration systems containing isolator rows for TSS removal. Both the MassDEP Stormwater Standards and the RPP require 44% TSS removal before discharging into infiltration chambers, which will likely be achieved by the proposed Isolator Rows. Roof runoff will also connect to this underground system. Stormwater goals in the RPP also require stormwater systems to accommodate storms that exceed the 25-year, 24-hour storm, maintain stormwater on site, and provide water quality treatment for the 1st inch of runoff. The Applicant should submit a stormwater report that addresses these issues. Site nitrogen loading can also be lowered by improving stormwater runoff quality and incorporating Low Impact Development (LID) design. The Applicant may consider using parking islands and roadway perimeters as bioretention areas to further improve stormwater treatment, and perhaps reduce the site-wide nitrogen load.

Commission staff recommends that the Applicant identify and evaluate potential impacts to existing private drinking water wells on surrounding properties. According to MassDEP maps, two Interim Wellhead Protection Areas intersect the site in its northwest and southeast corners. Though the project itself will connect to public water upon construction, phasing of the new public water supply system may delay connections in surrounding areas. Staff encourages the Applicant to identify existing private drinking water wells and assess the potential impact of the development on the water quality of these wells. Properties downgradient of the project's proposed wastewater system leachfield should be of particular focus.

Commission staff encourages the Applicant to develop a turf and landscape management plan for the project that incorporates water conservation measures and minimizes the amount of pesticides and chemical fertilizers used on site.

NATURAL RESOURCES

The project involves redevelopment of an existing developed site, including reclaiming parts of the site that are presently actively used by the neighboring nursery/landscaping business. The Applicant does propose a 100-foot buffer to the neighboring Cape Cod Rail Trail as part of the project. The Applicant should consider revegetation of currently disturbed portions of the site, such as areas in the northern portions of the property where the above-referenced encroachment has occurred, with native species that will enhance natural habitat. There is an opportunity to create a naturalized meadow habitat in the area over the proposed wastewater system's leaching field, which will minimize landscape maintenance as well as provide an amenity for residents and possibly habitat for wildlife. Native drought tolerant and pest-resistant shrubs that might provide wildlife habitat should be considered when finalizing the landscape plan for the project. The Applicant should coordinate revegetation plans with the NHESP consistent with any rare species mitigation that may be required.

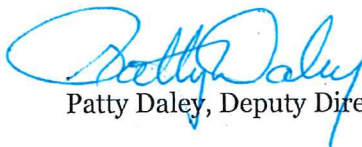
Most of the 6.1 -acre site is mapped Priority Habitat by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). The Applicant should file a Project Review request with the NHESP to determine whether the proposed project will impact rare species or their habitat. NHESP will indicate in writing whether any mitigation is required to address project-related impacts to rare species.

The Applicant should adopt a plan to manage or eliminate existing invasive species on-site as part of the project, and also take care during construction not to introduce invasive species to the site. BMPs should be adopted and employed to ensure that construction vehicles do not introduce new invasive species to the site, or spread existing invasive species (such as seed/roots/vegetative matter) during construction.

CONCLUSION

The project is consistent with the goal articulated in the Commission Act and RPP to promote and support efforts to address the affordable housing needs of present and future Cape Cod residents.

Sincerely,



Patty Daley, Deputy Director

CC: Richard Hayden, SCG Development Partners, Peabody
Paul Lagg, Town Planner, Town of Eastham
Project File

TOWN OF EASTHAM ZONING BOARD OF APPEALS
COMPREHENSIVE PERMIT APPLICATION
pursuant to M.G.L. Ch.40B, §§ 20-23

APPLICANT: **SCG Development Partners LLC**
SUBJECT PROPERTY: 4790 State Highway, (US-6) Eastham, MA
Assessor Map 5, Parcel 124

REQUESTED WAIVERS

The Applicant seeks waivers from the Eastham local Bylaws, rules and regulations, as shown below.

The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal Boards or departments, including but not limited to the Eastham Board of Health, Board of Selectmen, Historical Commissions, Department of Public Works, Planning Board, and Water Management Committee, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits, inclusively, including but not limited to the permits and approvals to connect to the municipal water systems (please note that the Applicant will comply with all technical requirements related to the municipal water systems).

If in the course of the hearings it is determined that there are other local by-laws, rules and regulations that would otherwise be applicable to this development that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

The Applicant also requests waivers from otherwise applicable building permit and water department fees, as to the affordable units only.

TOWN OF EASTHAM ZONING BY-LAWS
(revisions through May 5, 2014)

The project site is located in the E District Zoning District. The property is also located in the North Eastham Overlay District 1 ("NEOD") which is a voluntary overlay district which

allows certain development options under a Special Permit. Pursuant to 760 CMR 56.05(7), waivers are not needed from any Special Permit provisions of a zoning bylaw. Therefore, waivers are not being requested from the NEOD or from any other special permit provisions in the Zoning Bylaw.

SECTION III – DEFINITIONS

Building Height. Applicant seeks a waiver from the definition of ‘Building Height’ that the vertical distance not exceed thirty (30) feet. The applicant is proposing a building height of approximately thirty (35) feet as shown on the project elevation plans.

SECTION V - USES

DISTRICT E - Applicant seeks a waiver to allow multi-family dwelling use in the District E Zoning District.

DISTRICT J

Section 5: PERMITTED USES

The Groundwater Protection District restricts uses to those permitted in the underlying zoning district, which in this case is District E. To that end, the Applicant seeks a waiver to allow multi-family dwelling use in the Groundwater Protection District as an allowed use in District E represented by the waiver request above.

SECTION IX – INTENSITY REGULATIONS

A. LOT SIZE

Applicant seek a waiver from lot size regulations to the extent necessary in order to construct the proposed 50-dwelling unit multi-family development as shown on the project plans.

B. SETBACK REQUIREMENTS

1. Applicant seeks a waiver from the requirement that no structure for human habitation shall not be nearer to the interior side lot lines than thirty (30) feet and from the requirement that the building lines of detached buildings which are necessary to structures for human habitation shall not be nearer to the interior side lot lines than thirty (30) feet.

2. Applicant seeks a waiver from the requirement that all new construction shall have a minimum of a one hundred (100) foot setback from all ways and a side setback of not less than twenty-five (25) feet.

6. Applicant seeks a waiver from the requirement of a minimum of twelve (12) feet and at least the maximum height of an accessory structure from the side property lines.

7. Applicant seeks a waiver from the requirement that detached accessory building not used for human habitation on lots subdivided after April 19, 1988 be setback from side property lines a minimum of thirty (30) feet.

SECTION X – PARKING REQUIREMENTS

The Zoning Bylaw does not have a minimum parking space requirement for residential use. However, the applicant is proposing 104 parking spaces which is just more than two spaces per dwelling unit.

Applicant seeks a waiver from the remaining parking requirements of Section X to the extent necessary to provide parking as shown on the project plans.

SECTION XI – LANDSCAPING REQUIREMENTS

A. BUILDINGS – Applicant seeks a waiver from the requirement of a minimum width of four (4) feet with curbing and/or sidewalk (minimum width four feet) adjacent to parking and driveways.

SECTION XIII – SITE PLAN APPROVAL – SPECIAL PERMIT

This requires Site Plan Approval–Special Permit for commercial projects, so the applicant does not believe it is applicable, however, if applicable, applicant seeks a waiver from the applicability of this Section and of the requirement of obtaining a Site Plan Special Permit from the Planning Board.

SECTION XIV – SITE PLAN APPROVAL – RESIDENTIAL

Applicant seeks a waiver from the applicability of this Section and of the requirement of obtaining Planning Board approval.

**TOWN OF EASTHAM
BOARD OF HEALTH REGULATIONS
(Complied May 2016)**

SECTION III: HUMAN HABITATION

As this project is a Chapter 40B Comprehensive Permit project, Applicant seeks a waiver from the requirement of payment of fee as to the Affordable Units.

SECTION V: SMALL WASTEWATER TREATMENT FACILITY

The project will require a Groundwater Discharge Permit (“GWDP”) from MassDEP. As such, applicant seek a waiver from applicability of this section as it will be subject to said GWDP.

**TOWN OF EASTHAM
SUBDIVISION REGULATIONS**

Applicant seeks a waiver from the applicability of the Planning Board’s Subdivision Regulations as the applicant will be seeking an endorsement of the lot division from the Zoning Board of Appeals under the Chapter 40B process.

Town Administrator's Report

INFORMATION

ADMINISTRATION

SEP 20 2016

RECEIVED

555 Hay Road

Eastham, MA 02642

September 19 , 2016

Town of Eastham

Sheila Vanderhoef – Town Administrator

Board of Selectman

Elizabeth Gawron – Chair, John Knight – Vice Chair,

Bill O'Shea, Wallace Adam and Linda Burt

2500 State Highway

Eastham, MA 02642

My husband and I reside at 555 Hay Road. We have received a letter from the Town of Eastham informing us that the Town has not only taken our road by eminent domain, but also taken our drainage easement that is connected to our cranberry bog. This easement includes our sluice way which controls the level of our bog. We have not agreed to the town taking our private drainage easement. The vote to take Hay Road by eminent domain (Article 27, May 2, 2016 Annual Town Meeting) did not address the taking of our private drainage easement. As stated in the Summary of Article 27 "The town will not be taking any private property to accomplish this road project. We will be taking an interest in the land that is the road, an easement, not a fee in the land". The action taken by the Town of Eastham on August 15th, 2016 to record the taking of our private drainage easement at the Registry of Deeds in Barnstable was a fraudulent act and our deed needs to be corrected to reflect that we own the drainage easement to our cranberry bog.

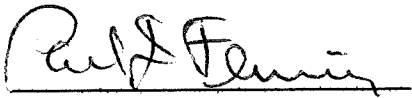
Also, we were informed by the Town administration that we would be given an opportunity to meet with the engineering firm representatives that will be drawing up the plans for Hay Road, before any work began on the road. That has not happened and yet the town has begun to alter the road. It is our understanding that any work done on private roads requires a review with the Eastham Planning Board. Why has the Town DPW started work on Hay Rod without having gone before the Planning Board?

This morning the town began work on crowning Hay Road and when it began to rain the water from the road came pouring onto our property. We have repeatedly related to the town and DPW that when Hay Road was previously crowned it flooded 3 properties

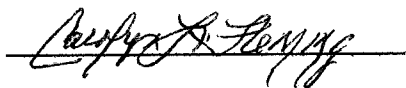
on Hay Road. Crowning does not work on Hay Road. It only rained for 20 minutes this morning and we had an electric phone box flooded along with our driveway. If we hadn't spoken to the road workers and explained the drainage issue the situation would have been even worse. The worker himself said "I can't believe how much water is coming down the hill". They had to suspend working on the hill going up to Woodland Way because it was just getting washed out. Why weren't these workmen informed of the drainage issues on Hay Road? It is this type of action that makes us uncomfortable and worried about what the town is attempting to do.

Please respond in writing to our concerns and on what date our deed will be corrected.

Thank you.

A handwritten signature in cursive script, reading "Paul D. Fleming", written over a horizontal line.

Paul D. Fleming

A handwritten signature in cursive script, reading "Carolyn L. Fleming", written over a horizontal line.

Carolyn L. Fleming

EASTHAM PUBLIC LIBRARY

TRUSTEES MEETING, September 6, 2016

1. CALL TO ORDER: The meeting was called to order at 9:03 a.m. at the Eastham Police Station.
2. PRESENT :Members: Dave Payor, Norma Marcellino, Mary Shaw, Sharon Krause, Debra DeJonker-Berry
Guests: Debbie Abbott, Al Alfano, Nancy Eisenbarth
3. MINUTES: The minutes of the August 27th meeting were approved.
4. FINANCIAL REPORTS: The financial reports were looked at page by page. Deb has changed all the starting balances to agree with the town Treasurer's figures. Mary offered to work with Deb to double check the figures. The legal fees have increased due to activity with the Town Counsel and the moving expenses have increased as well. All of the Library materials are out of the Schoolhouse Museum.
5. DIRECTOR'S REPORT: The One Book One Town program is in full swing, This summer the children read a total of 2110 hours and 178 children were registered. The Mass Memories Road Show is being planned for May. It is hoped that a community-wide preservation assessment grant for this program will be applied for by November 18th. Deb, Al Alfano, Aimee Eckman and the Library Staff will be working with Mike Newton on his Eagle Scout project. Mike will collect data and set up wording for many signs in the Library. The MBLC Financial and Annual Report is in the mail. The Library will be closed on Thursday September 8th for the primary elections.
6. OLD BUSINESS:
Septic Update: The paperwork for the change order to do the septic upgrade is in the works. Along with that will come the "warranty" letter requested by the Board of Health. It should take about two weeks to get the tank and four days to install it. The installation includes the work tearing up and redoing the parking lot. This will probably cost between \$55,000 and \$60,000. Dan was asked if the work would include the reworking of the turnaround radius and that has not yet been determined.

Punch list: Tim Pineau from Nauset Construction will be on site for 2-3 weeks to supervise the schedule for completing the punch list.

Circulation Desks: The shop drawings are underway. It is still planned that they will be completed in October.

Landscaping: Ponderosa Landscaping is working on a plan for the back area. The grasses chosen in the original plan are a concern but they will probably be planted as originally designed. This plan will hopefully go to the neighbors before it goes to the Conservation Commission. The cost of the plan is \$1800.

Policies: The four policies discussed at the last meeting were looked at again. There will be changes to the Youth Services/Behavior Policy and to the Rules of Behavior Policy. Three additional policies: Internet Access and Safety Policy, Library Patron's Privacy and Confidentiality of Library Records Policy and the Library Statement on Filtering were reviewed with changes proposed.

7. NEW BUSINESS: Dan Pallotta stated that there is not enough money left in the budget to pay for the septic system upgrade. He requested that the money initially come from the \$283,000 in the budget that is to be reimbursed to the Trustees. A motion was made and passed: **MOTION:** **The Trustees agree to fund the septic system alteration using money from the \$283,000 previously lent to the project.** This is being done with the express hope that the funds used will be returned to the Trustees when the cost of this upgrade/alteration is returned to the town.

Joelle Szerdi has been contacted by Snow's since they would like to deliver the benches and furniture. It was agreed to order the benches in honor of Harold Goemaat and Joan Normandy from Snow's to match the other benches, etc.

8. ELBFI: No report.
9. FRIENDS: The Friends will have a booth at Windmill Weekend. The Long Range Planning Committee will be meeting soon. The Merchandise Committee is working on items to be sold at the Turnip Festival.
10. STAFF AND VOLUNTEERS: No report.
11. PUBLIC COMMENTS: No additional comments were made.
12. NEXT MEETING: The CPC will meet at 8:00 a.m. on September 19th. The Trustees will meet at 9:00 a.m. on September 19th.

13. ADJOURN: The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Norma Marcellino