

# AGENDA

Wednesday

February 8, 2017

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Wednesday, February 8, 2017  
3:00 p.m.**

**Location:**      Timothy Smith Room

- I. Update on Nauset Estuary Dredge Study, Leslie Fields, Woods Hole Group (Board discussion only)
- II. Final Draft- Proposed Aquaculture Regulations, and discussion with Mike O'Connor, Shellfish Constable & Shana Brogan, Conservation Agent and Natural Resources (Board discussion only)

III. Windmill Green Fee/Policy Proposal (discussion only)

IV. Review & Approve Minutes:

- November 9, 2016 – Work Session
- November 9, 2016 – Executive Session
- November 21, 2016 – Regular Session
- December 5, 2016 – Regular Session
- December 5, 2016 – Executive Session
- December 7, 2016 – Work Session
- December 14, 2016 – Work Session
- December 23, 2016 – Executive Session
- January 3, 2017 – Regular Session
- January 4, 2017 – Work Session
- January 11, 2017 – Work Session
- January 11, 2017 – Executive Session
- January 17, 2017 – Regular Session

**VI. EXECUTIVE SESSION**

To discuss strategy with respect to contract negotiation for non-union personnel and Town Administrator when an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares

**Upcoming Meetings**

<i>Tuesday, February 21, 2017</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, February 22, 2017</i>	<i>3:00 p.m.</i>	<i>Work Session</i>

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

*This meeting will be recorded and written minutes prepared.*

---

81 Technology Park Dr., East Falmouth, MA 02536  
Direct Extension: (508) 495-6225  
Main Telephone: (508) 540-8080  
FAX: (508) 540-1001  
e-mail: [lfields@whgrp.com](mailto:lfields@whgrp.com)  
[www.woodsholegroup.com](http://www.woodsholegroup.com)

## MEMORANDUM

**Date:** January 31, 2017

**To:** Nauset Estuary Dredging Project Stakeholders

**From:** Leslie Fields

**Re:** Progress Update

---

**A. The following activities have occurred since the stakeholder meeting on Oct. 26, 2016.**

1. Paul Lagg (Eastham Town Planner) briefly described the project to the Eastham Board of Selectmen on Nov. 7, 2016.
2. Town of Orleans staff took Woods Hole Group scientists on a site visit of the estuary, including channel areas involved in the project and town landings surrounding the site.
3. Woods Hole Group developed plans to evaluate modifications to the original channel layout/design (based on observations made during site visit, comments from fishermen during the Oct. 2016 stakeholder meeting, etc.).
4. Woods Hole Group and Nate Sears met with the Cape Cod National Seashore (CCNS) on January 17, 2017 to discuss the dredging project and the range of potential dewatering/placement locations.
  - In preparation for the meeting Woods Hole Group reviewed CCNS Management Plan and compared project components with Management Plan goals.
  - CCNS is reading the Feb. 2016 Nauset Estuary Dredging Feasibility Assessment prepared by Woods Hole Group, and will send questions and comments to Woods Hole Group.
  - NEPA filing may be triggered by placement of Nauset Estuary dredged sediments on the beach.
  - CCNS has information on the location of eelgrass resources in Nauset Estuary to share with Woods Hole Group.

- CCNS has concerns that dredging may cause the spread of red tide cysts; it was agreed that the researchers involved in preparing the red tide section of the Feasibility Report would reach out to the CCNS for further discussions.
  - CCNS has concerns over dredge spoil compatibility.
  - CCNS requested mapping resource areas on the barrier beach.
  - CCNS requested an evaluation of historic land use and potential activities/events that could have released contaminants into the estuary sediments.
  - CCNS requested a habitat management plan for any animals impacted by the dredging and/or dewatering/placement of dredged materials.
5. Woods Hole Group was asked by the Town of Orleans for a proposal to evaluate the feasibility of extending a spur channel to Mill Pond.

**B. The following activities are planned for completion by close of May 31, 2017 contract period:**

**Task 1: Stakeholder Coordination**

- A meeting has just been set up with the Eastham Board of Selectmen for Feb. 8, 2017 at their 3p.m. working session to discuss the Nauset Estuary dredging project. The meeting will focus only on the technical aspects of the project. Financial/funding aspects of the project will not be addressed at this meeting.
- Comments/support for the project will be sought from Eastham residents, commercial fishermen and shellfishermen. An outreach program will be initiated to target these stakeholders through email notices, Town of Eastham web site notice(s), and potentially targeted mailings.
- Two (2) additional public stakeholder meetings tentatively planned for early March and late May.
- Coordination with CCNS to address comments voiced in Jan. 17, 2017 meeting.
- Monthly email updates to stakeholders.
- One (1) meeting with the Orleans BOS and one (1) meeting with the Eastham BOS to provide project updates; tentatively planned for mid-April to mid-May.
- One (1) pre-application meeting with the environmental regulatory agencies.

**Task 2: Documentation of Project Need**

- Collect data from Towns of Orleans and Eastham on historical and current uses of the estuary (i.e., number of mooring permits, shellfish permits, landings, mooring locations, etc.).
- Collect information on physical and socioeconomic changes as a result of estuary shoaling.

- Gather data from MA DMF on economic value of landings over time.

**Task 3: Field Data Collection & Additional Analyses for Dredging**

- GIS analysis of channel and shoals directly behind the barrier beach.
- Mapping of shellfish beds based on existing data and interviews with stakeholders.
- Updates to hydrodynamic model as needed to evaluate changes in channel layout/design.
- Updated bathymetric survey as needed to evaluate changes in channel layout/design.
- Prepare and submit USACE Sampling and Analysis Program (SAP).
- Field investigation of eelgrass beds identified by CCNS.
- Additional sediment coring and analysis required by SAP.

**Task 4: Field Data Collection & Additional Analyses for Dewatering/Disposal Sites**

- Topo survey of dewatering/placement sites.
- Delineate wetland resources at dewatering/placement sites.
- Obtain and review shorebird monitoring reports for Nauset spit.
- Develop existing conditions plans for dewatering/disposal sites.

**Task 5: Engineering Design**

- Update engineering plans to show revised channel layout.
- Update volume calculations for specific channel reaches and to reflect revised channel layout.



## TOWN OF EASTHAM

---

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

January 30, 2017

Town of Orleans  
Attn: John Kelly, Town Administrator  
19 School Road  
Orleans, Massachusetts 02653-3699

Re: Town Cove Dredge

Dear Mr. Kelly:

The Eastham Board of Selectmen has reviewed your request to have Eastham partner in a project to dredge Town Cove.

After careful consideration of this project and all projects currently being worked on in Eastham, the Board has decided that Eastham is not in a position to take on the dredge of Town Cove at this time. In addition to our major water infrastructure project, and on-going wastewater studies, we are moving forward with the permitting necessary to complete the Rock Harbor Dredge (mouth), and additional permitting and studies to upgrade our side of Rock Harbor. We look forward to working with you to maintain this important joint resource.

We understand that Town Cove is also a vital resource for both towns, and would be open to a discussion in the future.

Sincerely,

John Knight, Chair  
Eastham Board of Selectmen

BOS/lg



## Town of Eastham Policy Guidelines Aquaculture License Regulations

### 1.0 AUTHORITY

The Board of Selectmen, through the authority derived under MGL Chapter 130, intends to continue the long standing policy and tradition of protection and enhancement of the shellfish resources of the town.

### 2.0 PURPOSE

Among the various methods utilized to this end, private aquaculture has been undertaken in the intertidal and subtidal zones since the early 1930's. It is recognized that the shell fishery is enjoyed by all citizens as part of the Commonwealth; however, the specific cultivation of sites which are not productive by reason of nature, is an objective that the town continues to support and encourage. The following regulations are an effort to facilitate such aquaculture projects while maintaining the protection of reasonable rights of the general public to enjoy the shell fishery. The granting of said license to pursue aquacultural activities is limited to the exclusive use of the land and waters above the lease site for purposes of growing shellfish; they are not to be construed as implying or conveying property ownership rights or the interference with private property rights in the adjacent upland areas.

### 3.0 APPLICABILITY/ELIGIBILITY

- 3.1 No person shall hold and exercise an aquaculture license in the Town of Eastham without first obtaining a commercial shellfish permit from the Town in compliance with the requirements for said permit. **Said commercial permit must remain current throughout the period of holding such aquaculture grant.** Said aquaculture license shall be deemed invalid and forfeited if the holder fails to maintain said commercial permit. Commercial permits can be purchased or renewed between January 1<sup>st</sup> and April 30<sup>th</sup> annually.
- 3.2 The minimum age for an Aquaculture license holder shall be eighteen (18) years upon the date of application, notwithstanding the issuance of a commercial permit to persons less than eighteen (18) years of age.
- 3.3 Expansion of an aquaculture lease site may be permitted by the Board of Selectmen after the initial two (2) year period of operation and upon application by the lease holder and favorable review by the Natural Resources Department

with respect to the progress accomplished on the site in compliance with the **Licensee's** management plan.

- 3.4 The maximum acreage permitted to be held by one licensee shall be two (2) acres. If more than one (1) licensee is domiciled at a single household, the maximum acreage per domiciles is two (2) acres.
- 3.5 Aquaculture licenses are issued to an individual ~~or equally to two persons~~ and ~~is~~ are for the exclusive use of the licensee(s). The holder(s) of the license may employ others to perform certain necessary activities on the site. Subleasing or rental of the site is prohibited.
- 3.6 The Board may issue licenses for sites for educational or experimental purposes. Said licenses shall be issued to the institution or agency which is conducting the project rather than an individual.
- 3.7 **The Board may issue licenses for aquaculture sites at the Boat Meadow (Cape Cod Bay) Aquaculture Development Area to domiciled residents of the Town of Eastham. Town Cove/Nauset Marsh aquaculture grant sites may be issued to those domiciled residents of Eastham or Orleans. Current Boat Meadow (Cape Cod Bay) Aquaculture Development Area licensees domiciled in Orleans and any subsequent license transfers as described in section 7.2 by the licensee at the time of adoption of these regulations as well as those on the Boat Meadow (Cape Cod Bay) grant waiting list shall maintain their standing on the list and be grandfathered, otherwise no person domiciled in Orleans after the date of adoption of these regulations may hold an aquaculture license in the Boat Meadow Aquaculture Development Area or any other area in Cape Cod Bay.**

#### 4.0 GENERAL REGULATIONS

- 4.1 The following regulations concerning private aquaculture licenses are adopted as part of the shellfish regulations of the Town pursuant to MGL Chapter 130 Sections 52 and 57 as amended. Full compliance with all other state and local regulations is required as a condition to the aquaculture license.
- 4.2 Licenses issued under these sections do not convey any property rights. These licenses do not authorize injury to private property or invasion of private rights. It is the responsibility of the licensee to obtain written permission of an upland property owner before exercising the rights conferred by these licenses to plant and harvest shellfish.
- 4.3 Application for an aquaculture license shall be made on such forms as may be provided by the Natural Resources Department for said purpose and shall include a management plan for the use of the area **pursuant to MGL Chapter 130 Section**



57 and Section 59. All activities of an aquaculture lease site shall be in compliance with the licensee's management plan and application filed by the applicant or as amended in consultation with the Natural Resources Department. The application/management plan shall be submitted by the person requesting a grant site. *(Copy - Form A attached)*. **Any information that is found to be falsified may be cause for denial or forfeiture of a license.**

- 4.4 Upon receipt of the application, the Board of Selectmen shall hold a duly advertised public hearing.
- 4.5 Within sixty (60) days of the close of the public hearing for such license, the Board shall approve or deny the license. All such approvals are further subject to approval by the Director of the Division of Marine Fisheries. For sites previously approved and certified by the Director of Marine Fisheries, the Board may directly issue the license. Sites not previously certified and approved will be reviewed by the Division and upon certification by the Director, the Board may issue the license.

## 5.0 LOCATION OF AQUACULTURE SITES

- 5.1 The town shall designate Aquaculture Development Areas (ADA) in the intertidal area of Cape Cod Bay and Nauset Marsh for the purpose of facilitating the process of certification and approval. Said designation of an Aquaculture Development Area will provide for: surveying, Conservation Commission approval, determination of productivity from Division of Marine Fisheries, Division of Waterway permits, Indian Affairs review and Corps of Engineers permits for the installation of devices for the cultivation of shellfish. Applicants for sites within an Aquaculture Development Area will accept the terms and conditions for each site as determined by the permitting process and may commence aquaculture activity upon issuance of the license by the Board of Selectmen.
- 5.2 The Cape Cod Bay Aquaculture Development Area shall be defined as westerly from the area known as Boat Meadow Creek, beginning at a point 100 feet north of the channel thence northerly to a point 100 feet south of the Bee's River Channel, thence westerly to a point in the waters of Cape Cod Bay, thence southeasterly to the beginning point *(Map #1 attached)*. **Cape Cod Bay is defined as Massachusetts Division of Marine Fisheries Growing Area CCB 9.**
- 5.3 The Nauset Marsh/Town Cove Aquaculture Development Area is limited to sites identified and in existence as of January 1, 1997. Town Cove is defined as Massachusetts Division of Marine Fisheries Growing Area **Code** OC4, **Nauset Marsh is Growing Area OC5 and Nauset Harbor is Growing Area OC2.**

- 5.4 Within the Cape Cod Bay Aquaculture Development Area described above, sites of one half (½) acre area each shall be designated. Additionally, a half (½) acre expansion site shall be designated adjacent to each initial site. Said areas and dimensions shall be subject to review by the Board of Selectmen.
- 5.5 Existing active aquaculture sites located in Nauset Marsh and Town Cove shall be continued subject to the provision of these regulations. (*Map #2a; #2b; #2c attached*).
- 5.6 Previously permitted sites in the Nauset Marsh shall be included in the Nauset Aquaculture Development Area designation subject to review and certification by all appropriate agencies. (MAP - Include)
- 5.7 Additional sites for aquaculture licenses may be considered for licensing by the Board of Selectmen on an individual basis. In such cases, the applicant must obtain all relevant **state** permits prior to the Board of Selectmen hearing to consider the matter.

## 6.0 OPERATION

- 6.1 **Annual Reporting:** Annual Reports provided by the Natural Resources Department must be submitted to the Town every year before January 31<sup>st</sup> which includes the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from a licensed aquaculture area, and an estimate of the total number of each kind of shellfish at the time of such report, planted or growing thereon (MGL Chapter 130 Section 65). (*Copy - Form B attached*).
- 6.2 **Seed Permits:** Seed permits are required for the purchase or transport of seed shellfish stock to the lease site. Such permits may be obtained through the **Massachusetts** Division of Marine Fisheries.
- 6.3 **Corner Marking:** Grant corner boundaries shall be marked by the licensee ~~with the installation and maintenance of~~ yellow buoys bearing the grant site number in the color black. Said buoys shall be no less than 20" (twenty inches) in circumference.
- 6.4 **Grant Spacing:** All lease site cultivation shall be at least five feet (5') within the site boundary. This will facilitate the passage and movement of materials around adjacent lease sites.
- 6.5 **Sediment Separation:** Structures placed upon an individual lease site may not extend more than eighteen (18) inches above the surrounding sediment. **All**



~~structures placed on sites shall be clearly marked with the name of the owner and the lease site number for identification in the event of removal by storm damage.~~

- 6.6 **No Wild Seed/Stock:** No wild seed may be transplanted onto a lease site by any means. However, recruitment of juvenile shellfish suspended in the overlying water column by means of cultch, nets or trays is permitted, subject to the other provisions of these regulations.
- 6.7 **Access:** Access to aquaculture sites shall be by vessel, on foot or by special permission of the Board of Selectmen. Such permission may be requested annually, and if approved for designated vehicle type and limited time of applicability.
- 6.8 **Hydraulic Dredging:** Hydraulic dredging of grant areas is prohibited.
- 6.9 **Seed Purchase Receipts:** The licensee shall submit seed purchase receipts from Massachusetts Division of Marine Fisheries approved hatcheries to the Natural Resources Department with their annual lease report. New licensees shall submit their seed purchase receipts and pathology reporting if applicable, prior to initial placement of seed on the grant site.
- 6.10 **Seed Pathology and Documentation:** Except for seed purchased from Division of Marine Fisheries approved hatcheries, all seed purchased, or intended to be purchased or placed onto the licensee's grant site, from other Designated Shellfish Growing Areas as defined by the Division of Marine Fisheries, ~~or other outside growing areas,~~ shall be submitted to a qualified facility for pathology testing and shall be found by the pathology reporting to be acceptable for placement on the grant site prior to such placement. Seed origin and documentation shall also be submitted to the Shellfish Constable for review prior to placement or planting.
- 6.11 **Hours of Operation:** In accordance with MGL Chapter 130 Section 68 operation is prohibited during the nighttime. Grant operations shall be conducted between one half hour before sunrise to one half hour after sunset.
- 6.12 **Debris Management:** Grant sites shall be maintained and cleaned of debris. This includes but is not limited to rebar, rebar staples, nets, racks, cages, bags, ropes and buoys. All equipment or gear which is either damaged or can no longer be used as it was originally designed or intended to be used in the opinion of the Shellfish Constable, must be removed from the licensed area and disposed of properly. All gear shall be secured so that it can handle strong weather elements. Rebar, rebar staples, nets, racks, cages, ropes and buoys shall be immediately secured if they become loose. Nets and rebar shall be removed from the site after use. ~~Debris is defined as aquaculture gear not in active use. Debris shall include but is not limited to: rebar, piping, racks, cages, ropes and buoys.~~

- 6.13 **Labeling of Gear:** All aquaculture bags, cages, racks and buoys shall be labeled by the licensee with the owner's name town and/or grant number so that any loose gear may be returned to the owner.
- 6.14 **Active Use:** Due to high demand for aquaculture grant sites, licenses may be revoked by the Board of Selectmen for lack of productive use pursuant to MGL Chapter 130 Section 57. Productive use is defined as placing aquaculture gear on a site and/or spending between \$500 and \$1000 annually on shellfish seed and aquaculture gear.
- 6.15 **Vibrio Compliance:** Licensees shall comply with all vibrio regulations as updated annually.

## 7.0 TERMS OF LEASES

- 7.1 Initial lease agreements shall be for a period of two (2) years for a maximum of one half (½) acre. Following the second year and upon favorable evaluation by the Natural Resources Department, the license will be recommended for renewal by the Board of Selectmen for a period of ten years. Licensees may elect to increase to one (1) acre.
- 7.2 Shellfish aquaculture licenses may not be transferred in whole or in part to any party other than an immediate family member without the approval of the Board of Selectmen. No licenses may be sold. After a public hearing, the Board of Selectmen may approve the *transfer* of a license from one family member to another. Said licenses shall be subject to all conditions and restrictions contained herein. In the event of the death of a license holder, the Selectmen may permit the transfer of said license to an immediate family member in accordance with the above conditions.
- 7.3 A licensee may elect to forfeit a license. He/she shall notify the Natural Resources Department of their intention in writing stating the reason and effective date. The licensee may obtain a seed sales permit from the Division of Marine Fisheries for the purpose of removing seed stock from the licensed site. If a licensee forfeits a license or has a license revoked for any reason, said licensee shall have sixty (60) days to remove all equipment from the site. If after sixty (60) days all equipment is not removed, the Town may remove it at the owner's expense.
- 7.4 ~~An aquaculture license, in accordance with MGL Chapter 130 Section 57, may be suspended or revoked by the Board of Selectmen for just cause including, but not~~



~~limited to, lack of substantial use of the licensed area, failure to comply with applicable regulations, statutes, procedures or directives of the town, or compliance with the approved management plan for the site.~~

- 7.5 The annual fees for the aquaculture licenses based in part on area under cultivation, shall be established by the Board of Selectmen, and shall be based on applicable sections of MGL Chapter 130.
- 7.6 Nothing in these regulations shall relieve the licensee from complying with all applicable bylaws, regulations and statutes either local, state or federal. The Town shall not be held liable for damages to the lease site or cultivated shellfish as a result of use or management of the navigable waterways of the Town.
- 7.7 ~~Any person receiving an Aquaculture Grant in the Town of Eastham shall be required to obtain a commercial shellfish license prior to starting activities on the grant area. Said license must remain current throughout the period of holding such aquaculture grant. Such licenses shall not be renewed if the grant holder fails to provide the annual activity report.~~

## 8.0 ASSIGNMENT OF VACANT GRANTS

- 8.1 As grant sites become available, they shall be assigned by the following process:
- 8.1.1 Grants may be transferred in whole or part to an immediate family member after approval of the Board of Selectmen at a public hearing - Section 7.2 current regulations. ~~For purposes of this section the term immediate family shall mean spouse, son, daughter, mother, father, brother or sister.~~
- 8.1.2 If the grant is not transferred as above, an available grant will be offered to the individuals on the waiting list starting with the first individual on the list. A person on the list may pass on the offered site and maintain their status on the list.

## 9.0 ENFORCING PERSONS

- 9.1 ~~These regulations shall be enforced by the Shellfish Constable and his/her designees and non-compliance with the above regulations may be brought forth to the Board of Selectmen for their review and action(s) taken including but not limited to revocation or forfeiture of shellfish grants. An aquaculture license, in accordance with MGL Chapter 130 Section 57, may be suspended or revoked by the Board of~~



Selectmen for just cause including but not limited to lack of substantial use of the licensed area, failure to comply with applicable regulations, statutes, procedures or directives of the town, or compliance with the approved management plan for the site.

- 9.2 Enforcement of these regulations shall include without limitation the noncriminal disposition procedure provided in MGL Chapter 40; Section 21D
- 9.3 The penalties for violation of any of these regulations shall be assigned by the Shellfish Constable and his/her designees and shall consist of a fine of \$50 for the first offense, a fine of \$200 for the second offense, and a fine of \$300 for the third offense. In the event of a fourth offense, there will be a hearing with the Board of Selectmen to revoke the license.

***These regulations adopted by the Board of Selectmen at a public meeting held on: Monday, December 21, 2009, Revised:***



Town of Eastham  
2500 State Highway  
Eastham, MA 02642  
508-240-5900  
Fax 508-240-1291  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

## USE OF THE EASTHAM WINDMILL GREEN AND BANDSTAND POLICY

### 1.0 Authority

The Board of Selectmen hereby adopts a set of guidelines for the use of the Town of Eastham's Windmill Green and Bandstand.

### 2.0 Purpose

It is the intention of the board of Selectmen of the town of Eastham to make the Windmill Green and Bandstand available to all qualified applicants as per the regulations described further in this policy.

### 3.0 Applicability

The policy shall apply to eligible individuals or organizations wishing to use the Windmill Green and/or the Bandstand for any event and/or program.

### 4.0 Definition

The Windmill Green and the Bandstand is the area known as the facility across from the Town Hall.

### 5.0 Responsibility

The Board of Selectmen or designee is responsible for ensuring that this policy is upheld and that policy guidelines are followed.

### 6.0 Standards/Rules and Regulations

#### 6.1 Eligibility

Eastham residents, Eastham based non-profits, and Town sponsored groups shall be eligible to apply to use the Windmill Green and/or the Bandstand.

Applications shall not be considered from groups or individuals who discriminate in their membership, programs or philosophy on the basis of sex, race, color, creed, national origin, disability, marital status, veteran status, age or sexual orientation.

Repeat use may be denied to groups or individuals who fail to abide by this and other policies, rules and regulations pertaining to the use of town property.

#### 6.2 Use of the Windmill Green/Bandstand shall be governed by the following rules and regulations:

- 6.2.1 Events shall be scheduled during daylight hours, and no event shall continue past 8:00 p.m. The applicant may set up the event after 4:00 p.m. the day previous to the event (when the area is available), and must have the Windmill Green cleaned up by noon of the day following the event. Event shall not exceed more than three (3) days.
- 6.2.2 The applicant is responsible for set up and clean up of the Windmill Green after the event, including the picking up of all litter, taking away of recyclable materials, and the removal of any display material and signage. The applicant is required to provide the necessary containers for recyclable materials. (Check with the town for a full list of recyclable items)
- 6.2.3 Signs, notices or other items may not be attached to any structure, tree or trash recycling bin on the Windmill Green. (Permits are required for signs)

- 6.2.4 No activity may charge a fee for the event. Items may be sold if permitted by the Board of Selectmen or their designee, and state and local license requirements are met.
- 6.2.5 The use or sale of alcoholic beverages is prohibited on the Windmill Green
- 6.2.6 Pursuant to M.G.L. Ch 270, §22(j), and the Town of Eastham's policy Prohibiting Smoking in Workplaces and Public Places, Smoking is prohibited on the Windmill Green, a town owned park.
- 6.2.7 Motor Vehicles may be allowed on the Windmill Green if requested on the application and a \$25 per event fee is paid.
- 6.2.8 There shall be no discharge of firearms except for ceremonial purposes and as approved by the Police.
- 6.2.9 There shall be no fires permitted, with the exception of candles which may be held by individuals participating in ceremonies, such as weddings, etc. Candles may not be placed along or attached to any structure on the Windmill Green.
- 6.2.10 For any event utilizing the Bandstand, a single noise complaint shall be sufficient to permit the policy to order discontinuance of the noise portion of the event. A second complaint shall be sufficient for the police to order the end of the event and the clearing of the entire Windmill Green.
- 6.2.11 Amplified music shall only be allowed by special permission of the Board of Selectmen or their designee.
- 6.2.12 No additional lighting may be installed, on either a temporary or permanent basis, without the explicit approval of the Board of Selectmen.
- 6.2.13 Dogs are prohibited on the Windmill Green during events. All other times dogs are allowed on Windmill Green only on a leash.
- 6.2.14 The applicant must agree to indemnify and hold the Town of Eastham harmless against any and all claims which may be made against the Town for property damages and personal injuries sustained by any person including the user which may result from the use of said property by the user. The applicant must also furnish proof of general liability insurance naming the Town as additional insured. Liability Limits as follows: **Comprehensive General Liability-Bodily Injury-\$1,000,000 Aggregate**

## 7.0 Procedure

All applicants shall be required to complete and sign the Application for Use of the Windmill Green and/or Bandstand. Applications and fees must be turned into the Town designee no less than eight weeks prior to the requested event date. A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

Should two (2) or more applicants request the same day(s), preference shall be given to events sponsored by the town.

### **7.1 Fee Schedule**

The following must be submitted and paid by the applicant at the time of application submittal:

1. A certification of current/valid insurance coverage.
2. A peddler's permit if anything is being sold on public property.
3. A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.
4. The appropriate use fees as follows:

**a. Eastham residents, Eastham based non-profits and Eastham Town Sponsored Events:**

- \$100 per day use fee
- \$25 per event fee if you intend to provide portable toilets
- \$25 per event fee for vehicle access for set up and take down only  
(Vehicles travel in marked lanes only. Vehicles not being actively loaded or unloaded may not be parked on the Green)
- \$25 per event fee if you intend to use/provide tents

**b. Non-profits(out of town):**

- \$500 per day use fee
- \$50 per event fee if you intend to provide portable toilets
- \$50 per event fee for vehicle access for set up and take down only  
(Vehicles travel in marked lanes only. Vehicles not being actively loaded or unloaded may not be parked on the Green)
- \$50 per event fee if you intend to use/provide tents

**c. Private for profit**

- \$1,500 per day use fee
- \$50 per event fee if you intend to provide portable toilets
- \$50 per event fee for vehicle access for set up and take down only  
(Vehicles not being actively loaded or unloaded may not be parked on the Green)
- \$250 per event fee if you intend to use/provide tents

**8.0 The Board of Selectmen or their designee reserves the right to reject any and all requests.**

### **9.0 Effective Date**

This policy is effective as of September 15, 2008.

*-This policy was adopted by the board of Selectmen at a public meeting on September 15, 2008.*

*-This policy was revised and adopted by the Board of Selectmen at a public meeting on January 4, 2016.*

*-This policy was revised and adopted by the Board of Selectmen at a public meeting on \_\_\_\_\_.*