

AGENDA

Monday

July 17, 2017

**TOWN OF EASTHAM
BOARD OF SELECTMEN AGENDA
Monday, July 17, 2017
5:00PM**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEN INFORMATION

II. APPOINTMENTS

- | | |
|--------|---|
| 5:05PM | Recycling Committee Charge – Fred Guidi, Recycling Committee Chair and Neil Andres, DPW Superintendent |
| 5:15PM | Request to Waive Regulations and Allow Alcohol on the Town Green at Windmill Weekend – Joanna Stevens, Windmill Weekend Committee |
| 5:30PM | Land Use Development Options for Temporary Development Moratorium – Paul Lagg, Town Planner |

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

III. LICENSING

1. Aquaculture Grants – Proposed Swapping of 2 Existing Grants, Not New Business (vote & sign)
2. Transient Vendor Permits

IV. ADMINISTRATIVE MATTERS

- a. Action/Discussion (votes may be taken)
 1. Miscellaneous Appointments:
 - i. Don Nuendel, Principal Member, Cape Cod National Seashore Advisory Committee
 - ii. Nat Goddard, Alternate Member, Cape Cod National Seashore Advisory Committee
 - iii. Paul Lagg, Re-appoint as Eastham Representative to Barnstable County Home Consortium Advisory Committee
 2. Timothy Smith Loan Renewal Application:
 - i. Elizabeth Loranger
 3. Proposed Charge for the Strategic Planning Committee – Jacqui Beebe, Town Administrator

V. TOWN ADMINISTRATOR'S REPORT

VI. OTHER BUSINESS

VII. EXECUTIVE SESSION

To discuss strategy with respect to the appeal filed by SCG Development Partners with Housing Appeals Committee when an open meeting may have a detrimental effect on the negotiating position of public body and the Chair so declares.

Upcoming Meetings

<i>Wednesday, July 19, 2017</i>	<i>2:30p.m.</i>	<i>Small Meeting Room</i>	<i>Work Session</i>
<i>Monday, August 7, 2017</i>	<i>5:00p.m.</i>	<i>Earle Mountain Room</i>	<i>Regular Session</i>
<i>Wednesday, August 9, 2017</i>	<i>2:30p.m.</i>	<i>Small Meeting Room</i>	<i>Work Session</i>

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 is video recorded and broadcast over Local Access Channel 18 and on the Town website at www.eastham-ma.gov.

If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 5900 x3207

APPOINTMENTS

Gillespie-Lee, Laurie

From: Gillespie-Lee, Laurie
Sent: Friday, July 7, 2017 11:09 AM
To: fwguidi@gmail.com; Neil Andres
Subject: Recycling Committee Charge

Hi,

As the Board did not have a quorum last night, I would like to include the proposed Recycling Committee Charge on the July 17, 2017 BOS meeting which will be at 5PM. Is that OK with both of you?

Please let me know....

Laurie Gillespie-Lee
Administrative Assistant
Town of Eastham
2500 State Highway
Eastham, MA 02642

Telephone: 508-240-5900, ext 3207
Fax: 508-240-1291
E Mail: admin2@eastham-ma.gov

Charge To The Recycling Committee

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)~~ seven (7) members, plus ~~an optional Swap Shop liaison. 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 inclusion in the Town of Eastham Annual Report.

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*

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EASTHAM WINDMILL WEEKEND COMMITTEE, INC.
BOX 1331, NORTH EASTHAM, MASSACHUSETTS 02651

May 13, 2017

Dear Board of Selectmen,

We are in our final planning stages for the 40th annual celebration of Windmill Weekend! We have been discussing the viability of offering a beer garden during some portion of our weekend – most likely during the afternoon/early evening hours on Saturday, September 9, 2017.

We understand that there is a no-alcohol policy for events on the Windmill Green in Eastham and are requesting an exception to this policy. We would like to offer the beer garden option in hopes of appealing to a wider range of attendees for this prominent town event. We have consulted with the Eastham Police Chief and our neighboring towns, some of which grant an exception to their no-alcohol policy, to discuss procedures that address safety and security concerns.

We would appreciate the Board's questions and feedback so that we may have a sense of your willingness to grant this exception before we finalize planning for this year's celebration of Eastham's 40th Windmill Weekend.

Joanna Stevens
Windmill Weekend Committee
855 Nauset Rd.
Eastham, MA 02642
stevens_joanna@hotmail.com



Town of Eastham
2500 State Highway
Eastham, MA 02642
508-240-5900
Fax 508-240-1291
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 \$500 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 \$500 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

- \$1,250 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 April 18, 2017.



TOWN OF EASTHAM

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

DATE: July 11, 2017

TO: Eastham Board of Selectmen
Jacqui Beebe, Town Administrator

FROM: Paul Lagg, Town Planner

RE: Land Use Development Options/ Temporary Development Moratorium

Pursuant to the recent increase in commercial development activity taking place within North Eastham, I wanted to provide the Board with potential options which may provide tools to help manage new development in a manner consistent with our local long range plan.

BACKGROUND

Recently completed and proposed commercial developments in North Eastham have sparked discussion on the strengths and weaknesses of our existing land use regulations. The Planning Department is coordinating two efforts to assess the Town's land use development and economic development potential:

1. **Technical Assistance Panel (TAP)**

The Urban Land Institute Technical Assistance Panel (TAP) will provide objective advice on the feasibility, design, or implementation of land use development initiatives. A one-day program with a panel of six to twelve ULI members will provide us with information and tools ranging from master plans, place-making, achieving a broader tax base, market feasibility, and financial structuring.

2. **North Eastham Overlay District Zoning Analysis**

Following the TAP analysis, the Cape Cod Commission will assist the Planning Board in reviewing existing regulations within the North Eastham Overlay District. Work will also include, public outreach and information gathering. Discussion on whether or not to develop more strident design guidelines will be included in this effort. A summary report on potential changes to the overlay district or other regulations to address the goals and vision of the Town will be provided.

The goal of this analysis is to identify elements of the current bylaw that might be amended to incentivize the type of "village center" and mixed use style growth that has been identified in the Town's long range plan as desirable in this part of Eastham. Additional analysis will be done to establish the feasibility of creating new regulations that would provide the Town with better tools to manage the site design and architectural design of new commercial developments in North Eastham.

INTERIM STEPS

Questions have been raised about whether or not a temporary development moratorium could be enacted while the Town undertakes its planning and zoning analysis. There are two options available:

1. Adopt Interim Regulations Via Bylaw Amendments

The Town may implement a temporary moratorium on new development permits for the purposes of undertaking studies and analysis to manage future land use development. The State Zoning Act (MGL c.40A) empowers a municipality to enact development moratoriums through its local zoning bylaws. The key element in enacting such a moratorium is that the moratorium language inserted into the zoning bylaw must be tied to a rational and justifiable zoning purpose identified by the Town (*in this case a temporary measure to protect the public interest to ensure that future development is carried out in a manner consistent with established goals of the community as articulated in the Town's Long Range Plan and associated documents*).

PROCESS:

A temporary moratorium would need to be enacted via an amendment to Eastham zoning bylaw per the requirements of MGL Ch.40 s. 5 including a passage of a 2/3rds vote at a Town Meeting and approval by the State AG office.

2. Nominate a District of Critical Planning Concern (DCPC)

A DCPC designation allows for the adoption of special regulations which govern land use development within a designated area. DCPC's can be used for a number of different purposes. In this case, a DCPC could be established to promote village center development. Regulations could be put in place that create incentives for more dense, mixed use style development. DCPC regulations may also contain safeguards to prevent inappropriate development. A temporary development moratorium is built into the DCPC nomination process, (*45 day full moratorium then, if DCPC is accepted by the Commission a longer limited moratorium*) in order to allow time for the County agencies and the community to hold public hearings and gather feedback from the public. If a DCPC is designated, the Town retains its local regulatory authority but does so utilizing the regulations formulated and adopted through the DCPC process.

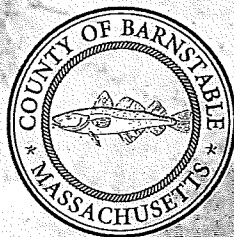
PROCESS:

A DCPC for a designated area within a town may be nominated by the Board of Selectmen or pertinent regulatory Board. The process entails a series of public hearings held by the Cape Cod Commission (in Eastham) and the Barnstable County Assembly of Delegates. After an area is designated as a DCPC land use activities may only proceed under the regulations certified by the Cape Cod Commission and adopted into the local zoning bylaw via Town meeting action. The Town would have 12 months to develop the DCPC regulations subject to County approval.

With either option described above, any building moratorium enacted would be temporary and would be in effect for only certain areas of Town (*i.e. North Eastham commercial zones*). Any such moratorium would also be tailored to prohibit only specific types of development that trigger items of concern pertinent to the reasons for establishing the moratorium (*e.g. development greater than "X" square feet or developments for certain types of uses or developments that may generate "X" amount of new vehicular trips etc.*)

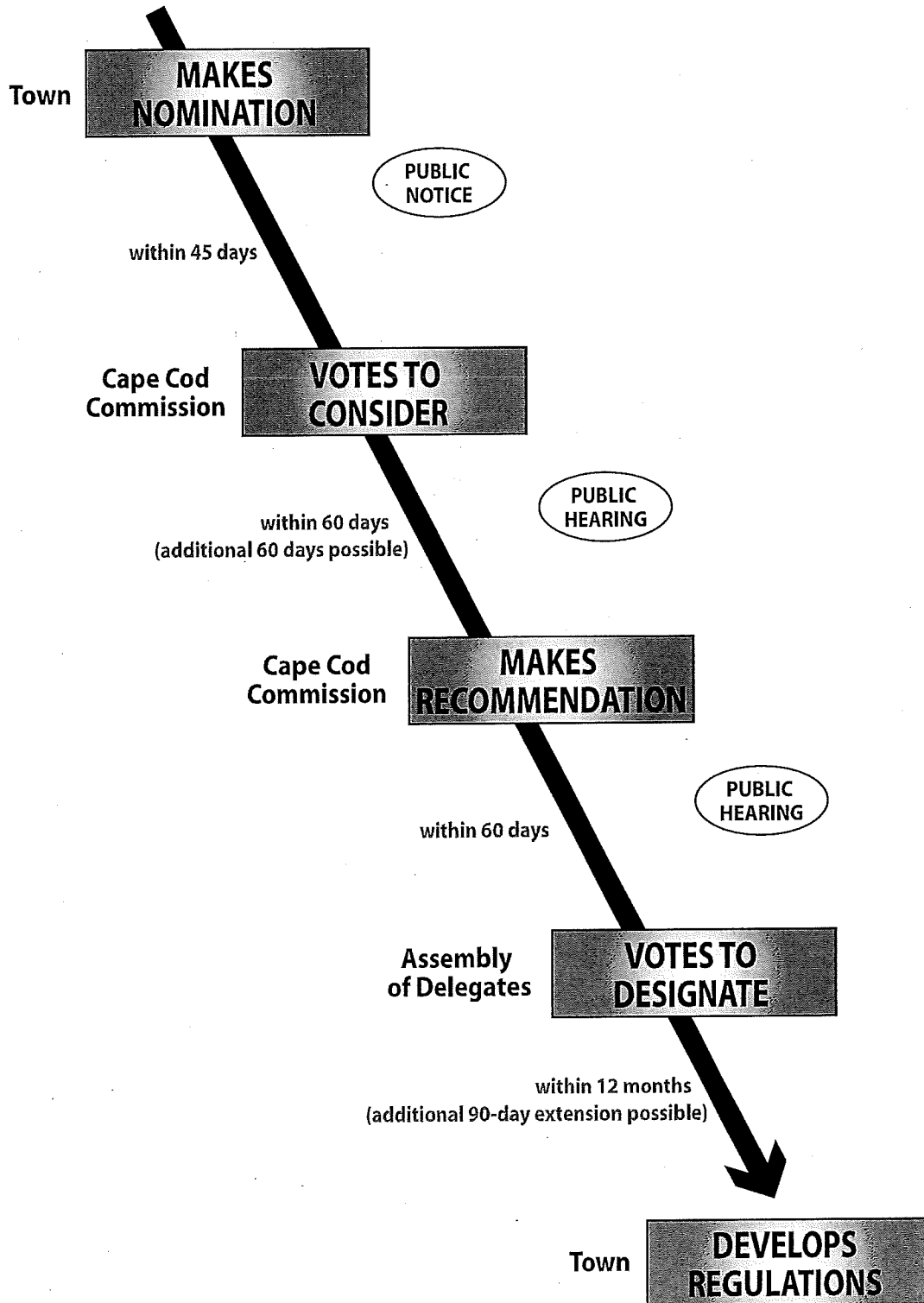
Please let me know if you would like any further information.

Districts of **C**ritical **P**lanning **C**oncern

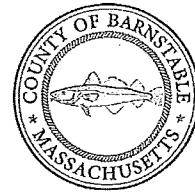


Cape Cod • Barnstable County • Massachusetts

District of Critical Planning Concern MILESTONES



Barnstable County's regional planning and land use regulatory agency, the Cape Cod Commission, is charged with recommending the designation of Districts of Critical Planning Concern, or DCPCs.



DCPCs may cover areas in one or more towns and be designated for many purposes (see sidebar). When approved by the Barnstable County Assembly of Delegates, DCPCs allow a town or group of towns to adopt special rules (called "implementing regulations") to protect natural, historic, and economic resources of regional significance. Under the authority of town agencies, the new rules then govern all future development in the designated DCPC.

Types of Districts

The types of Districts of Critical Planning Concern that may be proposed include, but are not limited to, these or a combination of these:

- Water Resource District
- Shellfish Resource District
- Agricultural Resource District
- Wildlife, Natural, Scientific, or Ecological Resource District
- Cultural, Historic, Architectural, or Archaeological Resource District
- Economic Development District
- Growth Management District
- Public Investment District
- Hazard District
- Waterfront Management District
- Downtown Revitalization District
- Transportation Management District
- Mixed-income Housing District

Why Designate a DCPC?

A DCPC allows a community to promote its values or protect its resources, to achieve goals of its Local Comprehensive Plan, and to overcome local zoning constraints. A DCPC does so in unique ways:

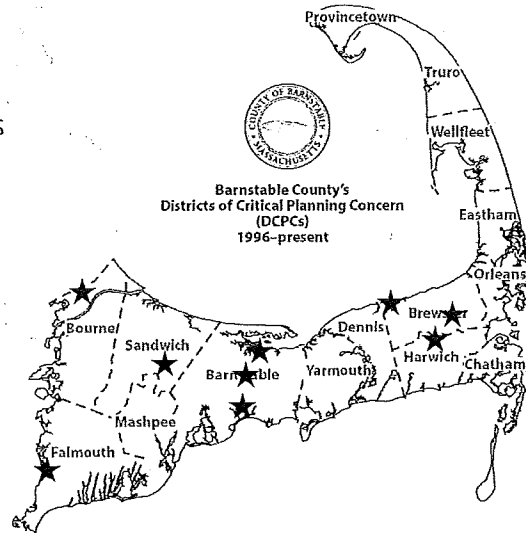
- **A DCPC initiates a time-limited moratorium on development in the district.** The moratorium provides a "time out" for the town to craft new regulations and management plans.
- **A DCPC is established and protected through a collaborative process.** The district's goals, guidelines, and implementing regulations are developed in a cooperative way with town officials, the affected land owners in the district, and the Cape Cod Commission.
- **A DCPC applies to all development within the district.** Regulations adopted under a DCPC are generally not subject to exclusions through "grandfathering" or zoning "freezes."

An area nominated as a DCPC should need a special regulatory or planning effort that otherwise cannot be adequately addressed through existing local regulations. It may therefore be controversial within a community but it can bring unique benefits as well. For example, a district may enhance economic development or promote the revitalization of village centers by providing incentives for more dense, mixed-use development.

DCPCs in Barnstable County

To date, Barnstable County has designated seven Districts of Critical Planning Concern that were nominated by their respective towns (listed in chronological order):

- Black Beach/Great Sippewissett Marsh in Falmouth
- Bournedale in Bourne
- Three Ponds in Sandwich
- Six Ponds in Harwich
- the town-wide Barnstable DCPC
- Quivet Neck/Crowe's Pasture in Dennis
- Pond Village in Barnstable



Each DCPC is described below, with a summary of the outcomes from the designation and planning process. In addition, two more DCPCs were nominated for consideration in February 2008 (one in Barnstable and one in Brewster); they are just beginning the review process.



DCPCs Make a Difference

Black Beach/Great Sippewissett Marsh DCPC

The Black Beach/Great Sippewissett Marsh DCPC was designated in January 1996 to prevent flood damage, improve the water quality, and protect the habitat of 340 acres of barrier beach and salt marsh in West Falmouth. Through the DCPC process,

the Town of Falmouth amended its wetlands bylaw and regulations, which are administered by the town's conservation commission, to limit land clearing, reconstruction of roads and driveways, shoreline structures, and docks and piers; to protect salt marsh and wetlands; to restore resource areas; and to control erosion, manage stormwater discharges, and prevent pollution. In addition to changing its regulations, the town developed a management plan for the DCPC that included public education efforts and signage about the area's ecological sensitivity and included measures to manage public access.

"The town found [the DCPC process] valuable as it explored, for the first time on Cape Cod, a different methodology. ...Perceptions about the role and involvement of the Cape Cod Commission were dispelled. The town was free to advance the nomination and designation of the DCPC as it perceived its interests to be."

—Brian A. Currie, Falmouth Town Planner

" The DCPC is a great planning tool, giving towns the ability to step back and study the best options to manage growth in an area. The DCPC process also assures public input, allowing residents to be involved in the planning and in shaping the future."

—Coreen Moore, Bourne Town Planner



Bournedale DCPC

The Bournedale DCPC was designated in December 1998 to protect drinking water, assure safe transportation, and preserve the historic and natural resources of nearly 2,000 acres north of the Cape Cod Canal in Bourne. Through the DCPC process, the Town of Bourne was able to change its zoning to reduce traffic generation and protect cultural resources and character, redefine its "scenic canal district," create a new compact village business zone and change an extensive commercial zone to two-acre residential, create the Bournedale Overlay District, and preserve over 240 acres as permanent open space. The minimum lot size was changed for some

residential zones from one acre to two acres; setbacks to natural and cultural resources were added or increased; incentives to avoid curb cuts were added; transfers of development rights were allowed; and specific types of economic development, including technology campuses, were allowed. Non-zoning changes also included refinement of regulations to protect road access and character, private wells, wetlands and vernal pools, and to strengthen earth-removal and mining controls.



Three Ponds DCPC

The Three Ponds DCPC was designated in February 2000 to protect water quality, preserve open space, and maintain the character of nearly 700 acres of

land and more than 300 acres of surface water in southeastern Sandwich. Through the DCPC process, the Town of Sandwich purchased 83 acres of unfragmented forest for permanent open space, adopted the Three Ponds District Zoning Bylaw and a pond use bylaw that limits the horsepower and speed of watercraft on the ponds in the DCPC, and developed a management

"The DCPC process in Sandwich was not without contention (land owners are wary of such a powerful tool), so the Cape Cod Commission suggested the formation of a working group. ...The two major land owners in the Three Ponds district, who fully participated in that group, spoke at town meeting about their initial concerns with the DCPC nomination, their pleasure at being active and contributing members of the group, and their eventual unequivocal support. These important voices were key in persuading town meeting voters to adopt the Three Ponds District Zoning Bylaw without a single word of debate."

*—Jo Anne Miller Buntich, former
Sandwich Director of Planning
and Development*

plan to educate residents and the public about the fragile coastal plain ponds, to formalize a septic betterment program, to foster the formation of pond associations, and to expand a natural resources inventory and study.



Six Ponds DCPC

The Six Ponds DCPC was designated in May 2000 to protect water quality and natural resources, to maintain the scenic character of the roads

and views, and to manage growth over more than 1,200 acres of land and 110 acres of surface water in northeastern

Harwich. Through the DCPC process, the town adopted the Six Ponds Special District Zoning Bylaw, which specified conditional uses in the district, increased minimum lot sizes and limits on lot coverage, set limits on the amount of clearing and grading allowed, enlarged buffer zones around the ponds, created regulations for existing sand and gravel mining operations, established regulations for setbacks and buffers along the scenic road corridors, and established regulations for flexible cluster developments.

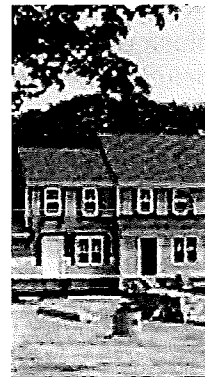
"The ability to consider possible bylaw scenarios without development pressure...meant that new zoning had a much greater impact."

*—Susan M. Leven,
Harwich Town Planner*

Barnstable DCPC

The Barnstable DCPC was designated in September 2001 to manage residential growth and encourage affordable housing over nearly 60 square miles. Similar to an overlay district, the DCPC includes all vacant, buildable parcels that are capable of being used for new residential development. Through the DCPC process, the Town of Barnstable adopted a rate-of-development ordinance, with a building rate and cap phased in over several years, to allow for adequate infrastructure (roads, wastewater, police, and more) and to support the implementation of the town's affordable housing action plan.

The ordinance sets limits on construction permits for two types of dwelling units: affordable and market-rate. Although appealed through litigation, the DCPC was ultimately upheld by the state's highest court, the Massachusetts Supreme Judicial Court. Through the DCPC, the town also adopted a health regulation that allows for the construction of shared and innovative wastewater disposal systems.



Quivet Neck/Crowe's Pasture DCPC

The Quivet Neck/Crowe's Pasture DCPC was designated in March 2002 to protect natural, historic, water, and coastal resources and to manage residential growth on nearly 250 acres in East Dennis. Through the DCPC process, the Town of Dennis adopted the Quivet Neck/Crowe's Pasture Resource Protection District Zoning Bylaw that established three water recharge and soils

"To protect the critical resources within the Quivet Neck/Crowe's Pasture area, the town nominated the DCPC to ensure appropriate development controls would apply equally to all land in the target area."

*—Daniel Fortier,
Dennis Town Planner*

limitations areas that govern two- to four-acre minimum lot sizes and limit lot coverage. The bylaw also includes pond protection, sewage disposal restrictions, and erosion control measures, storm-water management, scenic vista, and shoreline conservation provisions. It also regulates grid-style and cluster-style subdivisions. In addition, the town purchased 33.5 acres that are highly sensitive and have significant historic and archaeological resources.

Pond Village DCPC

The Pond Village DCPC was designated in late January 2006 to protect the water quality of a freshwater pond and a portion of Barnstable Harbor and the historic and scenic character of a 115-acre area north of Route 6A near Barnstable village. The Barnstable Town Council voted to approve a zoning change for the district rather than adopt special implementing regulations.



New DCPC Nominations

Craigville Beach/Centerville Village Center DCPC

In February 2008, the Cape Cod Commission received and accepted for consideration a nomination from the Barnstable Town Manager to create a DCPC for the Craigville Beach area and the Centerville Village Center area. The areas are contiguous, encompassing about 380 acres of land and 66 acres of open water, but separate issues are to be addressed.

The nominated Craigville Beach area includes a barrier beach along Nantucket Sound, an estuary system behind it, and freshwater ponds. It encompasses many summer homes and cottages and a former "Christian Camp Meeting" area, which is recognized within a National Register Historic District. The town nominated the area for five DCPC purposes: a natural and ecological resource district; a cultural, historic, and architectural resource district; a hazard district; a wastewater management district; and a waterfront management district.

The nominated Centerville Village Center area includes an existing business zoning district and residential parcels including the Main Street National Register Historic District. The town nominated the area for two DCPC purposes: an economic resource district and a cultural, historic, and architectural resource district.

Brewster Water Protection DCPC

In mid February 2008, the Commission received a nomination from the Brewster Board of Selectmen to create a DCPC to protect "zones of contribution" (or watersheds) to public drinking water wells. The proposed DCPC encompasses 6,538 acres in several areas: one in the southeastern part of Brewster, another in the southwestern part of town, and all land in Brewster that is within the Pleasant Bay Water Recharge Area. The nomination is for two DCPC purposes: a water resources district and a major public investment district. Watersheds within the proposed DCPC include wellhead-protection lands for public wells in Brewster and for wells in Orleans, Harwich, and Dennis. The four Brewster wells in the DCPC provide about 95 percent of the town's public water supply; the remaining need is met mostly from private wells. Brewster has invested millions of dollars in the development and protection of the public drinking water supply wells within the proposed DCPC.

Supporting Information

The following DCPC-related materials are available in print from the Cape Cod Commission. They are also available in digital format (text or PDF) on the Commission's Web site: **www.capecodcommission.org/DCPC/**

- DCPC Regulations
- DCPC Guidance Document
- DCPC Nomination Form
- Detailed flow chart illustrating the DCPC process

For more information, contact:

Cape Cod Commission

3225 Main Street • P.O. Box 226 • Barnstable, MA 02630

Phone: (508) 362-3828

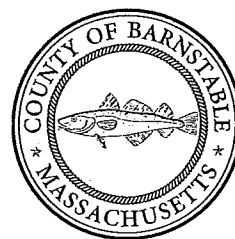
Fax: (508) 362-3136

E-mail: frontdesk@capecodcommission.org

Web sites: www.capecodcommission.org

www.gocapecod.org

www.capecodgroundwater.org



LICENSING

Town of Eastham

Natural Resources Department
555 Old Orchard Road
Eastham, MA. 02642



508 240-5972
natres@eastham-ma.gov

TO: Eastham Board of Selectmen

FROM: Michael J. O'Connor
Senior Deputy Natural Resources Officer

RE: Aquaculture Grants

DATE: May 30, 2017

We encountered a problem with the location of aquaculture gear on the wrong site in the Boat Meadow Aquaculture Development Area. Craig Poosikian site number B7E has his gear located on site number B11W. Bethany Gibbons was recently approved and licensed for site number B11W. We found it would be easier and more efficient to just swap the two sites and both Ms. Gibbons and Mr. Poosikian are OK with this.

Please make the following adjustments to your records:

Craig Poosikian is now site B11W, ½ acre and Bethany Gibbons is site B7E, ½ acre. Both the Massachusetts Division of Marine Fisheries and the U.S. Army Corps of Engineers have been notified of this change and approve it. Both sites have satisfied all the required permitting.

Thank you for your attention to this matter.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF EASTHAM**

Barnstable, ss.

Site 11W

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby TRANSFER a LICENSE to **Craig Poosikian** of 45 Rayber Road, P.O. Box 1878, Orleans, MA 02653 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of Boat Meadow in said Town of Eastham, bounded and described as follows:

Computed to have an area of one half acre.

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

The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.

All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.

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

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

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 17th day of July, 2017.

William O'Shea, Chair

Wallace F. Adams, Vice-Chair

John F. Knight, Clerk

Martin McDonald

Aimee Eckman

BOARD OF SELECTMEN

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF EASTHAM**

Barnstable, ss.

B7E

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby TRANSFER a LICENSE to **Bethany Gibbons**, 4 Tonset Road, Orleans, MA 02653 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of Boat Meadow in said Town of Eastham, bounded and described as follows:

Computed to have an area of one half acre.

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

The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.

All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.

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

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

WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 17th day of July, 2017.

William O'Shea, Chair

Wallace F. Adams, Vice-Chair

John F. Knight, Clerk

Martin McDonald

Aimee Eckman

EASTHAM BOARD OF SELECTMEN



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

Date: July 17, 2017

To: Board of Selectmen

From: Jacqueline W. Beebe, Town Administrator

Re: Transient Vendor Permits

Nauset SummerFair on the Windmill Green - July 29 & 30, 2017

Eastham Historical Society Schoolhouse – Aug 3-6, 2017

Windmill Weekend - September 9-11, 2017

Please find below the Transient Vendor applicants for approval by the Board of Selectmen.
In each case, the \$20.00 fee has been received. The following permits valid as stated below.

Bergson, Philip (Eastham Painters Guild) 24 Camp Road Orleans, MA 02653 Valid: July 6, 2017- July 6, 2018	Hills, C. Barry (C. Barry Hills Designs) 1687 Route 6A PO Box 1196 East Dennis, MA 02641 Valid: July 6, 2017- July 6, 2018
Forjan, Marie (Marie's Memories) 690 Hay Road Eastham, MA 02642 Valid: July 6, 2017- July 6, 2018	Patterson, Joan 39 N. Ballou St Woonsocket, RI 02895 Valid: July 6, 2017- July 6, 2018
O'Malley, Jeannie 145 Hillside Ave Rehoboth, MA 02769 Valid: July 6, 2017- July 6, 2018	Brown, Linda C. (Cargill Collection) 307 Remick Rd White River Junction, VT 05001 Valid: July 6, 2017- July 6, 2018
Stidsen, Deborah PO Box 1113 N. Dennis, MA 02641 Valid: July 6, 2017- July 6, 2018	Goveia, Carl (Nauset Antiques) PO Box 1667 N. Eastham, MA 02651 Valid: July 6, 2017- July 6, 2018
Leighton, Joanne (Abby Ems Antiques) 116 Williams Ave Pocasset, MA 02539 Valid: July 6, 2017- July 6, 2018	Enos, Gail 32 Conant Street Provincetown, MA 02657 Valid: July 6, 2017- July 6, 2018
Abroms, Caryn 205 Shaw Farm Road Holliston, MA 01746 Valid: July 6, 2017- July 6, 2018	Meguerdichian, Debbie (Marsh Hawk Antiques) 42 Indian Way Eastham, MA 02642 Valid: July 6, 2017- July 6, 2018
Dixon, Edward 660 Samoset Road Eastham, MA 02642 Valid: July 6, 2017- July 6, 2018	Anderson, Pat (Cummaquid Farms Antiques) PO Box 14 Cummaquid, MA 02637 Valid: July 6, 2017- July 6, 2018

Ferrara, Patricia (Ten-Mile Antiques) 72 Verndale Ave Attleboro, MA 02703 Valid: July 6, 2017- July 6, 2018	Kittila, Michele (The Book Lady) 14 Fox Hollow Way S. Yarmouth, MA 12664 Valid: July 6, 2017- July 6, 2018
Decker, Richard (Long Meddowe Antiques) 20 State St Monson, MA 01057 Valid: July 6, 2017- July 6, 2018	Clapp, Rodger & Peggy 152 Mount Warner Road Hadley, MA 01035 Valid: July 6, 2017- July 6, 2018
Linkkila, Kay (Kay Linkkila Antiques) 188 Rock Harbor Rd Orleans, MA 02653 Valid: July 6, 2017- July 6, 2018	Rodenizer, Bruce 7 Georges Rock Road Sandwich, MA 02653 Valid: July 6, 2017- July 6, 2018
Lusky, James 60 Bald Hill Road Holliston, MA 01746 Valid: July 6, 2017- July 6, 2018	Lamson, Dave PO Box 1314 Hyannis, MA 02601 Valid: July 6, 2017- July 6, 2018
Lombardi, Peter 1660 North Road Parsonsfield, MN 049047 Valid: July 6, 2017- July 6, 2018	Nickerson, Bill & Ann (William Nickerson Antiques) 101 Skaket Beach Road Orleans, MA 02653 Valid: July 6, 2017- July 6, 2018
Leavenworth, Maureen (Vintage in Vogue) PO Box 177 N. Eastham, MA 02651 Valid: July 6, 2017- July 6, 2018	

ADMINISTRATIVE MATTERS



Date: July 17, 2017

To: Board of Selectmen

From: Jacqueline W. Beebe, Town Administrator

Re: Miscellaneous Reappointments

Please find attached a list of members from "Miscellaneous Appointments" who are seeking reappointment starting September 11, 2017.

Cape Cod National Seashore Advisory
Committee

Don Nuendel – *Principal Member* (Term end: 09/10/17)

Nat Goddard – *Alternate Member* (Term end: 09/10/17)



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
A18

ADMINISTRATION

JUL 03 2017

RECEIVED

June 30, 2017

Mr. William O'Shea, Chairman
Town of Eastham Board of Selectmen
Eastham Town Hall
2500 State Highway
Eastham, Massachusetts 02642

Dear Mr. O'Shea:

The Cape Cod National Seashore Advisory Commission has been established by section 8 of Public Law 87-126 (August 7, 1961), as amended, to consult with the Secretary of the Interior with respect to matters relating to the development of Cape Cod National Seashore.

Pursuant to the enabling legislation, a copy of which is enclosed, the Secretary of the Interior appoints one of the 10 Commission voting members, and one voting alternate, from nominations submitted by the Town of Eastham Board of Selectmen. The term of the current voting member, Donald Nuendel, will expire on September 10, 2017. However, Mr. Nuendel will continue to serve until a successor is appointed or he is reappointed in accordance with the Commission's charter. Mr. Nuendel has expressed interest in continuing to represent the town. In addition, the appointment of alternate voting member Nat Goddard will also expire on September 10, 2017.

Accordingly, I invite you to recommend for consideration by the Secretary of the Interior, within 30 days of the date of this letter, nominations for one voting member and one voting alternate member to the Advisory Commission. All appointments are for 2-year terms. Please include a biographical outline or resume with home and business addresses, telephone numbers, date of birth, and Social Security number for each individual. Please clearly indicate which individual you would like appointed as the voting member and alternate member.

Please address your nominations to Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667. I will forward all nominations to the Policy Office of the National Park Service. The NPS policy office staff will review the nominations with the Department of the Interior staff. Upon approval, an appointment letter from the Secretary of the Interior will be sent directly to each appointee.

If you have any questions or need additional information, please feel free to contact me at (508)

957-0700. I look forward to receiving your response in this matter of mutual interest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Tevyaw', with a stylized, cursive script.

Kathy Tevyaw
Interim Superintendent

Enclosure

cc: D. Nuendel
N. Goddard
J. Beebe
R. Delaney

APPENDIX A: LEGISLATION AND THE TRANSFER OF FORMER STATE AND TOWN LANDS

UNITED STATES CODE, TITLE 16 — CONSERVATION

§459b. Cape Cod National Seashore; description of area

(a) The area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b) of this section, is designated for establishment as Cape Cod National Seashore (hereinafter referred to as "the seashore").

(b) The area referred to in subsection (a) of this section is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts:

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet:

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary,

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a general easterly direction crossing the Truro-Provincetown line and continuing in the town of Truro in a generally southeasterly direction to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road:

thence easterly five-tenths of a mile to a point;

thence turning and running in a southeasterly direction paralleling the general alignment of United States Route 6 and generally distant therefrom five-tenths of a mile to a point approximately 700 feet northwesterly of Long Nook Road:

thence southwesterly along a ridge generally paralleling the alignment of Long Nook Road and distant approximately 700 feet therefrom to a point two-tenths of a mile northeasterly of the northerly right-of-way line of United States Route 6;

thence southeasterly paralleling the general alignment of United States Route 6 and generally distant two-tenths of a mile northeasterly thereof to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

thence in a general easterly direction paralleling the southerly alignment of Higgins Hollow Road and 300 feet distant southerly therefrom to a point five-tenths of a mile east of the easterly right-of-way line of said Route 6;

thence turning and running in a southeasterly and southerly direction paralleling the general alignment of United States Route 6 and distant five-tenths of a mile easterly therefrom to a point 300 feet north of the northerly right-of-way line of North Pamet Road;

thence in a generally southwesterly direction paralleling the general alignment of North Pamet Road and generally distant 300 feet northerly therefrom to a point approximately two-tenths of a mile east of the easterly right-of-way line of United States Route 6;

thence in a southerly direction paralleling the alignment of United States Route 6 and generally distant two-tenths of a mile easterly therefrom to a point three-tenths of a mile south of South Pamet Road;

thence west to the intersection of Old County Road and Mill Pond Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road:

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line of Cape Cod Bay;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter

of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean, high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on said Wellfleet quadrangle sheet;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point

500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham town hall property;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alignment of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the said stream to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southeasterly in the town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on United States Geological Survey Orleans quadrangle sheet (1946);

thence due south to the 20-foot contour line in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to a head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

(Pub. L. 87-126, 11, Aug. 7, 1961, 75 Stat. 284.)

SEPARABILITY OF PROVISIONS

Section 10 of Pub. L. 81-126 provided that: "If any provision of this Act (sections 459b to 459b-8 of this title) or the application of such provision to any person or circumstance is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-8 of this title.

S 459b-1. Acquisition of property

- (a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary

The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 459b of this title or which lies within the boundaries of the seashore as described pursuant to section 459b-2 of this title (both together hereinafter in sections 459b to 459b-8 of this title referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 459b of this title, or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459b to 459b-8 of this title.

- (b) Use of funds; fair market value

The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under sections 459b to 459b-8 of this title, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under sections 459b to 459b-8 of this title.

- (c) Exchange of property; cash equalization payments; report* to Congress

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

The Secretary shall report to the Congress on every exchange carried out under authority of sections 459b to 459b-8 of this title within thirty days from its consummation and each such report shall include a statement of the fair market values of the properties involved and of any cash equalization payment made or received.

- (d) "Fair market value" defined; appraisal

As used in sections 459b to 459b-8 of this title the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(Pub. L. 87-126, i 2, Aug. 7, 1961, 75 Stat. 287.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-2 to 459b-8 of this title.

S 459b-2. Establishment

- (a) Notice in Federal Register

As soon as practicable after August 7, 1961, and following the acquisition by the Secretary of an acreage in the area described in section 459b of this title that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459b to 459b-8 of this title, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

- (b) Distribution of notice and map

Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459b of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 459b of this title; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459b to 459b-8 of this title to be recorded at the registry of deeds for Barnstable County, Massachusetts. (Pub. L. 87-126, { 3, Aug. 7, 1961, 75 Stat. 288.)

SECTION REFERRED TO IN OTHER SECTIONS This section is referred to in sections 459b-1, 459b-3 to 459b-8 of this title.

S 459b-3. Acquisition by condemnation

(a) **Right of use and occupancy for residential purposes for life or fixed term of years; exercise of right of election; impairment of interests of lienholders, etc; right as running with land; transfer, assignment and termination of right; computation of compensation**

(1) The beneficial owner or owners, not being a corporation, of a freehold interest in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur autre vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests

of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 459b-4 of this title and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 459b-4 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b) Suspension of authority for one year and during existence of zoning regulations

(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 459b of this title for one year following August 7, 1961.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 459b-4 of this title.

(c) Suspension of authority respecting property used for commercial or industrial purposes

The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after August 7, 1961 provided such application is made not later than the date of establishment of the seashore.

(d) "Improved property" defined

The term "improved property," wherever used in sections 459b to 459b-8 of this title,

shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use to which the dwelling and land have customarily been enjoyed: *Provided, however,* That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto, (e) Acquisition of clear, marketable and encumbrance-free title

Nothing in this section or elsewhere in sections 459b to 459b-8 of this title shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 87-126. § 4, Aug. 7, 1961, 75 Stat. 288.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1, 459b-2, 459b-4 to 459b-8 of this title.

§ 459b—J. Zoning regulations

- (a) Standards for approval; submission to Congress and municipalities; publication in Federal Register; approval of local bylaws; revocation of approval

As soon after August 7, 1961, as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 459b-3 of this title. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions.

All regulations and amended regulations proposed to be issued under authority of the two preceding sentences of this subsection shall be submitted to the Congress and to the towns named in section 459b of this title at least ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) before they become effective and the Secretary shall, before promulgating any such proposed regulations or amended regulations in final form, take due account of any suggestions for their modification which he may receive during said ninety-day period. All such regulations and amended regulations shall, both in their proposed form and in their final form, be published in the Federal Register.

The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaws submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment unless before the time of adoption he has submitted to the Congress and the towns and published in the Federal Register as aforesaid proposed amended regulations with which the bylaw or amendment would not be in conformity, in which case he may withhold his approval pending completion of the review and final publication provided for in this subsection and shall thereafter approve the bylaw or amendment only if it is in conformity with the amended regulations in their final form. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 459b-3 of this title by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

- (b) Commercial and industrial use prohibition; acreage, frontage, setback and miscellaneous requirements

The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

- (c) Adverse provisions and absence of notice for variance as requiring disapproval of local bylaws

No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

- (d) Termination of suspension of authority for acquisition by condemnation because of nonconforming variances and uses; agreements concerning exercise of authority

If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw, or

(2) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however,* That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

(Pub. L. 87-126, § 5, Aug. 7, 1961, 75 Stat. 290.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-3, 459b-5 to 459b-8 of this title.

§ 459b-5. Certificate of suspension of authority for acquisition by condemnation

The Secretary shall furnish to any party in interest requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of sections 459b to 459b-8 of this title, that such authority has been so suspended and the reasons therefor.

(Pub. L. 87-126, § 6, Aug. 7, 1961, 75 Stat. 291.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-4, 459b-6 to 459b-8 of this title.

§ 459b-6. Administration of acquired property

(a) Utilization of authority for conservation and management of natural resources

Except as otherwise provided in sections 459b to 459b-8 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by sections 1b to 1d of this title; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459b to 459b-8 of this title.

(b) Preservation of seashore; incompatible visitor conveniences restricted; provisions for public enjoyment and understanding; developments for recreational activities; public use areas

(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.

(2) In developing the seashore the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the seashore.

(c) Hunting and fishing regulations; navigation

The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State and Federal law. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave all aspects of the propagation and taking of shellfish to the towns referred to in section 459b of this title.

The Secretary shall not interfere with navigation of waters within the boundaries of the Cape Cod National Seashore by such means and in such areas as is now customary.

(Pub. L. 87-126, § 7, Aug. 7, 1961, 75 Stat. 291.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-5, 459b-7, 459b-8 of this title.

6 459b-7. Cape Cod National Seashore Advisory Commission

(a) Establishment; termination

There is established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the "Commission"). Said Commis-

sion shall terminate 30 years after the date the seashore is established under section 459b-2 of this title.

(b) Membership; term

The Commission shall be composed of ten members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in section 459b of this title, one member from the recommendations made by each such board;

(2) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

(3) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(4) One member to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under sections 459b to 459b-8 of this title upon vouchers signed by the Chairman.

(e) Majority Vote

The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) Consultation of Secretary with Commission

The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore and shall consult with the members with respect to carrying out the provisions of sections 459b-3 and 459b-4 of this title.

(g) Advice of Commission for commercial or industrial use permits and establishment of public use areas for recreational activities

No permit for the commercial or industrial use of property located within the seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought, (h) Exemption from other provisions of law

(1) Any member of the Advisory Commission appointed under sections 459b to 459b-8 of this title shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 and section 190 of the Revised Statutes (5 U.S.C. 99) > except as

otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

(Pub. L. 87-126, § 8, Aug. 7, 1961, 75 Stat. 292; Pub. L. 99-420, title II, § 201, Sept. 25, 1986, 100 Stat. 960.)

REFERENCES IN TEXT

Sections 281, 283, 284, and 1914 of title 18, referred to in subsec. (h)(1), were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126. "except as they [sections 281 and 283] may apply to retired officers of the armed forces of the United States", and were supplanted by sections 203, 205, 207, and 209, respectively, of Title 18, Crimes and Criminal Procedure. For further details, see Exemptions note set out under section 281 of Title 18.

Section 190 of the Revised Statutes (5 U.S.C. 99), referred to in subsec. (h)(1), was repealed by Pub. L. 87-849, § 3, Oct. 23, 1962, 76 Stat. 1126. See section 207 of Title 18.

AMENDMENTS

1986—Subsec. (a), Pub. L. 99-420 substituted "30 years" for "ten years".

REESTABLISHMENT AND EXTENSION OF COMMISSION

Pub. L. 99-349, title I, July 2, 1986, 100 Stat. 731, provided: "That the Cape Cod National Seashore Advisory Commission established under section 8(a) of the Act of August 7, 1961 (Public Law 87-126: 75 Stat. 292) [16 U.S.C. 459b-7(a)] is reestablished and extended through February 28, 1996".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-6, 459b-8 of this title.

§ 459b-8. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459b to 459b-8 of this title; except that no more than \$42,917,575 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections.

(Pub. L. 87-126, § 9, Aug. 7, 1961, 75 Stat. 293; Pub. L. 91-252, May 14, 1970, 84 Stat. 216; Pub. L. 98-141, § 3, Oct. 31, 1983, 97 Stat. 909.)

AMENDMENTS

1983—Pub. L. 98-141 substituted "\$42,917,575" for "\$33,500,000".

1970—Pub. L. 91-252 substituted "\$33,500,000" for "\$16,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-7 of this title.

¹ See References in Text note below.

Gillespie-Lee, Laurie

From: Paul Lagg <plagg@eastham-ma.gov>
Sent: Wednesday, July 12, 2017 2:25 PM
To: Jacqueline Beebe
Cc: Gillespie-Lee, Laurie
Subject: FW: Thursday HOME Meeting
Attachments: P. Lagg Letter.pdf

Jacqui: FYI, I need to be re-appointed as the County's HOME Program rep. Attached, is the letter from the last appointment.

Thanks
Paul

PAUL LAGG | Town Planner | Town of Eastham
2500 State Highway | Eastham, MA 02642
508-240-5900 X3228 | plagg@eastham-ma.gov

From: Michelle Springer [<mailto:mspringer@barnstablecounty.org>]
Sent: Wednesday, July 12, 2017 2:06 PM
To: Paul Lagg
Subject: RE: Thursday HOME Meeting

Hi Paul,

Yes, please see attached.

Thank you,

Michelle Springer

HOME Program Manager

mspringer@barnstablecounty.org

Barnstable County Department of Human Services

P.O. Box 427, 3195 Main St., Barnstable, MA 02630

Office: 508/744-1224 | Fax: 508/362-0290

www.bchumanservices.net



Creating a Healthy Connected Cape Cod

From: Paul Lagg [<mailto:plagg@eastham-ma.gov>]
Sent: Wednesday, July 12, 2017 1:48 PM
To: Michelle Springer <mspringer@barnstablecounty.org>
Subject: RE: Thursday HOME Meeting

What do you need from the Town, an appointment letter? Does the Selectmen need to formally vote to re-appoint? Let me know and I will get you whatever documentation is needed

Thanks for the info

Paul

PAUL LAGG | Town Planner | Town of Eastham
2500 State Highway | Eastham, MA 02642
508-240-5900 X3228 plagg@eastham-ma.gov

From: Michelle Springer [<mailto:mspringer@barnstablecounty.org>]
Sent: Wednesday, July 12, 2017 1:45 PM
To: Paul Lagg
Subject: RE: Thursday HOME Meeting

Hi Paul,

Did the Town re-appoint you? I never received anything?

We have \$224,876 available for Rental Housing development.

Thanks,

Michelle Springer

HOME Program Manager

mspringer@barnstablecounty.org

Barnstable County Department of Human Services

P.O. Box 427, 3195 Main St., Barnstable, MA 02630

Office: 508/744-1224 | Fax: 508/362-0290

www.bchumanservices.net



Creating a Healthy Connected Cape Cod

From: Paul Lagg [<mailto:plagg@eastham-ma.gov>]
Sent: Wednesday, July 12, 2017 1:16 PM
To: Michelle Springer <mspringer@barnstablecounty.org>
Subject: RE: Thursday HOME Meeting

Hi Michelle:

Do you know what is the amount of funding projected to be available for the Barnstable HOME loan for next fiscal year? I'm looking at a pro forma for a 40B and was just looking to see if their numbers made any sense with what is likely to be available.

Thanks

Paul

PAUL LAGG | Town Planner | Town of Eastham
2500 State Highway | Eastham, MA 02642
508-240-5900 X3228 | plagg@eastham-ma.gov

From: Michelle Springer [<mailto:mspringer@barnstablecounty.org>]

Sent: Tuesday, July 11, 2017 2:53 PM

To: Aly Sabatino; Anne Connolly ; Arden Cadrin; Arden Cadrin (arden.cadrin@town.barnstable.ma.us); Beth Albert; Carl Brotman ; Charleen Greenhalgh (cgreenhalgh@town.harwich.ma.us); Elaine McIlroy; Heather Harper; James Kyrimes ; Katie Wibby; Laura Shufelt (lshufelt@mhp.net); Michelle Jarusiewicz (mjarusiewicz@provincetown-ma.gov); Michelle Springer; Nanette Perkins; Paul Lagg; Richard Carroll; Vicki Goldsmith (vg@habitatcapecod.org)

Subject: Thursday HOME Meeting

Hello,

As of right now we have a quorum and will be meeting on Thursday at 8:30am. If for any reason you are not able to make it please let me know because we have items we will be voting on.

Thank you,

Michelle Springer

HOME Program Manager

mspringer@barnstablecounty.org

Barnstable County Department of Human Services

P.O. Box 427, 3195 Main St., Barnstable, MA 02630

Office: 508/744-1224 | Fax: 508/362-0290

www.bchumanservices.net



Creating a Healthy Connected Cape Cod



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

August 5, 2015

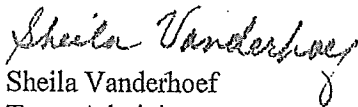
Cape Cod Commission
Attention: Michelle Springer
P. O. Box 226
Barnstable, MA 02630

Dear Ms. Springer,

Please be advised that the Board of Selectmen, at their meeting on August 3, 2015, was pleased to appoint Mr. Paul Lagg as Eastham's representative to the Barnstable County Home Consortium Advisory Committee in Mr. Bernard Kaplan's place, for a term to expire June 30, 2017.

Thank you for your continuing interest in the Town of Eastham.

Sincerely,



Sheila Vanderhoef
Town Administrator

cc: Susanne Fischer, Town Clerk
Paul Lagg, Barnstable County Home Consortium Advisory Committee, Eastham

APPLICATION FOR A STUDENT LOAN FROM THE TIMOTHY SMITH FUND

RECEIVED

JUL 11 2017

Date of Application 7/11/2017Name of applicant Elizabeth LorangerTOWN OF EASTHAM
TREASURER
SS#Address PO Box 772 N. Eastham ma

Phone#

Parent's Name Eileen and Tracy LorangerStreet Address 70 Meadow Drive North EasthamMailing Address PO BOX 772 N. EasthamCo-Signer Eileen Loranger

SS#

Address and relationship to
applicantPO BOX 772 N. Eastham (Mother)

Personal References: (name & address & term of acquaintanceship)

- 1 Wendy Frazier 850 Old Orchard Dr. N. Eastham (friend) ^{family}
- 2 Sean Fleming 20 Pheasant Run Eastham ^{Principal of N.E.H.S.}
- 3 Jen Fitzgerald PO BOX 775 S. Wellfleet (friend)

Name of school or institution you plan to attend U Maine OronoEstimated date of graduation 5/2021I have read the terms and conditions and am familiar with the policy and procedure for this loan. Yes (☒)
No (☐)

State briefly the reason for applying for this loan I am sorry I was
late applying for this loan. I was waiting
for the school to notify me. They never did.
I called and the town hall said I was late. I am
sorry and

Is this a new loan application? Yes (☐) No (☒)Renewal? Yes (☒) No (☐)

If this is a renewal please include your college transcript.

FOR TOWN OF EASTHAM USE - DO NOT FILL OUT

Date of interview with

Selectman

Action

(Failure to fill in all blanks may cause refusal of loan)

Cutoff date for return of this application is July 1.

hope you
can still
consider
me.
Thank
you.
Elizabeth
Loranger

Strategic Planning Steering Committee

Definition, Scope of Work and Charge

Work with Town staff to develop an effective approach to planning for and prioritizing the Town's future service levels and needs while identifying the resources required to meet those needs. Members should seek the overall best interests of the Town of Eastham and conduct an inclusive process that reflects the ideas and values of the full community. The role of the Committee is to solicit, synthesize, integrate, and effectively communicate the information and ideas generated through data gathering, and along with Town staff, develop recommendations and strategic goals that will be presented to the Board of Selectmen and Town Meeting. Particular attention should be paid to guidance related to the desired levels of service, strategic direction and ideas regarding the current and future priorities the Town will pursue.

The work of the Steering Committee and that of the Staff Team will be critical in shaping the Town's priorities and budget/resource allocations over the next 3-5 years and beyond. The process developed will inform decision-making, budgeting, and staff resource allocation as well as monitor the achievement of goals while increasing the Town's ability to respond to unexpected challenges and/or opportunities.

The Strategic Planning Steering Committee shall consist of (7) seven members appointed by the Board of Selectmen for three-year, overlapping terms. The members shall consist of one member each from the Town's regulatory Boards: (1) Zoning Board of Appeals, (1) Planning Board, (1) Board of Health, (1) Conservation Commission, and (1) Finance committee, as well as two members at large. The Town Moderator and the Town Administrator will also be ad hoc members. If there are no members from a particular committee willing to serve, the Board of Selectmen will appoint an at large member in their place. Other committees, town departments and individuals with particular expertise and desired input may be called to participate as needed at the discretion of the committee. The Committee may explore topics with staff, other Town committees and/or the public including: public safety, business and residential development, the needs and perceptions of specific groups such as part-time non-resident taxpayers and/or the business community, affordable housing, human services & recreation, education, infrastructure needs, capital investment, potential revenue sources, health and environment, community preservation, and any other relevant topics as determined by the committee.

The specific responsibilities of the Committee shall include, but not be limited to, working with Town staff to create a 3-5-year strategic plan that will:

- Help recommend the direction and priorities for the work of the Town;
- Create consensus and focus to help drive the successful achievement of the Town's goals;

- Simplify decision-making by defining priorities and the basis for them;
- Align our resources to achieve strategic goals that best use allocated tax dollars;
- Communicate both information and the process to residents and stakeholders so that they understand the Town's challenges and resources, agree on important goals, and accept the key activities necessary to achieve those goals;
- Maintain a process to continue to assess and adjust the Town's direction in response to the changing environment and/or the changing needs of residents;
- Develop a disciplined effort that can produce fundamental decisions and actions now that shape and guide consensus around what the Town's purpose is; an understanding of who it serves and why; what services it provides or should provide and why; all with a focus on realistic and sustainable goals.

INFORMATION



EASTHAM POLICE DEPARTMENT

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




EDWARD V. KULHAWIK
Chief of Police

KENNETH J. RODERICK
Deputy Chief

MEMO

To: Jacqui Beebe
Town Administrator

From: Edward V. Kulhawik 
Chief of Police

Date: July 3, 2017

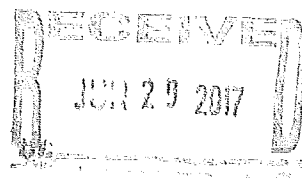
Subject: 2017 Autumn Escape Bike Trek

I have read the letter from Mr. Paul Curley, Route Manager, regarding the American Lung Association **2017 Autumn Escape Bike Trek scheduled to take place in Eastham on Sunday, September 24th, 2017.** Due to the fact that this is the 33rd year this charity ride is scheduled, and the fact that there have not been any issues in the past with this group of riders, I do not see any conflicts or problems concerning public safety at this time.

Please feel free to contact me with any questions or concerns regarding this event.

Go	To						
(Mile)	(Mile)	Signs	Direction	Location (roads of travel in Bold)	Landmarks	Fastest	Slowest
Brewster							
0	0		left	onto Route 6A	Exit Cape Cod Sea Camps		
0.1	0.1		right	onto Millstone Road		8:00	8:00
0.1	0.2		left	onto Cape Cod Rail Trail	Caution Trail not designed for large groups		
Orleans							
2.3	2.5		straight	into parking lot	Exit Rail Trail	8:07	8:15
0.1	2.6		bear left	onto Sally Ridge Rd (unmarked)	follow "Bike Route" Signs		
0.2	2.8		right	onto West Rd (unmarked)	follow "Bike Route" Signs		
0.2	3		left	onto Rail Trail			
0.6	3.6		straight	on Rail Trail	cross Main St (old route)	8:10	8:21
Eastham							
3.8	7.4	sign	right	onto Locust Road	(Sign: "Cape Cod National Sea Shore")	8:22	8:44
0.3	7.7		left	on Salt Pond Rd			
0.1	7.8	lights	straight	onto Nauset Bike Path	cross Rt 6		
0.2	8	sign	right	into Parking Lot Rest Stop #1, Salt Pond Visitors	stay on bike bike path entering and exiting	8:25	8:48
				50 Nauset Rd., Eastham, MA 02642			
0	8		straight	on Nauset Bike Path	winding trail, use caution		
1.2	9.2		left	onto beach parking lot/access road	Coast Guard Beach		
0.1	9.3		bear right	onto Ocean View Drive			
0.9	10.2	ss/S	left	onto Cable Road (unmarked)	Nauset Beach on right		
1	11.2		right	onto Nauset Road			
0.9	12.1		right	onto Rail Trail	just before Rt 6, town line	8:36	9:12
Wellfleet							
3.7	15.8		right	onto Lecounts Hollow Road	exit Rail Trail	8:47	9:30
0.7	16.5	sign	left	onto Ocean View Drive			
1	17.5		right	into Parking Lot Rest Stop #2, White Crest Beach	rest rooms across street		
				592 Ocean View Dr., Wellfleet, MA 02667			
0	17.5		right	onto Ocean View Drive			
1	18.5	sign	left	onto Long Pond Road			
2	20.5		straight	on Long Pond Road	over Rt 6		
0.1	20.6	ss	right	onto Main Street			
0.3	20.9		bear right	on Main Street	Downtown Wellfleet		
0.1	21		straight	on Main Street	at Briar Lane		
0.1	21.1	sign	right	on W. Main Street becomes Pole Dyke Rd			
1.2	22.3	ss	bear left	onto Bound Brook Island Road			
1.5	23.8		bear left	onto Old County Road	town line	9:06	10:18

June 19, 2017



Connecticut
45 Ash Street
East Hartford, CT 06108

Maine
122 State Street
Augusta, ME 04330

Massachusetts
14 Beacon Street
Boston, MA 02108

1661 Worcester Road,
Suite 301
Framingham, MA 01701

393 Maple Street
Springfield, MA 01105

New Hampshire
Cloudport
51 Islington Street, Unit 1
Portsmouth, NH 03801

New York
418 Broadway, 2nd Floor
Albany, NY 12207

700 Veterans Memorial
Highway, Suite 305
Hauppauge, NY 11788

21 West 38th Street,
3rd Floor
New York, NY 10018

1595 Elmwood Avenue
Rochester, NY 14620

355 Harlem Road,
Building C, 2nd Floor
West Seneca, NY 14224

237 Mamaroneck Avenue,
Suite 205
White Plains, NY 10605

Rhode Island
260 West Exchange Street,
Suite 102B
Providence, RI 02903

Vermont
372 Hurricane Lane,
Suite 101
Williston, VT 05495

Shelia Vanderhoef, Town Administrator
Eastham Board of Selectmen
2500 State Highway
Eastham, MA 02642

Dear Ms. Vanderhoef,

The American Lung Association's 2017 Autumn Escape Bike Trek is set to take place **Friday, September 22, through Sunday, September 24, 2017**. The Autumn Escape Bike Trek, now in its 33rd year, is a three-day event to raise funds to help further our mission *to save lives by improving lung health and preventing lung disease*.

A maximum of 350 bicyclists will take part in the **Autumn Escape Bike Trek**. Riders participate at their own speed. All of the cyclists must wear ANSI approved helmets and are instructed to ride safely and follow all traffic laws and regulations. The AEBT will have both medical and mechanical support. We strive to limit our use of main roads when possible. Enclosed you will find a copy of our proposed route through your city/town.

I am contacting the Police Department and the Board of Selectmen/Town Manager for approval and recognition to pass through your town. Please sign this letter acknowledging your awareness of our event and return it the enclosed envelope no later than **July 29, 2017**. Your signature is necessary to obtain the appropriate State Highway Permits.

You can reach me with any questions or concerns at (781) 314-9000. Thank you for your continued support throughout the years.

More information is available on the **Annual Autumn Escape Bike Trek** at www.biketreknewengland.org.

Sincerely,

Paul Curley
Route Manager

Authorized Signature

Name/Title (please print)

Jacqueline W. Beebe Town Administrator

Date

7.6.17

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Commonwealth of Massachusetts

Division of Marine Fisheries

1213 Purchase St. 3rd Floor

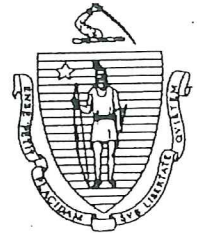
New Bedford, MA 02740

(508)990-2860

fax (508)990-0449



David E. Pierce
Director



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor
Matthew A. Beaton
Secretary

George N. Peterson, Jr.
Commissioner
Mary-Lee King
Deputy Commissioner

May 24, 2017

Board of Selectmen
2500 State Highway
Eastham, MA 02642

Ladies and Gentlemen:

Under authority of Chapter 130, § 57 of the Massachusetts General Laws (MGL), an on-site inspection of an approximately one half acre shellfish aquaculture license site proposed by Matthew Campbell of the Town of Orleans, MA was conducted by personnel from the Division of Marine Fisheries (DMF) and the Eastham Harbormaster Department on Tuesday, May 16, 2017.

The proposed license site is located in the Town of Eastham within the waters of the Cape Cod Bay (DMF designated growing area CCB:9). Water quality at and adjacent to this site is classified as "Approved" for shellfish harvesting in accordance with provisions of the National Shellfish Sanitation Program and the surrounding area has additional permitted aquaculture license sites. The location of the proposed site is situated within an intertidal area. Substrate throughout the site consists mostly of sand. The applicant is proposing the deployment of racks with attached bags for oyster (*C. virginica*) culture.

A shellfish survey was conducted on the site at low tide. A total of forty (40) square yard quadrats were sampled along four (4) transects across the site. A total of six (6) quahogs were observed for an average density of 0.05 quahogs per ft². This level is not considered significant by the Division of Marine Fisheries in assessing sites for private shellfish aquaculture licenses (1 quahog/ft² or 3 soft shell clams or 3 oysters/ft²). No other commercially important bivalve molluscan shellfish species were observed. No eelgrass (*Z. marina*) or other submerged aquatic vegetation was observed on or within twenty-five (25) feet of the proposed site. No other significant marine resources or existing wild fisheries were noted at the time of the survey.

It is our opinion that issuing an aquaculture license under provisions of MGL Chapter 130, § 57 and operation thereunder at this site would have no substantial adverse impact on shellfish or other natural resources of Eastham and Cape Cod Bay. Consequently, the Board of Selectmen may issue the license. A copy of the license must be sent to this office at the time of issuance by the Selectmen.

All activities in connection with this license must be conducted in accordance with all applicable state statutes and regulations governing shellfish and in accordance with provisions of Title 322, Code of Massachusetts Regulations (CMR) 7:00 Permits, 15:00 Management of Marine Aquaculture, 16:00 Shellfish Harvesting and Handling; and Department of Public Health, Food Protection Program regulations at 105 CMR 533.007: (I). Marine Fisheries reserves the right to further condition this private


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aquaculture license at any time, under provisions of MGL Chapter 130, § 57 if deemed necessary to protect shellfish and other natural resources.

All holders of a local private shellfish aquaculture license from a municipality allowing exclusive use of an area to grow shellfish are also **required to annually obtain an aquaculture permit and a state commercial shellfish permit** under authority of Chapter 130, § 69 and 80 MGL and 322 CMR: 7:00 and 15:00 from the Division of Marine Fisheries. The aquaculture permit authorizes the possession and growing of seed shellfish from an approved source and is required annually regardless of whether seed is purchased from a hatchery or is acquired from a natural set. The annual commercial permit is required for the harvesting, possession and landing of shellfish for sale to wholesale dealers authorized to purchase shellfish.

The licensee should be aware that this license is subject to further regulation by the U.S. Army Corps of Engineers and may be subject to regulation by the Massachusetts Dept. of Environmental Protection under the provisions of Chapter 91 (Waterways Acts) and/or Chapter 131, § 40 (Wetlands Act) and their regulations. It is mandatory the licensee contact the local Conservation Commission to determine the applicability of the Wetlands Act and the U.S. Army Corps of Engineers, Regulatory Branch at 696 Virginia Rd., Concord, MA. 01742 (TEL: 978-318-8338) concerning a Programmatic General Permit for Small Scale Shellfish Aquaculture. Operation of this license prior to such determination by the Conservation Commission or before obtaining other required permits and licenses from the Dept. of Environmental Protection or the U.S. Army Corps of Engineers may result in legal or regulatory action against the licensee by one or more of these agencies. Permits issued by this Division to obtain and possess seed shellfish for aquaculture do not absolve the licensee from the above mentioned obligations.

Any questions or comments should be directed to Christopher Schillaci, Aquaculture Specialist at the above address and by phone at extension 135.

Sincerely,


J. Michael Hickey
Assistant Director
Shellfish Program Manager

cc: D. McKiernan, T. Shields, C. Schillaci, DMF
J. Hobill, DEP/SERO
M. O'Connor, Shellfish Constable
M. Campbell, Applicant
C. Renzoni, U.S. Army Corps of Engineers



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

SECOND NOTICE OF FILING AND PUBLIC HEARINGS

D.P.U. 17-05

June 23, 2017

Petition of NSTAR Electric Company and Western Massachusetts Electric Company, each doing business as Eversource Energy, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of General Increases in Base Distribution Rates for Electric Service and a Performance Based Ratemaking Mechanism.

On January 17, 2017, NSTAR Electric Company ("NSTAR Electric") and Western Massachusetts Electric Company ("WMECo") (referred to collectively as "Companies"), each doing business as Eversource Energy, filed a petition with the Department of Public Utilities ("Department") seeking approval of increases in base distribution rates for electric service pursuant to G.L. c. 164, § 94, as well as other proposals. NSTAR Electric proposed to increase its rates to generate \$60.2 million in additional revenues, an approximate 7.0 percent increase over current total operating revenues. WMECo proposed to increase its rates to generate \$35.7 million in additional revenues, an approximate 27 percent increase over current operating revenues. The Companies request that any new rates approved in this proceeding be implemented in two phases, with the first phase to take effect on January 1, 2018 and the second phase to take effect on January 1, 2019. The Department docketed this matter as D.P.U. 17-05, and has suspended the effective date of the proposed rate increases to investigate the propriety of the Companies' request.

On June 1, 2017, the Companies filed a revised rate design proposal that shifts revenues between NSTAR Electric and WMECo as compared to their original proposal and, as described further below, has the potential to change customer bill impacts. As part of the June 1, 2017 revised rate design proposal, the Companies maintain that they are not seeking a change to the total proposed revenue requirement or the total requested revenue increase.

Key differences between the Companies' January 17, 2017 initial filing and the June 1, 2017 revised filing include proposals to: (1) consolidate the revenue requirements of NSTAR Electric and WMECo for rates effective January 1, 2018 and January 1, 2019; (2) maintain existing rate classes, using legacy cost allocation studies, for rates effective January 1, 2018; (3) consolidate rate classes and rates for NSTAR Electric's and WMECo's residential customers effective January 1, 2019 (4) retain rate class WR in 2019; and (5) modify the proposed transmission revenue allocation and rate design, the low-income

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discount, and certain components of the monthly minimum reliability contribution rate. The Companies' initial petition includes a number of additional proposals, including rate design proposals, which are not affected by the June 1, 2017 revised filing. Interested persons should refer to the Notice of Filing and Public Hearing issued on January 30, 2017 for a description of these additional proposals.

If the rate request is approved as proposed in the June 1, 2017 revised filing, the Companies state that customers can expect the following bill impacts:

NSTAR Electric – Phase I (January 1, 2018):

Residential Non-Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 525 kilowatt-hours ("kWh") of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$9.08 (7.9 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$10.29 (9.0 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 343 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill increase of \$5.05 (6.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$2.06 (2.6 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 557 kWh of electricity of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill increase of \$6.54 (5.2 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$5.11 (4.1 percent).**

Residential Non-Heating Low-Income Customers:

- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 438 kWh of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$2.87 (4.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$2.19 (3.4 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 348 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$0.09 (0.2 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$6.65 (12.3 percent).**

- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 502 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill decrease of \$3.26 (4.1 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$10.59 percent (13.4 percent).**

Residential Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential heating customer using 817 kWh of electricity per month during the winter season in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$12.62 (7.6 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$13.93 (8.3 percent).**
- Under the Companies' initial rate design proposal, a typical residential heating customer using 590 kWh of electricity per month during the summer season in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$5.07 (4.0 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$11.10 (8.8 percent).**
- Under the Companies' initial rate design proposal, a typical residential heating customer using 538 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$4.93 (3.9 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$1.44 (1.1 percent).**
- Under the Companies' initial rate design proposal, a typical residential heating customer using 716 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill increase of \$9.81 (6.6 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$7.52 (5.0 percent).**

Residential Low-Income Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 889 kWh of electricity per month during the winter season in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$2.57 (2.1 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$7.06 (5.9 percent).**

- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 548 kWh of electricity per month during the summer season in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$1.21 (1.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$4.29 (5.4 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 547 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$9.52 (10.9 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$12.02 (13.8 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 894 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill decrease of \$8.01 (6.1 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$20.80 (15.7 percent).**

Commercial and Industrial Customers:

- Under the Companies' initial rate design proposal, commercial and industrial customers in NSTAR Electric's service area can expect annual bill impacts ranging from a decrease of 3.5 percent to an increase of 14.5 percent, on average, depending on the amount of their usage. **Instead, under the revised rate design proposal, commercial and industrial bill impacts will change and will vary significantly based on customer class and the amount of usage. Commercial and industrial customers should contact the Companies, as indicated below, for specific bill impacts.**

NSTAR Electric – Phase II (January 1, 2019):

Residential Non-Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 525 kWh of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$1.74 (1.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill decrease of \$1.29 (1.0 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 343 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$1.14 (1.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$2.93 (3.6 percent).**

- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 557 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill decrease of \$1.84 (1.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$1.34 (1.0 percent).**

Residential Non-Heating Low-Income Customers:

- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 438 kWh of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$0.25 (0.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$0.05 (0.1 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 348 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$0.19 (0.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$2.50 (5.3 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 502 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill decrease of \$0.28 (0.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$1.62 (2.4 percent).**

Residential Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential heating customer using 742 kWh of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$1.29 (0.8 percent). **Instead, under the revised rate design proposal, a typical residential heating customer using 817 kWh of electricity per month during the winter season in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$0.72 (0.4 percent), and a typical residential hearing customer using 590 kWh of electricity per month during the summer season in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$4.56 (3.3 percent).**
- Under the Companies' initial rate design proposal, a typical residential heating customer using 538 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill decrease of \$0.94 (0.8 percent). **Instead, under the Companies' revised rate design proposal, that same customer can expect a monthly bill decrease of \$5.04 (4.0 percent).**

- Under the Companies' initial rate design proposal, a typical residential heating customer using 716 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a bill decrease of \$1.24 (0.8 percent). **Instead, under the Companies' revised rate design proposal, that same customer can expect a monthly bill increase of \$4.07 (2.6 percent).**

Residential Low-Income Heating Customers:

- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 778 kWh of electricity per month in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$0.42 (0.4 percent). **Under the revised rate design proposal, a typical residential heating customer using 889 kWh of electricity per month during the winter season in NSTAR Electric's Greater Boston service area can expect a monthly bill increase of \$2.15 (1.9 percent). Instead, under the revised rate design proposal, a typical residential hearing customer using 548 kWh of electricity per month during the summer season in NSTAR Electric's Greater Boston service area can expect a monthly bill decrease of \$1.70 (2.3 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 547 kWh of electricity per month in NSTAR Electric's Cambridge service area can expect a monthly bill increase of \$0.29 (0.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill decrease of \$2.26 (3.0 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 894 kWh of electricity per month in NSTAR Electric's South Shore, Cape Cod and Martha's Vineyard service areas can expect a monthly bill increase of \$0.48 (0.4 percent). **Instead, under the revised rate design proposal, that same customer can expect a bill increase of \$5.23 (4.7 percent).**

Commercial and Industrial Customers:

- Under the Companies' initial rate design proposal, commercial and industrial customers in NSTAR Electric's service area can expect annual bill impacts ranging from a decrease of 53 percent to an increase of 50 percent, on average, depending on the amount of their usage. **Instead, under the revised rate design proposal, commercial and industrial bill impacts will change and will vary significantly based on customer class and the amount of usage. Commercial and industrial customers should contact the Companies, as indicated below, for specific bill impacts.**

WMECo – Phase I (January 1, 2018):

- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 543 kWh of electricity per month can expect a monthly bill increase of \$11.51 (10.1 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$9.78 (8.6 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 572 kWh of electricity per month can expect a monthly bill increase of \$3.34 (4.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$2.18 (3.0 percent).**
- Under the Companies' initial rate design proposal, a typical residential heating customer using 790 kWh of electricity per month can expect a monthly bill increase of \$16.41 (10.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$17.89 (11.4 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 981 kWh of electricity per month can expect a monthly bill increase of \$5.73 (4.8 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$6.90 (5.8 percent).**
- Under the Companies' initial rate design proposal, commercial and industrial customers can expect annual monthly bill increases ranging from 0.6 percent to 18.3 percent, on average, depending on the amount of their usage. **Instead, under the revised rate design proposal, commercial and industrial bill impacts will change and will vary significantly based on customer class and the amount of usage. Commercial and industrial customers should contact the Companies, as indicated below, for specific bill impacts.**

WMECo – Phase II (January 1, 2019):

- Under the Companies' initial rate design proposal, a typical residential non-heating customer using 543 kWh of electricity per month can expect a monthly bill decrease of \$0.07 (0.1 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$1.54 (1.2 percent).**
- Under the Companies' initial rate design proposal, a typical residential non-heating low-income customer using 572 kWh of electricity per month can expect a monthly bill increase of \$1.16 (1.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill increase of \$0.92 (1.2 percent).**

- Under the Companies' initial rate design proposal, a typical residential heating customer using 790 kWh of electricity per month can expect a monthly bill increase of \$1.41 (0.8 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill decrease of \$3.54 (2.0 percent).**
- Under the Companies' initial rate design proposal, a typical residential low-income heating customer using 981 kWh of electricity per month can expect a monthly bill increase of \$3.15 (2.5 percent). **Instead, under the revised rate design proposal, that same customer can expect a monthly bill decrease of \$2.85 (2.3 percent).**
- Under the Companies' initial rate design proposal, commercial and industrial customers can expect annual bill impacts ranging from a decrease of 12.7 percent to an increase of 15 percent, on average, depending on the amount of their usage. **Instead, under the revised rate design proposal, commercial and industrial bill impacts will change and will vary significantly based on customer class and the amount of usage. Commercial and industrial customers should contact the Companies, as indicated below, for specific bill impacts.**

The Department has scheduled the following additional public hearings to receive comment on the Companies' revised rate design proposal:

**July 26, 2017 at 7:00 p.m.
Department of Public Utilities
5th Floor Hearing Room A
One South Station
Boston, Massachusetts 02110**

**August 1, 2017 at 6:00 p.m.
Berkshire Community College
Boland Theatre (Koussevitzky Building)
1350 West Street
Pittsfield, Massachusetts 01201**

**August 2, 2017 at 7:00 p.m.
Cape Cod Community College
Tilden Arts Center
Main Theater
2240 Iyannough Road
West Barnstable, MA 02668**

Persons interested in commenting on the Companies' June 1, 2017, revised rate design proposal may appear at any of the public hearings or may file written comments by the close of business (5:00 p.m.) on **August 31, 2017.**

Any person who desires to participate in the evidentiary phase of this proceeding regarding the June 1, 2017, revised rate design proposal must file a written petition for leave to intervene or to participate in the proceeding no later than the close of business (5:00 p.m.) on **July 10, 2017**. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Written comments and petitions for leave to intervene or to participate should be addressed to: Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. Receipt by the Department, not mailing, constitutes filing.

In addition to the above filing requirement, one (1) copy of all materials filed with the Department should be sent to each of the following: (1) Marc J. Tassone, Hearing Officer, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110; (2) Cheryl M. Kimball, Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110 (counsel for the Companies); and (3) Joseph W. Rogers, Assistant Attorney General, Office of Ratepayer Advocacy, One Ashburton Place, Boston, Massachusetts 02108.

Further, in addition to paper filings with the Department, all documents also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officer, Marc.Tassone@state.ma.us; or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 17-05); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Documents filed with the Department will be available for public inspection at its offices during business hours and through its website by looking up the docket by its number in the docket database at: <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (insert 17-05).

A copy of the Companies' revised rate design proposal is available for inspection during regular business hours at the following locations: (1) the Companies' offices, 247 Station Avenue, Westwood, Massachusetts 02090; (2) the Morse Institute Library, 14 E. Central St, Natick, Massachusetts 01760; (3) the Boston Public Library, 700 Boylston Street, Boston, Massachusetts 02116; (4) the Cambridge Public Library, 449 Broadway, Cambridge, Massachusetts 02138; (5) the Sturgis Library, 3090 Main Street, Barnstable, Massachusetts 02630; (6) the New Bedford Free Public Library, 613 Pleasant Street, New Bedford, Massachusetts 02740; (7) the Plymouth Public Library, 132 South Street, Plymouth, Massachusetts 02360; (8) the Berkshire Athenaeum, 1 Wendell Avenue, Pittsfield, Massachusetts 01201; (9) the Springfield City Library, 220 State Street, Springfield, Massachusetts 01103; (10) the Vineyard Haven Public Library, 200 Main St, Vineyard Haven, Massachusetts 02568; (11) the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01301; and (12) the Department's offices, One South Station,

5th Floor, Boston, Massachusetts 02110. In addition, the revised rate design proposal is also available on the Department's website at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "17-05").

Reasonable accommodations at public or evidentiary hearings for people with disabilities or relevant materials in accessible formats (braille, large print, electronic files, audio format) are available upon request. Contact Theresa Kelly at Theresa.Kelly@state.ma.us or (617) 305 3642 to make such request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated.

Any person desiring further information regarding the Companies' revised rate design proposal should contact the Companies' counsel, Cheryl M. Kimball, Esq. at (617) 951-1400. Any person desiring further information regarding this notice should contact Marc J. Tassone, Hearing Officer, Department of Public Utilities, at (617) 305-3500.



Cape & Vineyard Electric Cooperative, Inc.

23H2 White's Path, Suite 2, South Yarmouth, MA 02664

774-722-1812 www.cvecinc.org

mfo

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**ATTENTION: Your community stands to lose substantial Net Metering Credit Savings
Future town budgets will be affected**

Dear CVEC Member/Participant,

On January 17, 2017, Eversource, the region's local electric utility, filed a petition with the Department of Utilities seeking approval of increases in base distribution rates. Since then, the Cape & Vineyard Electric Cooperative, Inc. (CVEC) has participated as a non-intervenor in the hearings. On May 3rd, CVEC spoke at the DPU hearing to strenuously voice our members' concerns about any changes to the Net Metering Credit (NMC) value, citing the enormity of ramifications to towns' budgets should any change cause a negative impact on Net Metering Credit rates. We also submitted our statement at that time.

On June 7th, 2017 CVEC sent an email to all CVEC member and participants to alert them of the release of revised proposed changes from Eversource and advising a Cape and Island-wide "call to action". While CVEC awaits further calculations from non-CVEC member projects, the projected grand total loss is over \$1,000,000 annually. A chart of the calculated loss to each CVEC project's current level of NMC savings is at the end of this letter as Attachment A.

Yesterday the CVEC Board met in emergency mode and, due to the very real loss to the value of Net Metering Credits should Eversource prevail, the Board voted unanimously to retain legal representation in order to file the request that CVEC be granted intervenor status in the DPU hearing by July 10th, 2017.

The DPU hearing process is fast-moving with evidentiary proceedings beginning in July and a DPU decision scheduled for September. CVEC's intention is to retain legal counsel to facilitate CVEC's participation as an intervenor on behalf of our members.

In addition, CVEC will schedule three informational meetings to give members and participants an opportunity to learn more about the threat of the Eversource proposed changes, as well as information on CVEC actions to counter. One meeting will be on Martha's Vineyard, one on the lower Cape and one on the upper Cape; dates and locations to come.

Please feel free to email CVEC's manager, Liz Argo, at largo@cvecinc.org or call the CVEC offices at 774-722-1812 for further understanding and information on the matter.


Yours Truly,

Leo Cakounes
President

The Cape & Vineyard Electric Cooperative, Inc.

ATTACHMENT A

CVEC REVIEW OF VALUE REDUCTIONS FROM PROPOSED REVISED EVERSOURCE RATE CHANGES



6.30.17

Cape & Vineyard Electric Cooperative, Inc.

Note: starred projects involve CVEC offtakers. The loss in NMC value will affect the CVEC offtakers: COMM Water District, Cotuit Water Department, Monomoy School District, Dukes County, Barnstable County, Barnstable, Provincetown, Chatham, Chilmark, Oak Bluffs, Brewster, and Yarmouth.

Compare Current CVEC Projects NMC Benefits to Benefits Under Proposed Revised Rate Changes

PROJECT	Net Benefit in 2016 or 2017	PROPOSED NET	Reduced by		Reductions
BARNSTABLE AIRPORT*	\$591,155	\$465,485.29	0.21258		\$125,669.71
DY HIGH GM*	\$59,661	\$45,624.38	0.23527		\$14,036.62
EASTHAM	\$55,125	\$44,815	0.18703		\$10,309.84
ME SMALL*	\$88,861	\$68,893	0.22471		\$19,967.53
WEST TISBURY*	\$75,280	\$55,857	0.25801		\$19,422.90
BARN 1	\$263,686	\$193,369	0.26667		\$70,317.27
BARN 2	\$170,772	\$125,992	0.26222		\$44,780.31
BREWSTER	\$115,497	\$79,559	0.31116		\$35,937.69
CHATHAM	\$207,472	\$152,620	0.26438		\$54,851.87
HARWICH*	\$501,832	\$366,901	0.2689		\$134,931.00
KATAMA	\$109,915	\$70,529	0.3583		\$39,385.91
NUNNEPOG*	\$116,980	\$67,496	0.4230		\$49,483.99
TISBURY*	\$108,174	\$71,033	0.3433		\$37,141.10
WIXON*	\$8,997	\$6,195	0.3114		\$2,801.75
ORLEANS	\$56,636	\$40,116	0.2917		\$16,519.52
BARN FIRE DISTRICT*	\$109,803	\$70,457	0.3583		
PTOWN TRANSFER				* * Skewed by BTM	
DY RM	\$48,570	\$32,476	0.3314		\$16,094.29
TOTAL	\$2,688,415	\$1,957,418.09	0.28873	Average	\$730,997.27

Compare NMC Benefits from non-CVEC Projects (Owned by CVEC Members)

PROJECT					
DUKES COUNTY AIRPORT					
BOURNE					
DENNIS	\$697,855	\$529,702.47	0.240956258		\$168,152.53
SANDWICH					
YARMOUTH WATER TANK					
FALMOUTH					
ORLEANS					
TOTAL	\$697,855	\$529,702.47	0.24096	Average	\$168,152.53

Compare Expected NMC Benefits from Projects in Start-up Under Proposed Revised Rate Changes

PROJECT	Expected Net Benefit in 2018	Under Revised Rate	Reduced by		Reductions
Marie's Way (Syncarpha)*	\$107,614	\$66,924.00	0.3781		\$40,690.00
Nexamp*	\$36,211	\$22,519.44	0.3781		\$13,691.89
Future Generation Wind*	\$14,117	\$7,078.59	0.4986		\$7,038.12
TOTAL	\$157,942	\$96,522.03	0.41826	Average	\$61,420.01

	Expected Net Benefit in 2018	Under Revised Rate	Reduced by		Reductions
GRAND TOTALS	\$3,544,212	\$2,583,643	0.35010	Average	\$960,570

EXECUTIVE SESSION