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Selectmen's Correspondence

April 23, 2019

- A. William Nelson submitted 2 letters dated March 29, 2019 & April 16, 2019 concerns of visual and light pollution related to the Hampton Inn project.
- B. Letter from Christina Stevens that there will be an event at 1 Lighthouse Lane [the Wings Neck Lighthouse] on May 17, 2019 beginning at 5:00 PM and ending by 9:00 PM and will include approximately 30 guests. There will be no more than 5 cars parked at the property.
- C. Upper Cape Cod Regional Technical School submitted FY2018 Audited Financial Statements, FY2018 Report to the School Committee and Compliance Report for the End of Year Report FY2018. [Audit on file in the Town Administrator's Office].
- D. Letter from Comcast regarding Commencement of Renewal Process.
- E. Private Roads Acceptance Committee agenda for April 24, 2019.
- F. Letter of interest from Kathy Fox Alfano to serve on the Bourne Cultural Council.

A

Visual and Light Pollution in Bourne

From: William Nelson (w.a.nelson@att.net)
To: w.a.nelson@att.net
Date: Friday, March 29, 2019, 11:24 AM EDT

RECEIVED
APR 17 2019
TOWN OF BOURNE
BOARD OF SELECTMEN

Board of Selectmen
Town Administrator
Commanding Officer, U. S. Army Corps of Engineers, Buzzards Bay Massachusetts
Mr. Tom Guerino, Town Administrator

I am writing concerning what I call visual and light pollution, in this case, related to the Hampton Inn project.

Visual Pollution

Obviously, the hotel wants both physical and visual access to the Canal. In fact, they are already touting "Canal Views". The question I pose is: how much existing vegetation is going to be removed to accomplish this for the Hotel? There are proper ways to remove vegetation, and there are other ways - see Fish Hatchery in Sandwich.

The Hotel is an extremely large and monolithic block, which is quite at odds with the relatively serene nature of its surroundings. Obviously you cannot screen this entire block, but there are ways, including wise use of existing vegetation to at least break up some of the harshness. I would hope that you would work to achieve a friendly view for the off-property viewers by minimizing the elimination of existing vegetation, add adding back some level of pleasant and varied vegetation to the cleared area - perhaps at the Hotel's expense.

I would also urge that you significantly restrict the length of vegetation disrupted along the canal. Views are one thing, but panoramic views are quite another story. There is a very beautiful row of evergreen trees that are consistent for long areas of the canal path. It would be a shame to see a significant portions of those wiped out in total in the future.

In summary, minimize extent of vegetation removal in all directions. and use restorative plantings to soften the appearance of the cleared areas.

Light Pollution

Obviously, the hotel needs lighting to provide for auto and personnel movement and overall property security. Again, however, there are choices as to how this is achieved. Improperly done, extensive, pole-mounted lighting can make a site look like an automobile dealership..

Site plans show light levels magically dropping to zero at the property lines, but this is the light level projected vertically on the ground, and says nothing of the horizontal projection, which can potentially be seen for miles. The light fixture "cut" shown on the site plan appears to attempt to be aesthetically pleasing, at the expense of of significant horizontal projection.

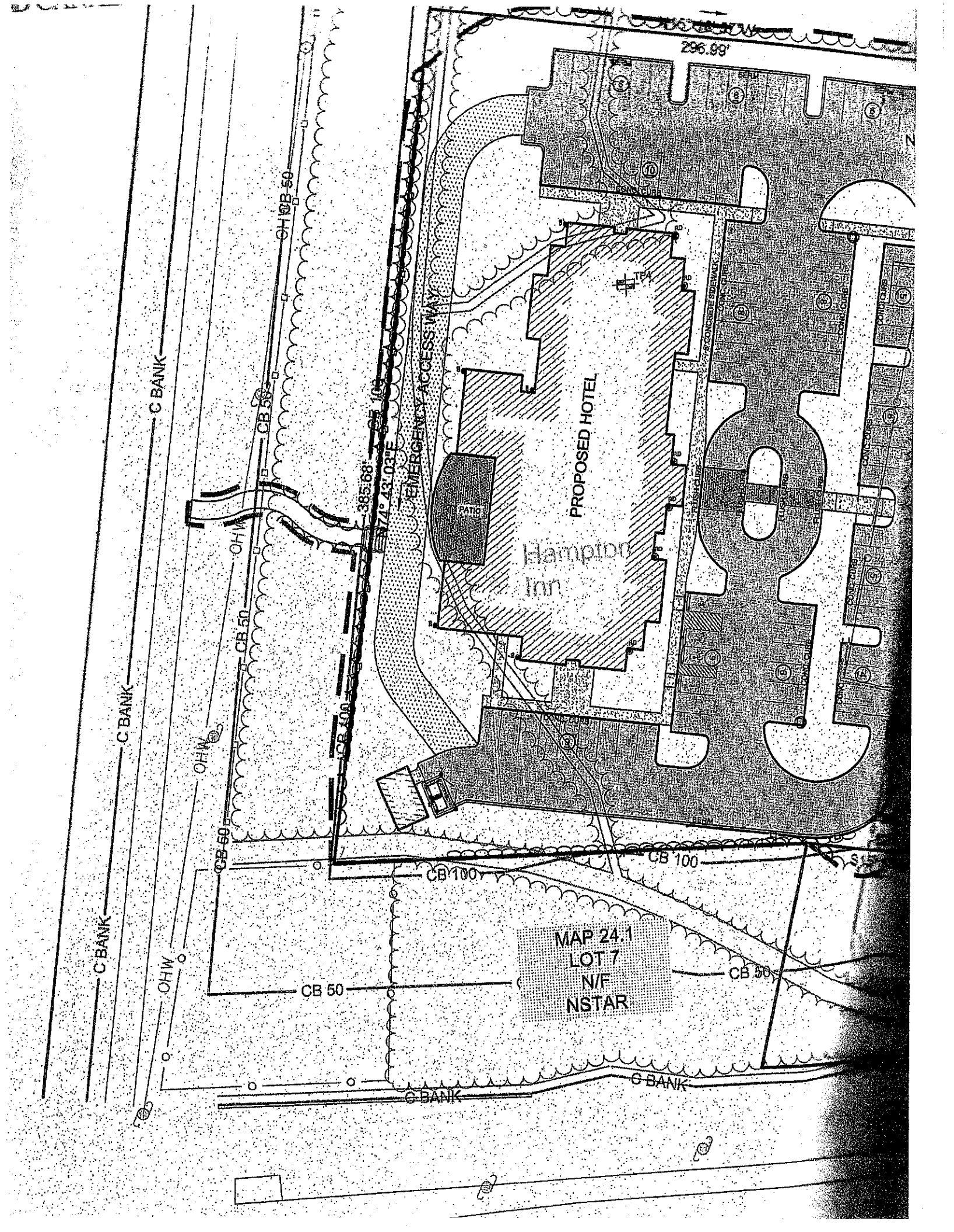
When the nearby canal-side condominium project was constructed a few years ago, the lighting was so intense that you could literally read a newspaper in the center courtyard in the darkest of nights. Light projection was terrible! Fortunately, that situation was changed, with the new lighting perfectly adequate for use in the complex, but with a significantly subdued projection. This should be the objective of the hotel from the outset, and I don't think they are headed that way.

Two other points about lighting 1). An unintended consequence of society's rush to more efficient lighting has been the vastly increased glare of LED lighting compared with prior counterpart fixtures. 2) Perhaps the highly concentrated horizontal light projection could be so intense as to cause canal navigation problems under certain conditions.

I urge review and consideration of these topics before implementation. In one case, the damage to vegetation is irreparable, and in the other, after-the-fact fixture changes are costly.

Thank you for your consideration.

William Nelson



296.99'

C BANK

C BANK

C BANK

OH 100B 50

OHM

CB 50

OHW

CB 50

CB 50

CB 100

385.68'

N 74.43.03° E

105'

EMERGENCY ACCESS WAY

PATIO

PROPOSED HOTEL

Hampton Inn

CONCRETE SIDEWALK

CB 100

CB 100

CB 50

MAP 24.1
LOT 7
N/F
NSTAR

CB 50

C BANK

G BANK

A

Visual and Light Pollution in Bourne

From: William Nelson (w.a.nelson@att.net)

To: w.a.nelson@att.net

Date: Tuesday, April 16, 2019, 8:29 AM EDT

Board of Selectmen
Town Administrator
Park Manager. U. S. Army Corps of Engineers, Cape Cod Field Office

RECEIVED
APR 16 2019
TOWN OF BOURNE
BOARD OF SELECTMEN

April 16, 2019

Pursuant to prior letter on this subject; visit to the subject site yesterday found the following.

- Ribbon marking on several trees. I believe these are new, and am concerned about their being an indicator of immanent action of some sort.

- Orange painted metal stake, about 4 feet high, in place at one of the concrete fence posts at the border of Town and Corps of Engineers land. Again, purpose unknown, but cause for concern, and explanation requested.

With the weather breaking, it becomes more likely that foliage removal will occur at some point. My question is: are there plans in place, and if so, have they been available for review/comment by the public? Once this vegetation, or portions thereof, is removed, it cannot be replaced, so now is the time for discussion on this work that will have a significant and lasting effect on both the Town and the Canal.

Thank you for your consideration.

William Nelson
3 Farnum Road
Bourne

910-0398-3179

B

April 15, 2019

RECEIVED
APR 17 2019
TOWN OF BOURNE
BOARD OF SELECTMEN

Christina Stevens
Lighthouse Realty Trust
22 Red Gate Lane
Southboro, MA 01772

Mr. Thomas Guerino
Bourne Town Administrator
24 Perry Ave
Buzzards Bay, MA 02532

Dear Mr. Guerino,

In accordance with the agreement of June 2, 2016 between the Town of Bourne and myself, this letter is to notify you that there will be an event at 1 Lighthouse Lane (the Wings Neck Lighthouse) on May 17th, 2019. The function will begin at 5:00 pm and end by 9:00 pm and will include approximately 30 guests. No more than five cars will be parked at the property. A detail Bourne Police Officer has been requested for the event. Additionally, per our agreement, I have meet in person with the hosting family at the site to clearly establish the property lines and event guidelines.

If you have any questions or concerns please do not hesitate to contact me at 617-899-5063.

Sincerely,



Christina Stevens

Lighthouse Realty Trust

Upper Cape Cod Regional Technical School

220 SANDWICH ROAD, BOURNE, MASSACHUSETTS 02532
www.uppercapetech.com

Robert A. Dutch
Superintendent

Telephone: 508-759-7711
FAX: 508-759-7208

April 12, 2019

Mr. Tom Guerino
Town Administrator
Bourne Town Hall
24 Perry Ave.
Buzzards Bay, MA 02532

*Audit on
File in
BOS/TA
office*

Dear Mr. Guerino:

Enclosed you will find the FY2018 Audited Financial Statements, FY2018 Report to School Committee and the Compliance Report for the End of Year Report FY2018.

If you have any questions, please feel free to contact me.

Very truly yours,



Robert A. Dutch, Ed.D.
Superintendent

Enclosure



BOURNE - FALMOUTH - MARION - SANDWICH - WAREHAM



Comcast
676 Island Pond Road
Manchester, NH 03109
Phone: 603-695-1400
Facsimile: 603-628-3303
www.comcast.com
www.comcastcorporation.com

D

RECEIVED
APR 18 2019
TOWN OF BOURNE
BOARD OF SELECTMEN

April 16, 2019

Via Overnight Delivery

Town of Bourne
Board of Selectmen
24 Perry Avenue
Buzzards Bay, MA 02532

Re: Commencement of Renewal Process

Dear Chair and Members of the Select Board:

Over the years, we at Comcast have appreciated the opportunity to serve the citizens of the Town of Bourne (the "Town"). We have done our best to provide the high quality cable television service the Town and its residents demand, and we anticipate being able to provide that service to our subscribers in the Town for many years to come. Therefore, we are taking this step to ensure the renewal of our agreement with you.

The Cable Communications Policy Act of 1984 encourages issuing authorities and cable companies to reach agreement on a renewal agreement at any time through an informal process of discussion. However, Section 626 of the Act also provides for a contemporaneous alternative formal renewal procedure with specific substantive and procedural requirements. If either the issuing authority or the cable company does not initiate the formal process within a certain time frame, the protections of that process may be lost. To that end, Comcast hereby notifies the Town that the renewal period for our agreement under Section 626 is now open, and we request the start of renewal proceedings pursuant to the Section 626(a)(1).

This letter is not intended to preclude informal negotiations, but instead is intended only to preserve the rights of Comcast under the formal renewal process. Comcast has every reason to believe that the Town and Comcast will reach a mutually agreeable renewal of the cable television agreement through good-faith negotiations, thus making many of the Act's formal procedures unnecessary. The relevant provision of Section 626 on the informal process is brief and reads as follows:

"(h) . . . [A] cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after formal proceedings pursuant to this section have commenced) . . ."

Re: Commencement of Renewal Process

April 16, 2019


Page 2

The "formal" process generally includes the following steps:

1. Within six (6) months of the submission of this letter, the Town conducts an ascertainment proceeding which affords residents an opportunity to a) identify the future cable-related needs, and b) review Comcast's performance under the current agreement.
2. At your request or on our own, Comcast submits a renewal proposal with a draft cable television agreement.
3. Within four (4) months of the Town's receipt of Comcast's proposal, the public is afforded "adequate notice and opportunity to comment on the renewal proposal" and the Town must choose to renew the agreement or issue a preliminary denial, which triggers a further formal process.

I am attaching a copy of Section 626 of the Cable Act for your review. Mike Galla will be in contact with you soon to arrange a meeting with the Town to discuss informally negotiating a renewal agreement. Please feel free to contact Mike at 508-732-1536 at any time. Comcast looks forward to meeting with the Town in the near future and continuing the long relationship that, we believe, has benefited both the community and the residents of the Town of Bourne.

Sincerely,



Timothy Murnane
Vice President, Government and Regulatory Affairs

TM/cam
Attachment



cc: Cable Advisory Committee
Town Administrator, Thomas M. Guerino
Mike Galla – Comcast Government & Regulatory Affairs

The Communications Act of 1934, as amended
(47 USC Sec. 546-Renewal)

Section 626. Renewal

(a) Commencement of proceedings; public notice and participation -

- (1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.
- (2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless -
 - (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
 - (B) such a proceeding is commenced by the franchising authority on its own initiative.

(b) Submission of renewal proposals; contents; time -

- (1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.
- (2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.
- (3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript; written decision -

- (1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether -
 - (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
 - (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;
 - (C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and
 - (D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
- (2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.
- (3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial -

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e) Judicial review; grounds for relief

- (1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.
- (2) The court shall grant appropriate relief if the court finds that -
 - (A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or
 - (B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision -

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined -

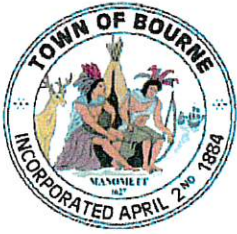
For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures -

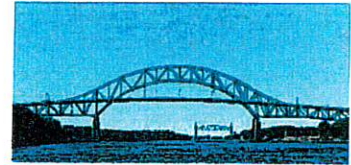
Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(i) Effect of renewal procedures upon action to revoke franchise for cause - Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

E



PRIVATE ROADS ACCEPTANCE COMMITTEE



MEETING NOTICE

Date: Wednesday – April 24, 2019

Time: 6:00 P.M.

Location: Bourne Veterans Memorial Community Center
Room 1
239 Main Street
Buzzards Bay, MA 02532

2019 APR 19 AM 10:01
 TOWN OF BOURNE

Agenda Topics

1. Call Meeting to order
2. Review Draft Road Map
3. Review and discuss draft Road Acceptance Policy and Procedures
4. Set next meeting date
5. Adjourn


Thomas M. Guerino

cc: Town Clerk
Town Administrator - Board of Selectmen
Committee Members: S. Goulet, T. Lydon, P. McConnell, L. Gallo, C. Moore, G. Sala,
G. Slade

Judge, Debbie

F

From: Guerino, Thomas
Sent: Thursday, April 18, 2019 1:31 PM
To: Judge, Debbie
Subject: FW: Bourne Cultural Council

For Correspondence.

From: Kathy Fox Alfano [mailto:kfoxalfano@gmail.com]
Sent: Thursday, April 18, 2019 11:40 AM
To: Guerino, Thomas <TGuerino@townofbourne.com>
Subject: Bourne Cultural Council

Hello Tom

We met briefly yesterday at the Municipal Vulnerability Workshop.

I would like to be appointed to the Bourne Cultural Council. I moved to Bourne permanently about a year ago. Previously I lived in Canton for about 25 years and was very active in town.

Some of my activities include:

- * The Cultural Council for two terms, most as Chair
- * Elected Library Board of Trustees for a decade, half as Chair
- * Founded the Canton Community Theatre in 2002, serve as Chair for 10 years
- * Founded the Canton Writes Contest which is now in its 10th year.
- * CPA as the Selectman's Representative over 5 years

I look forward to serving Bourne as well.
Thank you.

--
Kathy Fox Alfano
160 Jefferson Rd
781 962 0337

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