

From: juanhirsch3@aol.com
To: [Jonathon Idman](#)
Subject: Fwd: DRI for the Herring River Restoration Project and the Flooding of Utility Poles and Power lines on Way 672, Wellfleet
Date: Saturday, February 8, 2020 1:46:45 PM

Dear Sir, See email below. Please post this email in the public comment file for the Herring River DRI. Thank you.

To The Cape Cod Commission: We are the owners of 25 Way 672 in Wellfleet, an approximately one acre parcel of land and a home adjacent to the Herring River Estuary, one of the properties that has been identified as being directly impacted by the Herring River Restoration project. The Friends of the Herring River along with the project management have told us that they plan to build a tidal barrier in order to prevent the flooding of our road and a portion of our driveway. Alternatively, they have offered us the option of the raising of our road and a portion of our driveway to prevent flooding. They acknowledge that under the law they are not permitted to flood any structures and must protect any affected structures as a result of the Herring River Restoration Project. Continuing along Way 672, the next property is Judy Ellis's home and beyond that is the rest of our road (Way 672), which is to be abandoned and subject to flooding as a result of the project. The only other homes on Way 672 are two homes at the end of our road, the Rosenberg property and the Feil property, both of which have been purchased by the Cape Cod National Seashore which plans to demolish them during the course of the project. It is along this road that we also have nine private utility poles which are located in an area that will be subject to flooding as a result of the project. The Rosenberg property, the Feil property, the utility poles adjacent to each of these properties, the rest of Way 672 and the remaining utility poles along Way 672 will all be subject to flooding. According to Eversource, since these are private utility poles, we and Judy Ellis are the owners of these poles and are responsible for maintaining them. In the event a pole comes down, we are required to pay for their replacement. In the event a tree falls on them, we are required to pay for the tree to be removed. We have done exactly that over the past six years of owning our property. Project management assures us that their projections show that any flooding of our utility poles and the road leading to them will be minimal. However, projections are just that - what they expect to happen - but not necessarily what will happen. In addition, the added impact of global warming could also increase the amount of water around these poles and on the road up to them. Should their projections be incorrect, this could create potential liability for the town of Wellfleet and the possibility of a lawsuit which we wish to avoid. In addition, if the exposure is minimal why the need to purchase homes along the very same road? The project team has also have assured us that it is ok for our utility poles to stand in salt water. If as they claim the exposure to salt water will be minimal, then why are they telling us it is ok for them to stand in salt water? Regarding the amount of flooding, our view is that our poles should not be exposed any flooding at all as a result of the project. We have spoken to Oscar Farrell at Farrell Electric, a utility repair company which does extensive work on the Outer Cape, regarding utility poles and salt water and he told us "on the record" that "salt water speeds up the degradation of the utility poles". Also since the road we use to access the poles for maintenance and repair will be subject to flooding, this will create another obstacle in the way for us. We also believe that by law, utility poles are structures and as such must be protected under the law. Furthermore, project management concedes that under Phase II of the project, the flooding of our utility poles will be more extensive. Why wait for Phase II to move our utility poles to safety? We have met with project management several times and requested that they move the poles out of harms way and underground entirely. This would remove any danger to our poles and have the added purpose of helping to retain the scenic character of the area which is one of the stated goals of the project. In fact, in the DRI, they actually state that some of the utility poles located along Chequessett Neck Road will be moved underground for practical and aesthetic reasons. As a matter of good faith we are continuing to have discussions with them but to date, have not reached any agreement. Nonetheless, despite our objections, project management has informed us that they will not take any action regarding the movement of our poles. We realize that we are in the front line of Phase I of the project. As a result we will have to deal with life in the middle of a construction project, reduced property values during the construction and implementation stages, inability or difficulty refinancing, difficulty reverse mortgaging or

selling our property, difficulty renting our property (which we have done in the summer for the past five years), limited road access at times, issues related to animals moving to the coastal uplands as their habitat is flooding, dead and dying foliage, less than aesthetic views and possible odors from the project. We realize that we will have to live with these negative effects if the project goes forward. However we request that this project not be approved without protection for the utility poles along Way 672.

Respectfully, Jonathan Hirsch and Robert Meek, 25 Way 672, Wellfleet MA 02667