



TOWN OF BARNSTABLE SANDY NECK BOARD

1189 Phinney's Lane
Centerville, MA 02632

Tel: 508-790-6272
Fax: 508-790-6275

Sandy Neck Board Meeting January 10, 2011

Chairman:

Richards French

Vice Chairman:

William Carey

Board Members:

Barbara Bell
Lynn Heslinga
Nate King
George Muhlebach
Peter Sampou

Council Liaisons:

Henry Farnham
Ann Canedy

A regularly scheduled meeting of the Sandy Neck Board was held on January 10, 2011 at the Barnstable Town Hall, Selectmen's Conference Room, 367 Main Street, Hyannis, MA. The meeting was called to order at 7:34 pm by Chairman Rich French.

Roll Call:

- Board Members present: Peter Sampou, George Muhlebach, Barbara Bell, Bill Carey, Nate King, and Rich French.
- Council Liaison: Hank Farnham.
- Staff: Nina Coleman, Sandy Neck Park Manager, Matthew Gough, Natural Resource Officer, and Debbie Lavoie, Secretary Pro Tem.
- Public: Wendy Paquette and Patrick Paquette.

Act on Minutes:

- On a **motion** by Barbara Bell and seconded by Pete Sampou, the Sandy Neck Board voted unanimously to approve the December minutes as presented. Nate King abstained from voting on the minutes because he was not at that meeting.

Correspondence:

- None.

Staff Report:

Nina Coleman addressed the Board:

- The gatehouse is closed. Staff is available for the sales of ORV permits by appointment only. [Note: ORV stickers are required year round.]
- There is still hunting at Sandy Neck. Mostly duck hunting; some rabbit hunting. Some shorebirds were (illegally) shot at the Point. Two sanderlings. No one witnessed. If anyone hears or see anything please let the staff know. This is very disappointing.
- The town website is <http://www.town.barnstable.ma.us/SandyNeckPark/default.aspx>. There are currently four videos: (1) Bathhouse Burn (2) Cold Stunned Sea Turtle Rescue (3) Halfway House (4) Phragmites.
- A dead Mink Whale washed up on the marsh east of the Handy Camp near Trail 4.



Old Business:

Bathhouse Update

Two pictures were shown. The first picture is the garage construction which located near the gatehouse. The second is the bathhouse. They are ready to pour the foundation – weather permitted.



There are a few electrical issues. Rich French is meeting tomorrow with the electric company and they are proposing underground wires and the elimination of the poles. This is a minor change to the construction but the change will require ConComm approval. Nina Coleman is going to Conservation on Tuesday. The underground wires would go in before the sidewalk construction and the money for this change will come out of the contingency bathhouse funding. Currently, the contractor is using his own generator on site. There is no electricity at the air station.

Hank Farnham asked about the fencing on site and lack of parking. Nina Coleman explained that the leaching field is going there so they can not move the fence back until the work is completed. After that, the area will be repaved and the fencing will be moved back. Through the permitting process, it was determined that the leaching facility must be at this location and can not be relocated.

Nina Coleman reported that the concrete pad to the east of the old bathhouse was an old “lookout tower base”. It was removed by the contractor.

Marsh Trail Repair

Nina Coleman indicated there are no updates to report at this time.

Breach Repair Update

Nina Coleman reported it is in the works. It is based on weather and tide. Hopefully, the work will be done during the third week in January.

Regulation Review [Regulations attached at end of these minutes]

Pete Sampou commented on Section 601-5. Hunting Regulations. He is in agreement with the new language which states: *Hunting for in-season game shall occur between ½ hour before sunrise and sunset only.*

Regarding Low Profile Tires – Patrick Paquette addressed the Board. He felt that tire pressure – not tire size is the issue and the regulations should be not changed. Hank Farnham stated that he talked to a gentleman who sells tires and he said there are over 400 different types of tires and you can not regulate just by size. Too many variables. Tire pressure is the key. Nina Coleman stated that when people have low profile tires, SN Staff makes them air down or leave the beach. If someone on the beach sees a problem caused by these tires – they need to report it to the staff immediately so staff can go down and speak to that person regarding their tire pressure.

After a discussion and review of the regulations, a **motion** was made by Nate King and seconded by Barbara Bell, that the Sandy Neck Board approve the new Sandy Neck Beach Park Regulations as presented. Motion passed unanimously.

New Business:

Beach Erosion

Nina Coleman reviewed the damage from the last two storms. The first picture (1) is the stairs going down to the beach which shows how much beach was lost, possibly 15-20 feet at the toe. Picture (2) shows how high the tide comes up and picture (3) shows the dune loss. The dune is at a steep angle and the erosion is not over. Fearful of the next storm. The last picture (4) is old parking lot remnant material perhaps dating back before the 1980s. This is “the lost parking spaces”. The state will not allow Christmas Trees to help with the erosion. The only suggestion is to put in more sand and to re-grade the area with dredge material. Permits are currently in place if work is needed. Hopefully, the dune will rebuild in the summer.



Conflict of Interest Forms:

All Sandy Neck Board Members have read and signed this year’s Conflict Of Interest Forms.

Public Comment:

Patrick Paquette, MMBA representative, addressed the Board. The Town of Orleans has invited the Town Of Barnstable to join an ORV Working Group. Could someone check and make sure the town was invited? Rich French will check into it.

Adjournment:

There being no further business, the meeting was adjourned at 8:28 pm.

Respectfully submitted,

Debbie Lavoie, Secretary Pro Tem

Town of Barnstable
Sandy Neck Beach Park Regulations
Marine and Environmental Affairs Division

Welcome to Sandy Neck:

§ 601-1. Introduction. Sandy Neck Beach Park (Sandy Neck), a coastal barrier beach, is approximately six miles long, varying in width from 200 yards to one half mile. The majority of this unique conservation and recreation area is owned by the Town of Barnstable and is under the supervision and jurisdiction of the Town Manager, with the advice of Sandy Neck Board. The Sandy Neck Park Manager (Park Manager) handles daily operations. Help us to preserve and protect the heritage and integrity of this resource by reading this brochure and abiding by the rules and regulations outlined herein.

§ 601-2. Beach closures for protection of rare and endangered species: Shorebirds, including Piping Plovers and Least Terns, nest on Sandy Neck. To protect nesting activity, shorebird nesting areas are fenced to exclude pedestrians and speed limits are reduced to 5 mph where posted. The Piping Plover, a threatened species under the Endangered Species Act, is given special protection once eggs begin to hatch. Pursuant to federal, state and local law, vehicle traffic is limited to protect developing chicks not yet able to fly.

§601-3. General Regulations:

- A. Acts of a lewd or lascivious nature (including public nudity) are prohibited.
- B. All rubbish and garbage must be kept in suitable containers and removed from the beach. Burial **or burning** of rubbish, garbage or refuse is prohibited.
- C. Glass beverage containers are prohibited.
- D. No person shall feed, harass, molest or disturb wildlife on Sandy Neck. No person shall injure or remove any trees, shrubs, plants or other vegetation from Sandy Neck. *Exception: edible fruits and legally hunted game.*
- E. No person shall dig, remove, damage or disturb any artifact on Sandy Neck. The discovery of any artifact(s) should be reported to the Natural Resource Officer on duty.
- F. Removal or disturbance of buoys, storm debris, marine salvage, municipal or private property is prohibited.
- G. No person shall traffic (or allow any pet to traffic) in any posted area. All persons shall stay on marked trails and keep off all vegetation, dune faces, steeply sloped dunes, foredunes, and primary dunes. People who are hunting, berry collecting, involved in professionally lead educational hikes and/or scientific studies are permitted off the marked trail. All activities require prior approval by the ~~gatehouse~~. **Sandy Neck Gatehouse.**
- H. All dogs must be leashed from March 1 to September 15. At all other times, dogs must be kept leashed or under direct voice control of the owner or keeper. The owner or keeper of any dog shall clean up and properly dispose of all fecal material deposited by the animal. **Dogs involved in dog-bite incidents must be removed immediately from the beach until further notice by the Park Manager.**

- I. Curfew: Summer (May 1 to October 15): No vehicles may enter the beach between 9:00 PM and 8:00 AM. Vehicles must exit prior to 11:00 PM. Winter (October 16 to April 30): No vehicles may enter the beach between 6:00 PM and 8:00 AM. All vehicles must exit prior to 8:00 PM. Self-contained vehicles, fishermen, cottage owners and their guests may enter the beach past curfew if tidal conditions allow. *Curfew may be moved forward as tidal conditions warrant.*
- J. All organized gatherings at Sandy Neck involving twenty or more individuals must obtain a Special Permit from the Park Manager. A Special Permit is also required in order to conduct scientific research on Sandy Neck. Fees may apply. Please call the Sandy Neck Gatehouse for further information (508-362-8300).
- K. Camp Fires:
 - (1) Weather permitting, evening camp fires **(including cooking fires)** on the front beach are allowed **after sunset or 7:00PM only, which ever comes first.** ~~after 7:00 PM Memorial Day through Labor Day and after sunset during the rest of the year.~~
 - (2) ~~Fires on the front beach shall be at least 25' from the toe of any frontal dune or vegetation.~~ **Fires on the front beach shall be at least 15-feet from the toe of the dune and 10-feet from the established ORV corridor.**
 - (3) **Fires may be placed on the Cape Cod Bay side of the established ORV corridor.**
 - (4) **Fires shall not impinge on vehicle travel in the established ORV corridor.**
 - (5) All fires shall be doused with water before being buried.
 - (6) The burning of wood pallets **or garbage** is prohibited at Sandy Neck.
 - (7) The Park Manager or Natural Resource Officers have final discretion on all fires.
- L. ~~Fires may be placed on the Cape Cod Bay side of the established vehicle corridor with proper authorization from the Park Manager or Natural Resource Officer on duty. Said fires shall not impinge on vehicle travel in the established corridor.~~
- M. All people sleeping overnight at Sandy Neck shall remain inside self-contained vehicles. No tenting lean-tos, camping trailers, or temporary shelters are allowed. Registered owners will be responsible for anyone sleeping outside of said vehicles, i.e., in sleeping bags, tents, chase vehicles, or any other manner. Tenting in designated areas is allowed at the discretion of the Park Manager.
- N. The discharge of gray water or waste water from holding tanks, portable toilets, sinks, or any other source is prohibited.
- O. If high tide forces passage within 15' of the toe of the dune or any vegetation, the beach shall be considered closed, with no traffic being allowed to travel either off or on, until the Park Manager or the Natural Resource Officer on duty has determined the tide has receded to an appropriate level.
- P. When vehicle limits reach capacity, there will be no waiting lines (no "one off –one on policy"). Access will be on a first come, first serve basis. Cottage owners and their guests, and chase vehicles returning from emergency work, will be allowed access over the beach if tidal conditions permit.
- Q. The Park Manager reserves the right to close or limit use of Barnstable's land at Sandy Neck to all oversand vehicles (ORVs), horses, and/or pedestrian and recreational traffic when public safety, wildlife habitat, tidal or extreme weather conditions warrant. This includes access for fishing, shellfishing, and hunting.
- R. No refunds will be granted for any reason including foul weather, evacuations, personal emergencies, or limitations on access.
- S. Permit holders are responsible for the safe operation of their vehicle and compliance with all Sandy Neck Regulations by all operators and passengers of their vehicle. The penalty for violations by permit holders as well as non-owners and/or guests may include suspension and/or revocation of the OVR permit.

- T. Vehicle operation on those areas of Sandy Neck owned by the Town of Barnstable, by election to exercise the privilege of driving on this Town property, which is not a public way, are subject to being stopped by Natural Resource Officers or the Park Manager (or any other employee designated by the Town Manager to enforce the regulations at Sandy Neck) in order to ascertain the identification of the occupants, and to determine if there are violations of the Sandy Neck Beach Park Regulations and/or the Barnstable General Ordinances.

§601-4. Required Equipment and Minimum Standards:

- A. All off road vehicles (ORVs) must carry the following equipment:
- (1) Spare tire—spare shall be the same tire and wheel size as the other four tires mounted on the vehicle (trailer included). *Exception: two wheel drive motor homes and “dune buggies” must carry one spare tire of sufficient height and aspect ratio to allow the vehicle to drive off the beach under its own power should any of the tires mounted on the vehicle fail.*
 - (2) Tow device—minimum length 15 feet
 - (a) rope - 3/4” diameter, or
 - (b) strap - 6,800 lb. capacity, 1 1/2” wide, or
 - (c) chain - 5/16” link, or
 - (d) cable - 3/8” diameter, or
 - (e) suitable vehicle mounted winch.
 - (3) Jack—standard type jack or hydraulic jack.
 - (4) Support board—minimum size 18” x 18”, 3/4” plywood or 1/4” thick steel.
 - (5) Shovel—heavy duty, equal to military folding type or better.
 - (6) Tire gauge—low pressure type, must register 10 psi or lower.
 - (7) Sandy Neck Beach Park Regulations and tide current chart (both provided).
- B. It is recommended that all ORVs are equipped with a bucket, fire extinguisher and a first aid kit.
- C. Minimum acceptable tire rim size for all ORVs is 13 inches.
- D. Trailers:
- (1) All trailers must be inspected and receive a trailer permit at the gatehouse prior to beach access.
 - (2) All trailer tires must meet the minimum rim size of 12 inches.
 - (3) Matching spare tire is required.
- E. Self-Contained Vehicles:
- (1) Self-contained camping vehicles are allowed to stay overnight when equipped with a permanently installed sanitary unit with holding tanks for sewage and “gray water”, and adequate built-in bed space for each member of the camping party. **Detachable gray or black water overflow tanks are prohibited.**
 - (2) Maximum stay for self-contained vehicles is 96 hours. All self-contained vehicles shall exit the beach for a minimum of 24 hours before being readmitted. The Park Manager or Natural Resource Officers may reduce the maximum stay of a self-contained vehicle.
 - (3) Properly equipped two wheel drive permanently self-contained vehicles are allowed, subsequent to a beach driving test that is supervised by the Park Manager or a Natural Resource Officer. Tests are available Monday through Thursday only by appointment. Vehicles with ORV permits from the prior calendar year do not need to repeat the trial run.
 - (4) Only one designated chase vehicle is permitted per self-contained vehicle.

- (5) **Between May 1st and October 15th, all self contained vehicles, and associated chase vehicles, must purchase an Overnight Camping Permit in order to stay on the beach past curfew. The permit must be placed in an area that is clearly visible to Sandy Neck staff.**

F. Motor Vehicle Operation:

(1) Speed limit:

- (a) No person shall operate a motor vehicle on Sandy Neck at a rate of speed greater than is reasonable and proper, or in excess of posted speed limits.
- (b) Unless otherwise posted, speed limit shall be 15 mph from May 1 to October 15. Speed shall not exceed 35 mph at all other times.
- (c) Maximum speed near shorebird nesting areas is 5 mph.

(2) Permits:

- (a) The only vehicles eligible for an ORV permit are Park Manager approved all-wheel or four-wheel drive vehicles as well as two-wheel drive motor homes and suitably equipped 'dune buggies'.
- (b) All motor vehicles operating "oversand" on Sandy Neck must have a valid Sandy Neck ORV permit affixed to the lower left hand corner of the vehicle's windshield (or as directed by the gatehouse staff).
- ~~(c) All expired Sandy Neck ORV permits must be removed from view.~~

(3) No person shall operate a motor vehicle on the following areas:

- (a) the designated public bathing beach, or
- (b) the foreshores, tidal flats, foredune area, vegetation, posted shorebird nesting areas or other "closed" areas, the toe of the dune: defined as the foredune and/or vegetation area, or**
- (c) below the berm: defined as the foreshores and tidal flats, or**
- (d) outside of the **established ORV** ~~oversand vehicle~~ corridor, or
- (e) **posted shorebird nesting areas or other "closed" areas, or**
- (f) within the inner dune routes and cross trails without a valid trail pass.

(4) Beach parking:

- (a) All vehicles shall be parked parallel to the frontal dune, at least 15' from the toe of the dune, unless otherwise directed by the Sandy Neck Staff.
- (b) Berm parking is permitted.**
- (c) In the absence of an established berm, vehicles will be allowed to park no more than 15-foot north of the established ORV corridor unless otherwise authorized by the Park Manager.**
- (d) No parking within posted shorebird nesting areas.**
- (e) The Park Manager or Natural Resource Officers have final discretion on all beach parking.**

(5) Self-contained vehicles shall always have the right of way due to size and weight of the vehicle. Otherwise, vehicles with the Cape Cod Bay on the driver's right have the right of way.

(6) No person shall obstruct the **established ORV** ~~oversand vehicle~~ corridor or park so as to impede vehicle travel within said corridor.

(7) No person shall operate a passenger vehicle with tire pressure in excess of 18 psi. *(Self-contained campers shall maintain tire pressure appropriate for the vehicle.)*

(8) No person shall operate a vehicle:

- (a) without a valid driver's license, or
- (b) so as to endanger the public, or

- (c) engage in dunehopping, ~~driving through water~~, doing “zigzags”, “donuts”, “cutting tracks” or in any other reckless or unacceptable fashion.
- (9) Riding on tailgate, roof, bumper or any exterior portion of a vehicle not designed to carry passengers is prohibited. Standing in truck beds or sitting on truck bed rails is prohibited.
- (10) All holes, campfire remains or alterations of the beach shall be restored to natural condition.

§601-5. Hunting Regulations:

- A. Hunting possessing, taking, molesting or disturbing deer within the boundaries of Sandy Neck, unless authorized by the Town Manager or Park Manager is prohibited.
- B. Discharging a firearm within the boundaries of Sandy Neck from Memorial Day to Labor Day is prohibited.
- C. No person shall hunt any game, except waterfowl, without wearing a “hunter orange” cap or hat. “Hunter orange” vest or coat is also recommended.
- D. All hunters must check in at the Sandy Neck Gatehouse prior to and at the conclusion of their hunt.
- E. Hunting or discharging a firearm or release an arrow upon or across the “front beach”, that area between the primary dune and the high water mark, without written permission from the Town Manager or the Park Manager is prohibited.
- F. Discharging a firearm or releasing an arrow is prohibited on and within 150 feet of the access trail and front beach, or within 500 feet of any public building or structure.
- G. Hunting for in-season game shall occur between $\frac{1}{2}$ hour before sunrise and sunset only.

§601-6. Shellfishing, Fishing, and Boating Regulations:

- A. All shellfishing at Sandy Neck requires a valid Town of Barnstable shellfishing permit.
- B. A Sandy Neck trail pass must be obtained in order to utilize the cross trails by vehicle to access the shellfishing areas. A trail pass can be obtained at the Sandy Neck Gatehouse (508-362-8300).
- C. The launching of motor vessels from Sandy Neck and their operation in waters offshore must be conducted in accordance with the provisions of Massachusetts General Law Chapter 90B and Barnstable General Ordinances.
- D. All fishermen must be actively engaged in fishing to remain past curfew as well as receive approval from a Natural Resource Officer on duty. Equipment shall be no more than 10 feet from the water.
- E. Violations may result in fines and/or the revocation of trailers and/or ORV permits.

§601-7. Horse Regulations:

- A. Horseback riding shall be allowed on the Cape Cod Bay Trail (front beach to Trail #5), and on the Braley’s Dune Trail (known as the Horse Trail) only. All riders must enter the beach via the Access Trail.
- B. Between the Friday before Memorial Day and the day after Labor Day, the following restrictions shall apply:
 - (a) Horseback riding allowed from Monday 12:00 noon until Friday 12:00 noon. All riders shall be off the beach by 9:00 PM, Monday – Thursday.
 - (b) Groups with more than two trailers must obtain a Special Permit from the Park Manager.
- C. All riders shall obtain permits and register at the Sandy Neck gatehouse before entering the beach.

- D. All organized trail rides of 8 or more horses must be approved by Special Permit issued by the Park Manager.
- E. All riders shall stay on trails designated for use by horses.
- F. All riders shall remove horse droppings from the parking lot
- G. Riders must maintain 100' buffer between the horses and all bathers.
- H. Note: It is recommended that riders on the front beach after sunset wear reflective clothing.

§601-8. Obtaining an Off Road Vehicle Permit:

- A. Off road vehicle (ORV) permits are available at the Sandy Neck Gatehouse.
- B. Vehicles leased for a minimum term of one year will be allowed to register for oversand travel. Vehicles rented or leased for shorter terms are ineligible for oversand permits.
- C. A valid registration is required in order to purchase an ORV permit (no dealer, farm, or repair plates).
- D. Proof of residency is required in order to obtain a Barnstable or Sandwich ORV permit. Residency can be proven by:
 - (a) Tax bill,
 - (b) Minimum one year property lease,
 - (c) Vehicle registration with a street address (PO Box is not sufficient),
 - (d) Other legal documents such as a deed or will (this does not include utility bills, excise tax bills, etc.).
 - (e) College students may provide a tuition bill with a Barnstable or Sandwich address.
- E. Barnstable and Sandwich residents wishing to obtain an ORV permit must have their vehicle registered in their name (or the name of a person residing at the same address) unless:
 - (a) They have written permission to use a company vehicle.
 - (b) Proof of ownership of the company on the vehicle registration.
 - (c) A minimum one year vehicle lease agreement.
 - (d) The resident's permit has been revoked.
- F. Permit replacement is \$1.00 providing:
 - (a) The original permit is returned or,
 - (b) There is documented proof (approved by the Park Manager) that the original permit was destroyed.
- G. All ORV permits (issued by the Sandy Neck Gatehouse) and Resident Parking permits (issued by the Barnstable Recreation Division and the Town of Sandwich) are not valid unless they are permanently affixed to the lower left hand corner of the vehicle's windshield and the license plate number on the vehicle matches the permit (except for authorized laminated permits). The protective sheet must be removed from the adhering side of the sticker and the permit must be adhered to the windshield of the vehicle.

§601-9. Enforcement:

- A. In addition to Sandy Neck Beach Park Regulations, all applicable Town of Barnstable Ordinances and Massachusetts General Laws apply at Sandy Neck will be enforced.

- B. The Park Manager and Natural Resource Officers will enforce the provisions of Town Ordinances on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.
- C. Warnings: Any person receiving two written warnings in one calendar year may have their rights to operate a vehicle on Sandy Neck suspended for a period of one year.
- D. Citations: Any person receiving a citation ~~in one calendar year~~ may have their rights to operate a vehicle on Sandy Neck revoked permanently or suspended for a period of up to one year.
- E. The Park Manager or his/her designee, may issue suspensions for any violation of Massachusetts General Laws, Town Ordinances, or Sandy Neck Beach Park Regulations. Suspensions may also be issued for any action which jeopardizes the property or safety of another person, or for any action that causes another person to be fearful for their safety and/or their property.
- F. **Verbal abusive and/or aggressive behavior toward other beach users and/or Sandy Neck staff will result in the violator's removal from the beach for no less than 24 hours. In addition, violators may have their ORV permits revoked.**
- G. Any person who is issued a suspension notice will be provided the opportunity for a hearing with the Director of the Marine and Environmental Affairs Division. Any person desiring such a hearing must submit a written request for said hearing postmarked within five business days of the effective date of the suspension. An appeal of the Director of the Marine and Environmental Affairs' decision may be filed with the Office of the Town Manager within five days of issuance of said decision.

§601-10. Alcohol Policy:

- A. Alcoholic beverage regulation forbids the consumption of alcoholic beverages “while on, in or upon any public way or any place to which the public has a right of access as invitees or licensees...”
- B. Alcoholic beverage and consumption regulation – minors – forbids the possession of alcohol by minors “while on, in or upon any public way or way or any other place to which the public has a right or access as invitees or licensees...”

§601-11. Violations and Penalties:

- A. Violations of any provisions of Sandy Neck regulations may be punished by a non-criminal fine not to exceed three hundred dollars (\$300.00), **and/or loss of beach privileges. Criminal acts are subject to enforcement actions** as allowed by the Town of Barnstable Ordinances or the General Laws of the Commonwealth.
- B. ***The provisions of these regulations may be enforced utilizing the procedures contained in Massachusetts General Law C40 s21D as a noncriminal alternative.***

§601-12. Contact Information:

If you have any questions pertaining to Sandy Neck operations, call the Gatehouse at 508-362-8300 or the Marine and Environmental Affairs Office at 508-790-6272.