



TOWN OF BARNSTABLE
SANDY NECK BOARD
1189 Phinney's Lane
Centerville, MA 02632

Tel: 508-790-6272
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Sandy Neck Board Meeting
March 10, 2014

Chairman:
Richards French

Vice Chairman:
William Carey

Board Members:
Lynn Heslinga
Nate King
George Muhlebach
Tom O'Neill
Peter Sampou

Council Liaisons:
Ann Canedy
Phil Wallace

A regularly scheduled meeting of the Sandy Neck Board was held on March 10, 2014 at the Selectmen's Conference Room, 367 Main Street, Hyannis, MA. The meeting was called to order at 7:32 pm by Chairman Rich French.

Roll Call:

- Board Members present: Bill Carey, Pete Sampou, George Muhlebach, Tom O'Neil, and Rich French.
- Board Members absent: Lynn Heslinga, and Nate King.
- Staff: Nina Coleman, Sandy Neck Park Manager; and Debbie Lavoie, Secretary Pro Tem.
- Council Liaisons: Ann Canedy and Phil Wallace.
- Public: Wendy Paquette and Diane Lomba.

Act on Minutes:

- On a **motion** by Pete Sampou and seconded by George Muhlebach, the Sandy Neck Board voted to approve the January minutes as printed.

Correspondence:

- Letter (Attachment A) from Mass Beach Buggy Association, Inc. regarding Beach Clean up on Sunday April 13th. Meet in the parking lot at 9 am. Public welcome to come help.

Staff Report:

Nina Coleman addressed the Board:

- The ORV sticker renewal applications have been sent out in the mail. Staff is processing them now. The current sticker is valid until April 15, 2014.
- Gatehouse will open Tuesday, April 1st. Daily hours will be 9 am to 4 pm. (Including weekends).
- Plovers return around March 20th. Plover monitoring will start in April.
- Snowy Owls are still on Sandy Neck. They are located around Trail 6.
- Four Right Whales were spotted at Sandy Neck. They were reported to the proper hotline.
- Marsh trail repair will start next week, weather permitted.
- Since the January storm, the beach has fared well. The material from the dune restoration project was still on the beach.
- Proposal by Natural Heritage and Endangered Species Program (NHESP). They are looking for a grant to hire a consultant.

Other Business:

During her staff report Nina Coleman told the Board about the proposal by Natural Heritage and Endangered Species Program. [Although this was not on the agenda, the Chairman stated they could discuss this matter just not vote on it.] (See Attachments B + C).

- NHESP is looking for a letter of support from the Town in their efforts to secure funds in the form of a grant from the Federal government. The grant money would be used to hire a consultant who

would work on trying to get a Section 10 Permit for the entire state (not town by town). Section 10 Permits are Federal permits. NHESP would set up the levels of mitigation.

- Nina Coleman explained that mitigation would outline “takes”. Takes are not only the death of a plover, it could include harassment of the birds, escorting past plovers, noises, owl decoys, etc. The state would have a number of takes allowed for the entire area.
- Nina Coleman is recommending the Town support this proposal. The Board could not make a motion (because it is not on tonight’s agenda); however they were inclined to support this proposal.
- Town Councilors Canedy and Wallace serve on the Beach Access Coalition. This Coalition is a group of Councilors and Selectmen from all towns on Cape Cod with a goal to work with the State and Federal Government on particularizing the best management plan for each individual area because all needs and/or requests are not the same. This grant proposal idea came up very quickly and the letter of participation as a stakeholder in the discussions is due by March 14th.
- At this time, NHESP is only looking for a letter of support – not a binding agreement in participation.
- This will be on the April agenda.

Old Business:

Request for Proposal / Bathhouse Concession Stand

- Van Cott Concessions (Patrick Van Cott) will be running the snack bar / concession stand this summer. He is the Food Service Director for Plymouth Public Schools.
- A copy of the menu was distributed (See Attachment D).

New Business:

Town of Sandwich Fee Discussion

As background:

- In 2011, the Board discussed the option of creating a Sandwich Resident Sticker for Sandy Neck Beach only. The proposal was for the Town of Barnstable to not collect the parking fee from the Town of Sandwich (last year it was \$42,654). And Barnstable would not honor Sandwich beach stickers at Sandy Neck. In doing so, the Sandwich residents that want to use the beach would pay the required fee for a designated Sandy Neck beach sticker. This way the users of the beach – not the entire town would pay. There has been a long standing agreement between the Town of Sandwich and the Town of Barnstable to honor the Sandwich sticker however that agreement dates back prior to Sandy Neck becoming an enterprise account. In 2012, the idea was again brought to the Barnstable Town Manager and he spoke with the Sandwich Town Manager and they agreed to keep the fee structure the same for the next year but would revisit the proposal at a later date.

Board Discussion and Comments:

- The Board again wants to discuss having a Sandwich Resident Sandy Neck Beach sticker. It was stressed that if this sticker is imposed, Sandwich would not have to pay \$43,000 for their beach use and that money could be put back in their coffers. Plus, Sandy Neck has a new bathhouse and concession stand that needs to be paid by the users of the beach. Sandwich beach users should [help] pay. This proposal would be for next year.
- Why does the Town of Barnstable still honor the Town of Sandwich? We don’t honor any other Town’s sticker. Why should we subsidize Sandwich by allowing them to use our town beach and facilities at Sandy Neck? Shouldn’t beach users support the beach – not an entire town? The Board asked why this did not go forward last year when it was brought forward to the Town Manager Lynch.
- It was suggested by Councilor Canedy to bring these questions to the Town Councilor when the Board is in front of the Council next month.
- Last year, it was suggested that the Sandwich Resident Sticker be \$50 but it may be higher this year to cover costs. For the record, the \$43,000 does not cover costs.
- The Board would like the Barnstable Town Manager and the Sandwich Town Manager to discuss all the options.
- Why is Sandy Neck [as an enterprise account] continuing to subsidize with this “status quo underpayment” of fees - for their use of Sandy Neck Beach and its facilities by its resident – for who do not pay taxes to Barnstable?
- Can/Should a working committee be formed to push this forward?

- The Board has fiscal responsibilities to make sure that not only the bottom line is covered but also to come up with forward thinking ideas.
- Rich French is going to contact the Town Manager regarding tonight's discussion of Sandwich Fee structure.
- Councilor Canedy suggested the Board discuss this issue with Town Council during their council presentation.

Public Comment:

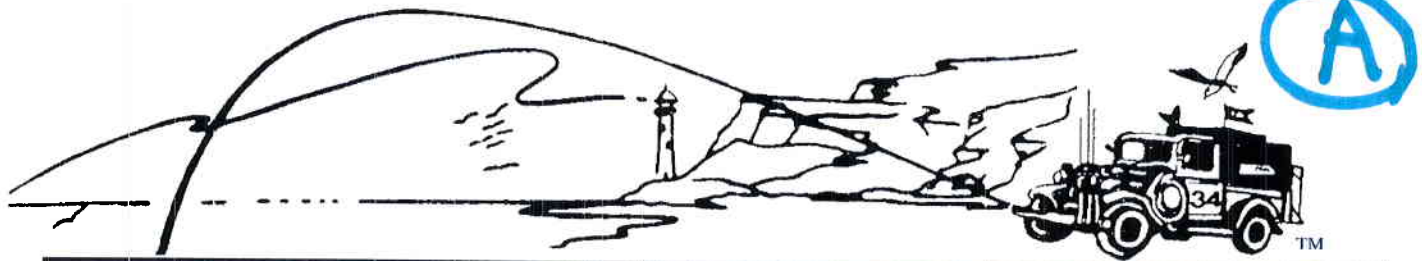
- Wendy Paquette asked a question about the NHESP – is the state trying to be more flexible? Councilor Canedy said it has to do with the Beach Access Coalition and a “new state person” trying to work more closely with every town on the Cape. They are asking for Barnstable's input.

Adjournment:

- There being no further business, the meeting adjourned at 8:46 pm.

Respectfully submitted,

Debbie Lavoie, Secretary Pro Tem



MASSACHUSETTS BEACH BUGGY ASSOCIATION, INC.



OFFICERS 2014

President

Bill Correia
28 Belmont Avenue
Harwich, MA 02645

Vice President

Jim Conboy
104 Newport Avenue
Attleboro, MA 02703

Executive Vice President

Scott Morris
18 Church Street
Harwich, MA 02645

Recording Secretary

Elena McCarrison
882 Bumps River Road
Centerville, MA 02632

Membership Secretary

Rob Osgood
593 Salem Street
Rockland, MA 02370

Treasurer

Chip Poliseno
80 Single Mill Lane
Hanover, MA 02339

Executive Secretary

Dan Carnali
17 Emerson Road
Lakeville, MA 02347



Affiliations

Massachusetts Sportsmen's Council
Massachusetts Striped Bass Assoc
Rhode Island Saltwater Anglers Assoc
United Mobile Access Preservation Assoc

Town of Barnstable
Barnstable Department of Natural Resources
1189 Phinneys Lane
Centerville, MA 02632

February 25, 2014

Attn: Nina Coleman, Sandy Neck Park Ranger

Dear Nina,

We are currently scheduling our beach projects for 2014 and would like to extend our offer of assistance for work needed to prepare your beach for the upcoming season.

I have set aside the date of Sunday April 13th. for the 2014 Sandy Neck Beach Conservation Project. We would like your permission to arrive on Saturday afternoon and use a portion of the lower parking lot as an overnight holding area.

I have been asking all of the beach managers to supply the trash bags for the projects, in the past we got the heavy yellow bags from the state, but they are almost impossible to get these days.

We do conservation projects on many of the beaches from the New Hampshire state line to the Rhode Island border. We plant beach grass, put up fence for erosion control, and pick up trash.

Please contact me with your work needs so I may inform our volunteers, we are willing and able to help in any way we can.

I have enclosed a stamped self-addressed post card for your response.

Thank you,

Peter Murray
Conservation Chairman
PO Box 151
Bridgewater, MA 02324

petermurray@control7.com
508-944-4447

Cc: Dan Horn, Department of Natural Resources
Rick French, Chairperson, Sandy Neck Board
Diane Lomba, MBBA Beach Rep.



Visit our web site at: www.mbba.net

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March 9, 2014

To Nina Coleman, Sandy Neck Manager

Nina:

Re: Beach Access Coalition/Grant Deadline

BACKGROUND:

Phil Wallace and I have been appointed by Town Council President Jessica Rapp Grassetto to serve on the Beach Access Coalition. You may have heard of this Coalition which was formed by Cape and Islands Councilors and Selectmen initially and primarily to deal with beach access issues related to endangered species closures. However, the Coalition has branched into dealing with permitting issues related to beach reclamation and dredging as well.

The common thread is the frustration most Cape towns have felt with what is thought to be the State's inflexibility in the application of their regulations. We have seen this in Barnstable, I believe, in our attempts to reclaim and re-enforce part of the Sandy Neck barrier beach and in attempting to formulate a workable, cost effective beach management plan for Barnstable Harbor. In many instances, State regulations have been more strictly applied than Federal regulations.

As an example, the permitting allowed for reclamation of the Sandy Neck dune adjacent to the parking lot, while temporarily effective in shoring up most of the dune, is arguably neither a cost effective or a permanent solution to an ongoing issue. Similarly, the State has not been willing to entertain a cost effective, more common sense based sand management plan for Barnstable Harbor which would reduce the frequency and cost of future dredging, and protect Mill Way Beach and Blish Point ramp. The acceptance of a Sand Management Plan is a Special Condition of the previous outer harbor dredge and failure to produce an acceptable Plan will likely delay any further Barnstable Harbor dredging.

Director of the Cape Cod Commission Paul Niedzwiecki recently appeared before the Town Council. Although he was speaking about wastewater and ground water permitting, he noted that the Commission was working towards cooperation with Federal and State authorities *to adopt flexibility in application of their regulations in recognition of the Cape's unique and distinct challenges*. Very obviously, regulations which may be applicable to one embayment or region off Cape, may be counter intuitive in application to Cape embayments collectively and individually. We believe that the need for flexibility and a resource by resource approach is also applicable to beach access and permitting.

Both Councilor Wallace and I are cognizant of and respectful of the delicate balance between 1) our joining a Cape wide effort to seek greater flexibility Cape wide and the particularizing of permits to the uniqueness of each resource and each need; and 2) the sensitive negotiations you have already forged with the State. We do not want to "step on toes" or jeopardize your/our relationships in any way. We do however see the benefit of joining with a potentially larger voice in dealing with many of these beach related issues.

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CURRENT ISSUE

As you know, Orleans has applied for a Beach Access Permit, one which would allow off road vehicle access during plover nesting. A spokesman for the US Fish and Wildlife Service Meagan Racey, who, recognizing that after years of successful plover protection there now needed to be some “middle ground”, called the habitat conservation plan a “creative way” to protect the plovers and allow traditional access to the beach. (See *Orleans Selectmen Ok Beach Access Plan*, attached).

Jonathan Regosin, State Natural Heritage and Endangered Species Program, has contacted Orleans Selectman John Hodgson and Chatham Selectman Sean Summers and advised that there would be a benefit to a statewide HCP and Section 10 permit from the USFWS. (See 2 emails from Jonathan Regosin dated March 6 attached).

Under this scenario, MassWildlife would develop the HCP and apply for the permit. There would be a required Environmental Assessment at the Federal level. The State would then work *with individual beaches* to permit a limited take without the need for resource by resource permits from the USFWS. The HCP is attached. (I have downloaded and printed a copy of this-50 page document for you). The relevant pages are pages 19-20 regarding “Fostering Partnerships”.

If the Town of Barnstable decides to participate in this as a major stakeholder in the application of a potential MA Habitat Conservation Planning Assistance Grant, a letter of participation is needed no later than **this week**. The proposal is due from Natural Heritage on **Friday, March 14th**.

I have sent the emails from Jonathan Regosin and the HCP to the Town Manager. Before I had even received these emails, Councilor Wallace and I had asked the Town Manager for a meeting with you and DPW regarding our participation in the Coalition. With the Town Manager’s permission, we intended to set these meetings up in the next week and will still seek a separate meeting with you (through Lynne Poyant) and DPW regarding general issues.

Councilor Wallace and my *immediate* concern lies in the receipt of these emails, the pending deadline, and the urging by Natural Heritage that Barnstable be involved as a major stakeholder.

Our long term concerns center around our general participation in the Coalition going forward. We believe in the ability to individualize each resource’s needs and requirements AND the idea that in these matters, there is strength in numbers.

Sincerely,

Councilor Ann Canedy

CC: Councilor Phil Wallace; Town Manager Thomas Lynch; DPW Director Dan Santos; Community Services Director Lynne Poyant; Town Council President Jessica Rapp-Grassetti



Dear Stakeholders:

Thank you for considering participation as a stakeholder in the MA Statewide Piping Plover Habitat Conservation Planning Assistance Grant.

How will a statewide HCP work?

- MassWildlife will work with beach managers and other stakeholders to:
 - develop the HCP which will outline all the conservation measures we are taking and will take to manage piping plovers in MA (e.g. monitoring, symbolic fencing, management in accordance with the guidelines, exclosures, other measures to boost productivity)
 - obtain an incidental take permit from USFWS which will likely allow a predetermined number of impacts, each season, statewide (e.g. escorting past broods for recreational vehicles, limited relaxation of symbolic fencing requirements, e.g. to prevent a parking lot closure). The federal permit and HCP will also likely require us to identify mitigation commitments for such activities in advance.
 - MassWildlife would then be able to issue individual permits to specific beaches without USFWS needing to do the same, thereby expediting the permitting process.
 - By taking a statewide perspective and working collaboratively maybe we can identify creative solutions to address the predator problem and other issues?

Why do we need to apply for the USFWS HCP assistance grant?

- In a nutshell, the grant is expected to significantly expedite the permitting process (e.g. by paying for consulting services to prepare National Environmental Policy Act documents)

What do we need from you?

- Please consider participating as a stakeholder in development of the HCP. Stakeholders will:
 - Participate in HCP development meetings, and review documents to help develop the HCP. Important issues such as potential mitigation will be discussed.
 - Compile and submit plover data from beaches under stakeholder management (e.g. compiling data at end of one plover breeding season, as you do already, answer questions about last few years of data, as needed, for submission as part of the HCP package)
- **By COB, next Wednesday, March 12 (grant due Friday):**
 - Fill out the attached table quantifying the approximate value of your in-kind contribution as a participating stakeholder (note: I have entered an example; please modify language and \$ amounts as appropriate; I have also included a list of potential stakeholders who have expressed interest, recognizing that some entities are still awaiting final approval).
 - Prepare a letter of participation on your organization's letterhead (template attached)
 - Email signed letter and table to ME

Thank you for your consideration and please do not hesitate to contact me with any questions.

Jon Regosin
774-364-2443 (cell)



Sandy Neck Beach

Snack Shack Menu

Appetizers

Chicken Fingers	\$ 5.00
Fries: Small	\$ 3.00
Large	\$ 4.50
Onion Rings: Small	\$ 3.00
Large	\$ 4.50
Wing Dings	\$ 5.00
Mozzarella Sticks	\$ 5.50
Chowder cup	\$ 3.50
bowl	\$ 4.25

From the Grill

Burgers	\$ 4.50
Cheese Burger	\$ 5.00
Sweet Italian Sausage	\$ 5.00
Grilled Chix Sandwich	\$ 5.50
Grilled Cheese	\$ 2.00
Hot Dog	\$ 2.50

Beverages

Coke	\$ 1.50
Diet Coke	
Root Beer	
Sprite	
Lemonade	
Iced Tea	
Water	
Coffee	
Milk	

Snacks

Chips	\$ 1.00
Candy	\$ 1.50
Ice Cream Novelties	\$ 1.50

Seafood

(Rolls or Plates)	roll	plate
Fried Clams	mkt	
Fish and Chips	mkt	
Clam roll	mkt	
Fish Sandwich	mkt	
Shrimp	mkt	
Scallops	mkt	

Sandwiches and Salads

Lobster Roll	\$ 12.00
Tuna Salad	\$ 5.50
Chicken Salad	\$ 5.50
Garden Salad	\$ 3.50

Salad Plates

Proposed hrs: M-F 9-6

SAT-SUN 9-9

Lavoie, Debbie

From: Coleman, Nina
Sent: Monday, April 14, 2014 2:34 PM
To: Lavoie, Debbie
Subject: FW: US f&WS grant letter of support

Please make copies for the board.
Thanks

Nina Z. Coleman
Sandy Neck Park Manager
1189 Phinneys Lane
Centerville, MA 02632
(508) 362-8300-Gatehouse
(508) 790-6272-MEA

www.sandyneckbeachpark.com

-----Original Message-----

From: Coleman, Nina
Sent: Wednesday, March 12, 2014 2:40 PM
To: 'Regosin, Jonathan (MISC)'
Cc: Horn, Dan; Poyant, Lynne
Subject: US f&WS grant letter of support

Hi Jon,

Attached is the letter (and supporting documents). The figure that I calculated for in-kind services encompasses meeting participation as well as plover monitoring at Dowses, Kalmus and Sandy Neck for the 2014 season. The figure also includes data management and hour spent preparing the "Plover Census Form" for submission to NHESP. The figure does not include fencing, escorting or other management activities. Please feel free to adjust the monitoring portion of the figure to represent a smaller data sampling effort that may be more applicable to the grant.

Thank you for all your time and energy on this grant,

Nina

Nina Z. Coleman
Sandy Neck Park Manager
1189 Phinneys Lane
Centerville, MA 02632
(508) 362-8300-Gatehouse
(508) 790-6272-MEA

www.sandyneckbeachpark.com

-----Original Message-----

From: Lavoie, Debbie
Sent: Wednesday, March 12, 2014 1:43 PM
To: Coleman, Nina
Subject: per your request

4/14/2014