

TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Wednesday, September 10, 2014
5:00 p.m.

Location: Timothy Smith Room

- I. Discussion of Issues Concerning Nauset Spit in Preparation for Joint Meeting with Orleans Board of Selectmen

- II. Other Business

- III. Adjourn

Upcoming Meetings

<i>Wednesday, September 10, 2014</i>	<i>7:00 p.m.</i>	<i>Joint Meeting with Orleans Board of Selectmen</i>
<i>Monday, September 15, 2014</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, September 17, 2014</i>	<i>2:30PM</i>	<i>Work Session</i>

This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at www.eastham-ma.gov.

**Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.*

**If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 5900 x207*

TOWN OF EASTHAM
AGENDA
JOINT MEETING – EASTHAM BOARD OF SELECTMEN AND ORLEANS BOARD OF SELECTMEN
Wednesday, September 10, 2014
7:00 p.m.

Location: Orleans Town Hall, 19 School Road, Orleans, MA 02653

- I. Call to Order

- II. Meet as Park Commissioners
 - a) Joint meeting with Eastham BOS on Nauset Spit ORV issues
 - 1. Overview of the issues and current status
 - 2. Review of property ownership issues with Supt. George Price, CCNS
 - b) Public comment
 - c) Discuss Next Steps, Legal Review and Timelines
 - d) Discuss HCP surcharge and options to cover implementation costs

- III. Eastham BOS Adjournment

- IV. Adjourn

Upcoming Meetings

<i>Monday, September 15, 2014</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, September 17, 2014</i>	<i>2:30PM</i>	<i>Work Session</i>

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TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 — Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

BOARD OF SELECTMEN MEETING

Wednesday, September 10, 2014

Nauset Room, Town Hall

ORLEANS TOWN CLERK

14 SEP 8 2:43PM

C. May

AGENDA

- 6:30 p.m.
1. Call to order – Work Session Meeting
 2. Meet as Park Commissioners
 - a. Joint meeting with Eastham BOS on Nauset Spit ORV issues
 - i. Overview of the issues and current status
 - ii. Review of property ownership issues with Supt. George Price, CCNS
 - b. Public Comment
 - c. Discuss Next Steps, Legal Review and Timelines
 - d. Discuss HCP surcharge and options to cover implementation costs
 3. Wastewater Issues – Meet with Mike Domenica
 - a. Review Tri-Town timelines for decision making
 - b. Wastewater and septage planning status update
 4. Discussion of warrant articles for STM on October 27, 2014
 5. Any other future agenda items
 6. Adjourn

Note: In accordance with the Town Charter, the Board of Selectmen shall act as Park Commissioners, and in this capacity may from time to time consider matters not specifically referenced as such on the regular agenda.

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-1291

www.eastham-ma.gov

November 22, 2013

Mr. Sims McGrath, Chairman
Orleans Board of Selectmen
19 School Road
Orleans, MA 02653

RE: Request for Joint Meeting: December 16, 2013

Dear Mr. McGrath,

The Eastham Board of Selectmen requests a joint meeting with the Orleans Board of Selectmen to discuss:
1) Rock Harbor Reclassification and 2) The towns' mutual interests in the northern part of the Nauset Spit located in Eastham, but which is accessible by land only to the residents of Orleans.

We respectfully request a response at your earliest convenience as to whether the Board of Orleans is willing to have a joint meeting in Eastham to begin these important discussions. We would be happy to host the meeting on Monday December 16th at 5:00 pm or Wednesday December 18th at 2:00 pm. We would also welcome the Orleans Board on other mutually agreeable dates and times and will be happy to suggest additional dates in January 2014.

We look forward to hearing from you about whether the Orleans Board is willing to discuss these matters and, if so, to set a mutually agreeable date for a joint meeting.

Thank you.

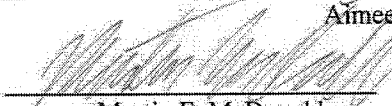
Sincerely,


John F. Knight, Chair


Wallace F. Adams II, Clerk


Linda S. Burt, Vice Chair


Aimee J. Eckman


Martin F. McDonald

BOARD OF SELECTMEN

CC: Orleans Board of Selectmen
John Kelly, Town Administrator
Sheila Vanderhoef, Town Administrator

From: Sheila Vanderhoef [mailto:svanderhoef@eastham-ma.gov]
Sent: Monday, December 23, 2013 9:58 AM
To: John Kelly
Subject: RE: Joint BOS Meeting

This is to confirm the January 13, at & in Eastham.

From: John Kelly [mailto:jkelly@town.orleans.ma.us]
Sent: Thursday, December 19, 2013 2:56 PM
To: Sheila Vanderhoef
Cc: Marge Astles; Andrew Gottlieb (argottlieb@gmail.com)
Subject: Joint BOS Meeting

Sheila,

At their meeting last night the BOS discussed the joint meeting with Eastham and offered two dates for consideration:

- January 6 or January 13 at 7:00 pm in Eastham

Also, we discussed having the following items on the agenda:

1. *Rock Harbor re-designation – review draft scope, timeline and cost with Andrew Gottlieb*
2. *Rock Harbor maintenance dredging project*
3. *Nauset Spit*

I am also copying Andrew Gottlieb to confirm his availability. Please canvass your board and let me know if either date works.

Thanks.
John

John F. Kelly
Town Administrator

Town of Orleans
19 School Road
Orleans, MA 02653
508-240-3700 (x415)
jkelly@town.orleans.ma.us



TOWN OF ORLEANS

19 SCHOOL ROAD

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

ORLEANS BOARD OF SELECTMEN

Joint Meeting with Eastham Board of Selectmen

Monday, January 13, 2014

Earle Mountain Room, Eastham Town Hall

AGENDA

7:00 p.m. Call to order

1. Rock Harbor re-designation – draft scope, timeline and cost
2. Rock Harbor maintenance dredging project
3. Nauset Spit

Adjourn

ORLEANS TOWN CLERK

IC Daryl, Assoc

'14 JAN 7 9:01AM

Note: In accordance with the Town Charter, the Board of Selectmen shall act as Park Commissioners, and in this capacity may from time to time consider matters not specifically referenced as such on the regular agenda.

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

From: Sheila Vanderhoef [mailto:svanderhoef@eastham-ma.gov]
Sent: Thursday, January 30, 2014 9:19 AM
To: John Kelly
Subject: RE: Joint Meeting Info

Okay.

From: John Kelly [mailto:jkelly@town.orleans.ma.us]
Sent: Wednesday, January 29, 2014 3:45 PM
To: Sheila Vanderhoef
Cc: Nan Balmer; Sims McGrath; Michael Ford
Subject: FW: Joint Meeting Info
Importance: High

Sheila,

The Orleans BOS is still looking for a copy of the legal opinion(s) from Eastham's Town Counsel concerning Nauset Spit and to date I have not had any response from you regarding this request which I originally made on January 9th. We have a meeting scheduled with Orleans Town Counsel next Tuesday afternoon and on the agenda is a follow up discussion on Nauset Spit. I would appreciate you forwarding a copy of the legal opinion, along with a copy of the Eastham Town Meeting Doings from the early 1990's confirming the extension of the 1978 bylaw provision that banned ORV's on Nauset Beach in perpetuity. I would also appreciate receiving this information electronically by the end of the day tomorrow so that I may include it in the BOS meeting packets in a timely manner.

Thanks.
John

John F. Kelly
Town Administrator

Town of Orleans
19 School Road
Orleans, MA 02653
508-240-3700 (x415)
jkelly@town.orleans.ma.us

From: Nan Balmer [mailto:nbalmer@eastham-ma.gov]
Sent: Thursday, January 09, 2014 9:47 AM
To: John Kelly
Subject: RE: Joint Meeting Info

John
Sheila is not here today – I will get in touch with her.
Thanks
Nan

Nan Balmer
Assistant Town Administrator

Town of Eastham
(508) 240-5900 Ext 211
(508) 240-1291 fax
www.eastham-ma.gov



From: John Kelly [<mailto:jkelly@town.orleans.ma.us>]
Sent: Thursday, January 09, 2014 9:34 AM
To: Sheila Vanderhoef
Cc: Nan Balmer; Sims McGrath; Michael Ford
Subject: Joint Meeting Info
Importance: High

Sheila,

Attached is a copy of the agenda that I posted in Orleans for Monday's joint meeting in Eastham. In addition, I have attached a copy of the letter that we received from your BOS on November 22, along with a memo from our Town Counsel dated December 12 concerning the ownership of the spit and understanding the concerns that your BOS would like to discuss on Monday. To that end, please provide me with a copy of the legal opinion that you received from your Town Counsel regarding Nauset Spit and a summary of the issues that your BOS would like to discuss on Monday. I would appreciate receiving both documents today so that I can circulate them to my BOS for their review prior to the meeting.

Thanks.
John

John F. Kelly
Town Administrator

Town of Orleans
19 School Road
Orleans, MA 02653
508-240-3700 (x415)
jkelly@town.orleans.ma.us

LAW OFFICES OF MICHAEL D. FORD

ATTORNEYS AT LAW
72 MAIN STREET, P.O. BOX 485
WEST HARWICH, MA 02671
TEL. (508)430-1900 FAX (508)430-9979
mdfesq1@verizon.net

MICHAEL D. FORD
JEFFREY M. FORD

December 12, 2013

John Kelly, Town Administrator
Town of Orleans
19 School Road
Orleans, MA 02653

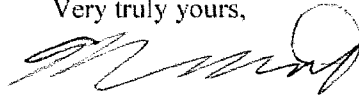
Re: Town of Eastham - Request for Joint Meeting (Nauset Spit)

Dear Mr. Kelly:

Per your request, I have reviewed the letter addressed to Chairman McGrath, from the Town of Eastham, dated November 22, 2013, requesting a joint meeting regarding Nauset Spit. As previously indicated to you and the Board, it is my opinion that the portion of the Beach that is located in the Town of Eastham is owned by the Town of Orleans. That said, given the fact that it is located in Eastham, it would be important to have discussions with Eastham to fully understand what their concerns might be.

Please let me know if you need any further information regarding this request.

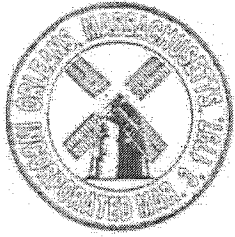
Very truly yours,



Michael D. Ford

MDF/sfm

cc: Orleans Board of Selectmen



TOWN OF ORLEANS

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

February 19, 2014

John F. Knight, Chairman
Eastham Board of Selectmen
2500 State Highway
Eastham, MA 02642

RE: Nauset Spit

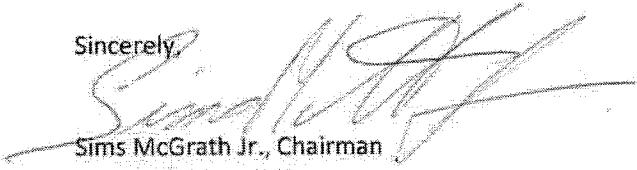
Dear Mr. Knight:

On behalf of the Orleans Board of Selectmen, I am writing as a follow up to our joint meeting in Eastham last month regarding Nauset Spit. During our discussion, it was mentioned that Orleans may need an Order of Conditions from the Eastham Conservation Commission for its Off Road Vehicle (ORV) program on that portion of beach that now extends into Eastham. This would be in addition to the existing Order of Conditions from the Orleans Conservation Commission that we have been applying to all of Nauset Spit since 1991. It was also mentioned that Eastham may need to amend its general bylaw to permit the operation of ORV's on this same section of beach. Finally, the possibility of Eastham residents purchasing Orleans resident only stickers to operate ORV's on Nauset Spit was mentioned as well.

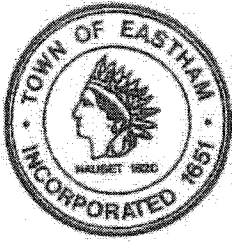
While there was no decision reached regarding any of these issues, at the conclusion of our joint meeting you indicated that the Eastham Board of Selectmen would be scheduling a further discussion at an upcoming meeting and possibly formulating a proposal for Orleans to consider regarding the ORV program on Nauset Spit.

At this point, Orleans is proceeding with our final preparations for the upcoming 2014 ORV season that begins on May 1st and we would appreciate receiving an update from Eastham so that we may respond in a timely manner.

Sincerely,


Sims McGrath Jr., Chairman
Board of Selectmen

Cc: John Kelly, Town Administrator
Dawson Farber, Natural Resources Manager
Michael Ford, Town Counsel



TOWN OF EASTHAM

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www.eastham-ma.gov

March 10, 2014

Mr. Sims McGrath, Chairman
Orleans Board of Selectmen
19 School Road
Orleans, MA 02653-3699

RE: Nauset Spit

Dear Chairman McGrath and Members of the Orleans Board of Selectmen,

The Eastham Board of Selectmen met on March 5, 2014 to discuss your correspondence of February 24, 2014.

Following lengthy consideration, the Board was unable to come to any consensus solution other than the submission of an article to our Annual Town Meeting for potential rescinding of our by-law, which disallows any vehicle traffic on Eastham ocean beaches. As this by-law was enacted by majority vote of the taxpayers at an Annual Town Meeting, the right to authorize change remains in the hands of resident taxpayers at an Annual Town Meeting.

Should the voters decide to rescind the prohibition against vehicles on the beaches, we expect to discuss with you, the options for use including the following:

1. Restrict that area in question to Eastham permit holders only, under terms and conditions set by the Eastham Board of Selectmen and Conservation Commission.
2. Shared access to both Orleans and Eastham taxpayers under the same terms and conditions.
3. Allowing Eastham permit holders the option of using that portion of the spit that lies in Orleans.
4. A process to set fees and issue permits for use and joint management of the use.

We will also continue the conversation with the National Seashore for enforcement assistance, relative to the endangered piping plovers.

An application to the Eastham Conservation Commission will be a necessary first step to continue any activity in this area.

Sincerely,

John F. Knight, Chair

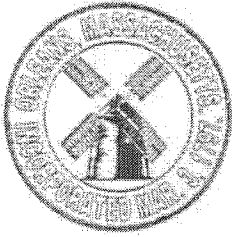
Wallace F. Adams, II, Clerk

Linda S. Burt, Vice Chair

Aimee J. Eckman

Martin F. McDonald

BOARD OF SELECTMEN



TOWN OF ORLEANS

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

May 21, 2014

John F. Knight, Chairman
Eastham Board of Selectmen
2500 State Highway
Eastham, MA 02642

RE: Nauset Spit

Dear Mr. Knight:

On behalf of the Orleans Board of Selectmen, I am writing to provide the Eastham Board of Selectmen with an update on the recent actions taken by the Orleans Board concerning the ongoing management of the town's off road vehicle (ORV) program on Nauset Spit.

With respect to ongoing beach management, Orleans will continue to manage the portion of Nauset Spit located in the Town of Eastham, as we have historically, under the provisions of the Orleans Order of Conditions, and Federal and State Guidelines for rare and endangered species. In addition, we will continue to enforce Orleans ORV Rules and Regulations insofar as they affect the Endangered Species Act, from April 1 through the end of fledge season each year.

As for ORV operations in Eastham, in addition to the new warning sign, we will also post separate and distinct signage when the beach is closed to comply with state and federal regulatory management guidelines. With respect to specific enforcement of Eastham's driving prohibition bylaw, we would request further information/clarification from your Board as to how Eastham proposes to enforce the bylaw this summer so that we may properly inform beach users and ORV sticker holders.

Sincerely,

John F. Kelly

Town Administrator

Cc: Board of Selectmen
Nate Sears, Natural Resource Manager
Tom Daley, DPW/Natural Resources Director

ENTERING
TOWN OF EASTHAM

NO VEHICLES
BEYOND THIS POINT

PER EASTHAM BYLAW

* * * * *

SUBJECT TO

\$200 FINE



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov

June 13, 2014

Town of Orleans
Attn: David Dunford, Chair and
Orleans Board of Selectmen
19 School Road
Orleans, MA 02653-3699

RE: Nauset Spit

Dear Mr. Dunford and Orleans Board of Selectmen:

The Eastham Board of Selectmen have noted that you posted the property located in the Town of Eastham, that has extended from the portion of the sand located in and owned by the Town of Orleans. We understand that your posting prohibited driving on land located within the Town of Eastham and indicated that violation was subject to a fine of \$200. Enclosed is a copy of the by-law section as it applies to penalties.

Regardless, we further understand that at our last joint Board meeting, the Eastham Board of Selectmen mentioned a warrant article to change the by-law prohibiting driving on the beach. Prior to requesting such a change, we respectfully request your consideration of allowing Eastham Taxpayers to purchase outer beach stickers at the same cost as Orleans taxpayers.

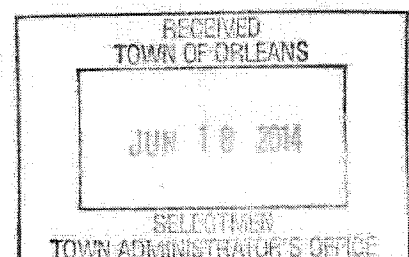
In order to continue the dialogue towards mutual resolution, we request a joint meeting with your Board no later than September 19, 2014. We usually meet Monday nights at 5PM or Wednesday afternoons at 2:30PM, but will entertain other times that may accommodate your Board's schedule.

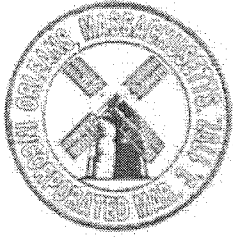
We look forward to hearing from you with some possible meeting dates.

Thank you,

Sheila Vanderhoef
Town Administrator
Town of Eastham

TA	ATA	PC	AA		
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TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 --- Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

July 16, 2014

Linda Burt, Chair
Eastham Board of Selectmen
2500 State Highway
Eastham, MA 02642

RE: Nauset Spit

Dear Ms. Burt:

On behalf of the Board of Selectmen, I write to follow up on the June 13, 2014 letter from Town Administrator Sheila Vanderhoef regarding Nauset Spit. The Board discussed the matter at their meeting on July 9th and would propose a joint meeting be scheduled for Wednesday, September 10th at 6:30 pm in Orleans.

In advance of the joint meeting, the Board has requested they receive confirmation that the Eastham Board of Selectmen will support the filing of a Notice of Intent by the Town of Orleans seeking an Order of Conditions to permit Orleans to continue to manage its property on Nauset Spit as we have historically done including the operation of an off road vehicle (ORV) program.

Finally, with respect to the status of the warning sign that Orleans had posted at the Town boundary line on Nauset Spit, the sign disappeared during the overnight hours soon after installation. Unfortunately, a recent Cape Codder article incorrectly reported that the Board voted to take the sign down, when the actual vote was not to replace the sign due to recurring vandalism concerns.

Sincerely,

John F. Kelly

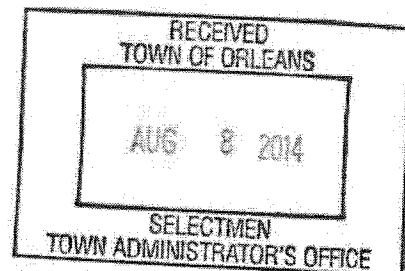
Town Administrator

Cc: Board of Selectmen
Tom Daley, DPW/Natural Resources Director
Nate Sears, Natural Resource Manager



TOWN OF EASTHAM

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August 7, 2014

Town of Orleans
David Dunford Chair and Members
Orleans Board of Selectmen
19 School Road
Orleans, MA 02653

Dear Selectmen,

This letter is to confirm the attendance of the Eastham Board of Selectmen on the September 10, 2014 scheduled joint meeting at 6:30 p.m. at the Orleans Town Hall. The primary topic for discussion will be the use of the Nauset Spit by off road vehicles.

Our local Conservation Commission has issued an order to "cease and desist" in the use of this area by vehicles. The order will be issued to the Town of Orleans due to the management of your staff that invites users to the area and the vehicle patrols by that staff. The Town has also issued an order to the National Park Service as they have plans that indicate they are the owner of a portion of the impacted beach area. And finally our local Conservation Commission has notified your Conservation Commission of the violation of the limitations of their order to use the beach for off road vehicles. We read that order to be limited to land within the Town of Orleans.


We understand that both Boards are getting pressure in both directions on this issue and hope to use our time to begin to develop a use strategy that is jointly supported and consistent with the laws and regulations in each town where the land is located.

We look forward to the meeting on September 10th.

Thank you in advance for your attention to this matter.

Respectfully,

Eastham Board of Selectmen


Linda Burt, Chair

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

August 13, 2014

George Price
National Park Service
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

Dear Mr. Price,

The Town of Orleans is operating an over sand vehicle program for its residents within the Town of Eastham on Nauset Spit. This program permits up to two hundred vehicles to drive on Coastal Beach, Coastal Dune, and Barrier Beach. An order of conditions permit is required from the Conservation Commission to operate this program in the Town of Eastham. Therefore, an enforcement order is enclosed for the Town of Orleans to cease and desist the operation of the program in Eastham. The Conservation Commission will ratify this enforcement order at their next public meeting. An enforcement order has also been issued to the Town of Orleans for this reason.

Sincerely,

Stephen Smith
Conservation Commission Chairman

cc. Mass DEP, Lakeville



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

A. Violation Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



This Enforcement Order is issued by:

Eastham
Conservation Commission (Issuing Authority)

August 13, 2014
Date

To:

National Park Service - Cape Cod National Seashore
Name of Violator
99 Marconi Site Road, Wellfleet, MA 02667
Address

1. Location of Violation:

Property Owner (if different)

Nauset Spit Barrier Beach
Street Address

Eastham

02642

City/Town

Zip Code

25,26,26A

Assessors Map/Plat Number

Parcel/Lot Number

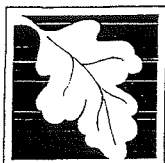
2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Operation of an oversand vehicle program within the Town of Eastham without an Order of Conditions from the Town of Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Up to two hundred vehicles are being driven on the coastal areas per day.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____

Dated _____

File Number _____

Condition number(s) _____

☐ The Order of Conditions expired on (date):

_____ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☒ Other (specify):

The Town of Orleans oversand vehicle program is being conducted without a permit from the Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Up to two hundred vehicles are being driven on the coastal areas per day.

C. Order

The issuing authority hereby orders the following (check all that apply):

☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

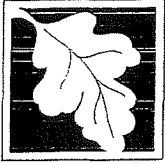
☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before

_____ Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

_____ Date

for the following:

_____ No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

_____ Cease and disist operation of the oversand vehicle program in the Town of Eastham.

_____ Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

_____ Shana Brogan

Name

_____ 508-240-5971

Phone Number

_____ Monday - Friday, 8AM - 4PM

Hours/Days Available

Issued by:

_____ Eastham

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Stephen Smith, Conservation Commission Chair

7012 3050 0000 3205 1520

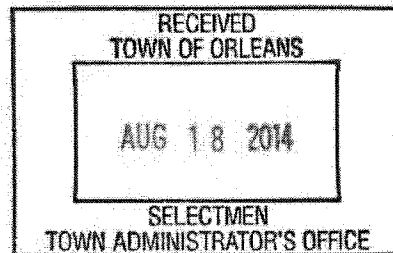
Signature of delivery person or certified mail number

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687



August 13, 2014

Town of Orleans
Office of the Board of Selectmen
19 School Road
Orleans, MA 02653

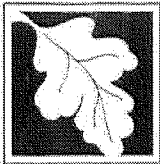
Dear Orleans Board of Selectmen,

The Town of Orleans is operating an over sand vehicle program for its residents within the Town of Eastham on Nauset Spit. This program permits up to two hundred vehicles to drive on Coastal Beach, Coastal Dune, and Barrier Beach. An order of conditions permit is required from the Conservation Commission to operate this program in the Town of Eastham. Therefore, an enforcement order is enclosed for the Town of Orleans to cease and desist the operation of the program in Eastham. The Conservation Commission will ratify this enforcement order at their next public meeting.

Sincerely,

Stephen Smith
Conservation Commission Chairman

cc. Mass DEP, Lakeville
Orleans Conservation Commission



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

A. Violation Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



This Enforcement Order is issued by:

Eastham
Conservation Commission (Issuing Authority)

August 13, 2014
Date

To:

Town of Orleans
Name of Violator
19 School Road, Orleans, MA 02653
Address

1. Location of Violation:

Property Owner (if different)

Nauset Spit Barrier Beach

Street Address

Eastham

02642

City/Town

Zip Code

25, 26, 26A

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The Town of Orleans oversand vehicle program is being conducted without a permit from the Eastham Conservation Commission. This activity is taking place on a Coastal Beach, Coastal Dune and Barrier Beach system. Upto two hundred vehicles are being driven on the coastal areas per day.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____

Dated _____

File Number _____

Condition number(s) _____

☐ The Order of Conditions expired on (date):

_____ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☒ Other (specify):

The activity is being conducted without a permit from the Eastham Conservation Commission.

C. Order

The issuing authority hereby orders the following (check all that apply):

☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before

_____ Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

_____ Date

for the following:

_____ No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

_____ Cease and disist operation of the oversand vehicle program in the Town of Eastham.

_____ Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

_____ Shana Brogan

Name

_____ 508-240-5971

Phone Number

_____ Mon.-Fri, 8AM - 4PM

Hours/Days Available

Issued by:

_____ Eastham

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

D. Appeals/Signatures (cont.)

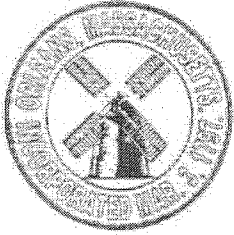
In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Stephen Smith, Conservation Commission Chair

7012 3050 0000 3205 1506

Signature of delivery person or certified mail number



TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone: (508) 240-3700 — Fax: (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

August 21, 2014

Town of Eastham
Board of Selectmen
2500 State Highway
Eastham, MA 02642

RE: Off Road Vehicles on Nauset Spit

Dear Colleagues:

Thank you for your letter dated August 7, 2014 confirming your attendance at our upcoming joint meeting on September 10, 2014 to discuss Nauset Spit.

With respect to the references in your letter to actions taken by your Conservation Commission, we acknowledge receipt of the cease desist order from your Conservation Commission but note that it was not issued until August 13, 2014.

Your letter goes on to state that the order will be issued to the Town of Orleans "due to the management of your staff invites users to the area and the vehicle patrols by staff". As you know, the Town of Orleans has managed an ORV program on the entire Nauset Spit since 1991 under an Order of Conditions from the Orleans Conservation Commission. To ensure public safety and the protection of the resource area and state and federal endangered species we continue to patrol the full length of Nauset Spit which is Town of Orleans property.

We have not invited ORV users to the area of the beach located in Eastham since April when we began distributing the attached addendum to the Nauset Beach Rules and Regulations for ORV's using the North End of Nauset Beach to all Orleans resident sticker holders when they purchased their 2014 stickers and posted the information on the Town's website. The map shows the boundary line with Eastham and includes the notation that ORV's are prohibited in Eastham. If you have specific instances or activities that support your contention that we continue to invite users to this area we would appreciate receiving the additional details.

As we indicated in our July 16 letter, the warning sign that we had previously posted at the Town boundary line on Nauset Spit was stolen soon after installation. We believe Town staff has made a good faith effort to educate our residents regarding the restrictions that exist on Nauset Spit and do not feel that that a "cease and desist" order being issued to the Town of Orleans is either necessary or warranted at this time.

August 21, 2014

Page 2

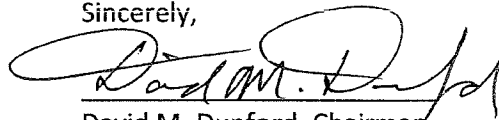
Notwithstanding the above, be advised that the Board has voted unanimously to file forthwith a Notice of Intent with your Conservation Commission for your permission to conduct an ORV program on the Town of Orleans property located on that portion of Nauset Spit located in the Town of Eastham (see attached letter to Eastham Conservation Commission).

With respect to your reference to a cease and desist order sent to the National Park Service, please see attached letter to Mr. George Price, Superintendent of the Cape Cod National Seashore, from our Town Counsel, Michael D. Ford, which is self-explanatory.

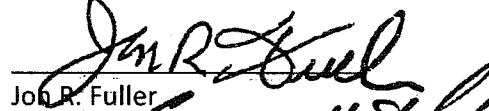
With respect to your statement that your Conservation Commission has notified our Conservation Commission of a violation of the their existing Order of Conditions, a check with our Conservation Agent indicates that as of this date no such notice has yet been received. Please advise when such notice was sent and forward a copy to our Board for review.

We look forward to our discussion of the issues involving Nauset Spit at our joint meeting.

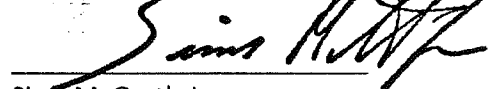
Sincerely,



David M. Dunford, Chairman



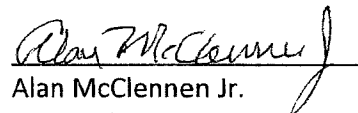
John R. Fuller



Sims McGrath Jr.



John Hodgson



Alan McClennen Jr.
Board of Selectmen

Cc: Orleans Conservation Commission
Eastham Conservation Commission
Superintendent George Price, CCNS

ORLEANS

Inspections for permits may be obtained:

9 am - 4 pm on all days open

May 1 - September 1
Thursday through Monday
139 Main Street
(former American Legion Building,
lower level)

Note: No inspection/permit will be issued on July 4th.

September 2 - April 30, 2015
Weekdays by appointment only at
Parks & Beaches Office.
Call 508-240-3700 ext. 465

For information,
please visit our website at
www.town.orleans.ma.us

INFORMATION

Please call the
Nauset Beach Administration Bldg.
for information June 14 - September 1
(508) 240-3780

CHATHAM RESIDENTS ONLY

Please visit www.town.chatham.ma.us
for Sticker Sale Days and Times

Please call for
Chatham Resident Information
508-945-5176
Chatham Coastal Resources Department

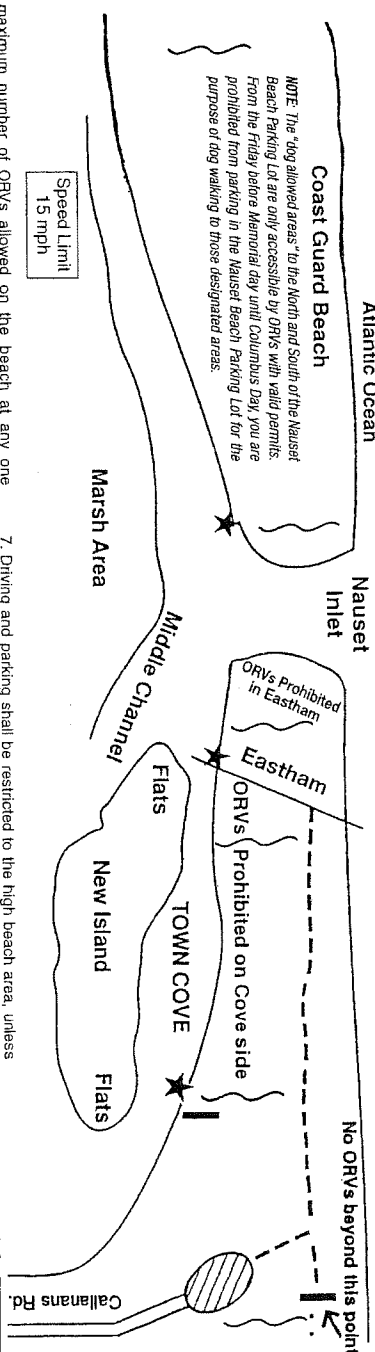
ADDENDUM TO

Nauset Beach Rules and Regulations for ORVs

using the North End of Nauset Beach ~ Resident Orleans (R-O) Sticker only

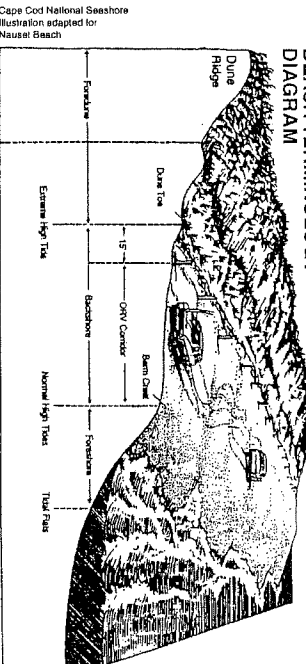


Self-Contained, Pouch, Resident-Chatham, and Over-Sand Nonresident Prohibited on North End - Minimum Fine \$100



1. The maximum number of ORVs allowed on the beach at any one time shall be set each year and may be changed depending on prevailing conditions and the amount of usable beach.
2. No jet ski shall be launched or landed on any area of Nauset Beach.
3. Nesting Areas: no dogs or kite flying will be permitted on the beach during the Tern and Piping Plover nesting season (March 15 - September 15). Dates subject to change. Nesting areas will be fenced and signed, pedestrians and ORVs are requested to stay as far away from sites as possible. Speed limit when near nesting area is 5 mph. Vehicles and pedestrians are prohibited in symbolically fenced areas.
4. If because of high tides or storms the designated ORV routes become obstructed, the limit of ORVs may be reduced, or the beach may be temporarily closed to ORV traffic.
5. Driving on Town Cove side of Nauset spit is prohibited.
6. Driving on the foreshore of the beach is prohibited from the Friday before Memorial Day until the first Friday of November, unless otherwise directed.
7. Driving and parking shall be restricted to the high beach area, unless otherwise directed.
8. All vehicles using the beach between the hours of 11 pm and 6 am must be actively fishing and must check on and off the beach at the Nauset Beach gale house during the summer season (Memorial Day to Labor Day).
9. Self-contained vehicles are prohibited from the North end of Nauset Beach.
10. Parasails are prohibited.
11. The Order of Conditions issued to the Orleans Park Commission, dated February 13, 1991, is hereby incorporated herein and made a part of these rules and regulations.

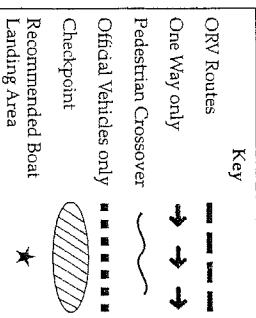
BEACH TERMINOLOGY DIAGRAM

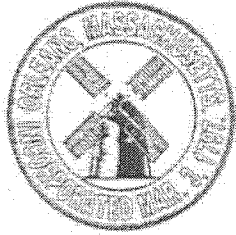


Cape Cod National Seashore
Illustration adapted for
Nauset Beach

Violations

Penalties for infractions of any of the above regulations shall be revocation of registration sticker, dismissal from the beach and/or a fine of not less than Fifty Dollars (\$50.) nor more than Three Hundred Dollars (\$300.) for each offense.
Persons whose permits have been suspended or revoked have within seven (7) days a right to appeal to the enforcing authority, who upon receipt of written request shall arrange a hearing on the appeal to the Park Commissioners.
Authority for the enforcement of the above regulations shall rest with the Orleans Natural Resources Manager and Orleans Chief of Police.
Copies of the above regulations may be obtained at the Town Offices and Police Station in Orleans and the official on duty at Nauset Beach.
These Rules & Regulations were adopted at a public hearing of the Orleans Park Commission dated 1/6/10.
Copies of changes to be posted in Town Clerk's Office in Orleans.





TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 --- Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

August 21, 2014

Town of Eastham
Conservation Commission
555 Old Orchard Road
Eastham, MA 02642

RE: Cease and Desist Order – Nauset Spit Over Sand Vehicle Program

Dear Commissioners:

We are in receipt of your cease and desist order dated August 13, 2014 for the Town of Orleans over sand vehicle program. We understand that this matter is on your August 26 meeting agenda to ratify the order issued by the Chairman.

We respectfully request that you defer taking any action on August 26 and allow the Town of Orleans to continue to operate our over sand vehicle program for the remainder of the season. We have unanimously voted to file a Notice of Intent and will have an application to you by September 5 in order to make the agenda for the September 23 meeting.

Orleans representatives including the Chairman of our Park Commission, Town Administrator, Natural Resources Manager and Conservation Agent will be in attendance at your August 26 meeting to review the Town's existing over sand vehicle program that Orleans has managed on the entire length of Nauset Spit since 1991 under an Order of Conditions from the Orleans Conservation Commission. In addition to answering any questions that you may have about the program, we would like to highlight the environmental safeguards and management requirements that are already in place to ensure the protection of the resource area as well as state and federal endangered and protected wildlife species on Nauset Spit.

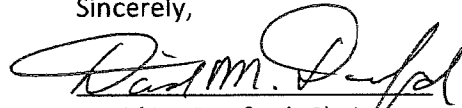
Finally, we are attaching a copy of our letter to the Eastham Board of Selectmen and our Town Counsel's letter to Superintendent Price at the Cape Cod National Seashore for your information and review.

Eastham Conservation Commission

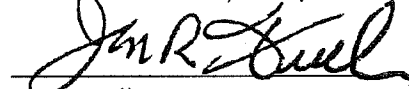
August 21, 2014

Page 2

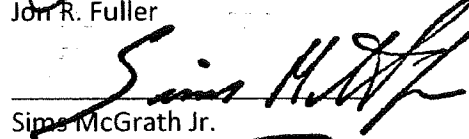
Sincerely,



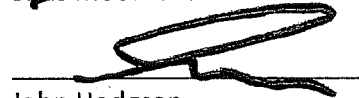
David M. Dunford, Chairman



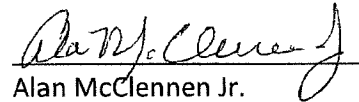
Jon R. Fuller



Sims McGrath Jr.



John Hodgson



Alan McClennen Jr.

Board of Selectmen

Cc: Orleans Conservation Commission
Eastham Board of Selectmen
Superintendent George Price, CCNS

From: John Kelly
Sent: Wednesday, August 27, 2014 9:53 PM
To: 'Shana Brogan'
Cc: Sheila Vanderhoef; George Price (george_price@nps.gov); John Jannell; Nate Sears
Subject: Enforcement Order
Importance: High

Dear Commissioners:

The Orleans Board of Selectmen met this evening to discuss the enforcement order that the Eastham Conservation Commission ratified last night. On behalf of the Board, I have been asked to let you know that they voted unanimously to direct town staff to put together the steps necessary to bring the Orleans off road vehicle program into compliance with the enforcement order and report back to the Board on September 3 at which time they will vote as Park Commissioners and implement the changes on September 4, 2014.

In addition, the Board's vote directed staff to prepare and distribute handouts to ORV's as they enter Callanan's Pass starting tomorrow (August 28) informing them that an enforcement order from the Eastham Conservation Commission is already in effect, that the Park Commissioners will be meeting on September 3 and implementing program changes on September 4 and that in the interim driving into Eastham is at their own risk.

Finally, I want to confirm that the Town of Orleans is preparing a Notice of Intent to be filed with the Eastham Conservation Commission on September 5 in order to make the filing deadline for a hearing on September 23, 2014.

Sincerely,

John F. Kelly
Town Administrator

Town of Orleans
19 School Road
Orleans, MA 02653
508-240-3700 (x415)
jkelly@town.orleans.ma.us

EFFECTIVE IMMEDIATELY

By order of the Eastham Conservation Commission, driving on the section of Nauset Spit in the Town of Eastham is prohibited.

Drivers who violate the Eastham enforcement order do so at their own risk.

On Sept. 3, the Orleans Park Commissioners will vote on a plan to bring the ORV program into compliance with the Eastham enforcement order and the plan will go into effect on September 4.



Office of the Town Administrator

To: Board of Selectmen

From: John F. Kelly, Town Administrator
Tom Daley, Director of Public Works and Natural Resources
Nate Sears, Natural Resources Manager

Date: August 28, 2014

Re: ORV Program Compliance with Eastham Enforcement Order

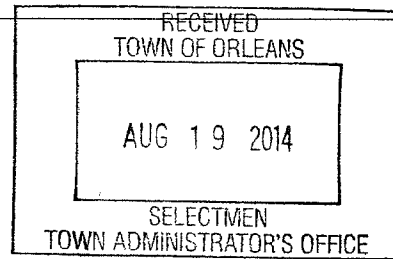
On Wednesday, September 3 the Board of Selectmen acting as Park Commissioners are scheduled to vote to approve the steps necessary to bring the Orleans ORV program into compliance with the Eastham Conservation Commission's enforcement order.

In accordance with the Board's vote on August 27, we have discussed the matter and recommend that the Park Commissioners approve the following actions for implementation on September 4, 2014:

1. Posting signs at the town boundary stating the area is closed to ORV's beyond this point.
2. Installing fence posts across the width of the beach at the town boundary in a similar fashion to when the area is closed due to nesting birds.
3. Revise the Addendum to the Nauset Beach Rules and Regulations for ORV's using the North End of Nauset Beach – Resident Orleans (R-O) Sticker Only – by adding a new item twelve (12) that states "Driving on the Eastham Section of Nauset spit is prohibited."
4. In accordance with the existing Rules and Regulations, penalties for violations shall be revocation of registration sticker, dismissal from the beach and/or a fine of not less than Fifty Dollars (\$50.) nor more than Three Hundred Dollars (\$300.) for each offense.

Larry Spaulding

From: Price, George [george_price@nps.gov]
Sent: Tuesday, August 19, 2014 11:47 AM
To: Larry Spaulding
Cc: Kathy Tevyaw; Rich Delaney
Subject: Nauset Spit Orleans/Eastham issue



Larry,

I have returned to the office and listened to your phone message about Nauset Spit and Eastham/Orleans.

You read my ADC update message where I mentioned Eastham requested our involvement with the topic. Their request was not a letter, but a phone call to attend a meeting with Eastham Officials for a conversation about our understanding of land ownership and jurisdiction issues. We also had a conversation about possible enforcement options if needed.

This is the second meeting I have had with Eastham over the past several years about this topic. I have not been approached by Orleans.

I would be glad to speak with you about it at anytime. Much of the land north of the Orleans Town line is owned by the United States. When the ORV Negotiated Rule was put in place in 1998, the Eastham bylaws prohibited ORV's in the town. Basically, my view is that Eastham and the NPS have "acquiesced" to Orleans managing the ORV corridor as the land forms changed since the boundary was established in 1961, to this point. People have asked me how the NPS "allowed" these ORV's, and my answer is that Eastham has been allowing it, and as long as I am satisfied that the shorebirds are being protected to the state standards by Orleans, then I was not going to get involved. If Eastham decided to enforce their bylaw, then I would support that decision as well.

In the meantime, you should know that there are continuing studies about shorebirds in general and protected species specifically, which may result in much more protection required to barrier beach spits for both nesting and staging periods. Plus, today I received an enforcement notification from the Eastham Conservation Commission with a cease and desist order because we are allowing the ORV's to cross NPS land without a permit and in violation of Eastham bylaws. So there are definitely other factors in play which could impact my position.

Questions?

GP

George E. Price, Jr.
Superintendent
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508-957-0739

John - Please call me about this.

Larry Spaulding

255-2133

8/19/2014

LAW OFFICES OF MICHAEL D. FORD

ATTORNEYS AT LAW
72 MAIN STREET, P.O. BOX 485
WEST HARWICH, MA 02671
TEL. (508) 430-1900 FAX (508) 430-9979
LAWOFFICEOFMICHAELFORD@VERIZON.NET

MICHAEL D. FORD
JEFFREY M. FORD
AL LINDSAY MARCHIO

August 21, 2014

George E. Price, Jr.
Superintendent
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

Dear Mr. Price:

As Town Counsel for the Town of Orleans, I am sending this letter in response to your email to Mr. Larry Spaulding (Orleans' CCNS Advisory Committee representative), dated August 19, 2014 concerning the Nauset Spit Orleans/Eastham issue. In your email message you state that much of the land north of the Orleans Town line is owned by the United States. Further, you advise that you received an enforcement notification from the Eastham Conservation Commission with a cease and desist order because you are allowing ORV's to cross NPS land without a permit and in violation of Eastham bylaws.

I am writing to advise you that research conducted on behalf of the Town of Orleans indicates that as a result of accretion the portion of Nauset Spit located in the Town of Eastham is owned by the Town of Orleans.

Specifically, the Woods Hole Group, Inc., at the request of the Town of Orleans, conducted extensive geological research of the Nauset Beach area and prepared a report dated January 2006 entitled "Final Report Analysis of Physical Changes and Management Alternatives for the Nauset Beach Area, Cape Cod, Massachusetts." The Woods Hole Group research revealed that certain land in the Town of Orleans just south of the Eastham Town line eroded from its southerly end and, as a result, no longer existed in the Town of Orleans by the year 1952. During the same time period, the land area known as Nauset Spit and located on the easterly side of the Nauset Heights subdivision in the Town of Orleans extended in a northerly direction as a result of accretion. This accreted land is the area known as Nauset Spit and by the year 1970 its northern terminus was located just southerly of the Eastham Town Line. As a result of additional accretion, by the year 1975 Nauset Spit extended over the line into the Town of Eastham. I am attaching copies of pictures showing the migration of Nauset Spit during the period 1938, 1952, 1970 and 1975. I am also attaching copies of Orleans Planning Maps for years 1990, 2001, 2005, 2009, 2010 and 2011. The 1990 Orleans Planning Map shows the

additional northerly migration of Nauset Spit. The 1997 Orleans Planning Map shows the break in Nauset Spit with the new inlet. The 2001, 2005, 2009, 2010 and 2011 Orleans Planning Maps show the additional accretion to the northern terminus of Nauset Spit and the 2011 Map shows the inlet in Eastham. As a result of the erosion of the land in Eastham, the CCNS parcels shown on your June 2011 map appear to no longer exist. Based on accretion and the northerly migration of the land, the portion of Nauset Spit in the Town of Eastham is owned by the Town of Orleans.

It is well-settled property law that where accretions to the shoreline result in gain to the uplands, "the line of ownership follows the changing water line." *Burke v. Commonwealth*, 283 Mass. 63, 68 (1933); see *Allen v. Wood*, 256 Mass. 343, 349 (1926). Similarly, erosions lost to the tide "result in a loss of the eroded property for the owner." *Lorusso v. Akapesket Improvement Ass'n, Inc.*, 408 Mass. 772 (1990); *Michaelson v. Silver Beach Improvement Ass'n, Inc.*, 342 Mass. 251, 258 (1961).

The Town of Orleans has also received a "cease and desist" Enforcement Order from the Eastham Conservation Commission with respect to the oversand vehicle program on the portion of Nauset Spit in Eastham. The Town of Orleans intends to file a Notice of Intent with the Eastham Conservation Commission for a permit authorizing the activities. The Town of Orleans currently manages the area in Eastham in accordance with an Order of Conditions issued by the Orleans Conservation Commission and intends to continue to manage and protect the area consistent with federal, state and local standards and guidelines, including without limitation, those pertaining to rare and endangered shorebirds.

If you have any questions or would like to discuss this matter in more detail please do not hesitate to call.

Very truly yours,



Michael D. Ford
Town Counsel

MDF/

cc: John Kelly, Town Administrator
Orleans Conservation Commission



1938

CS F 5 10



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



1975



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



1990



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



1997



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



2001



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



2005



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



2009



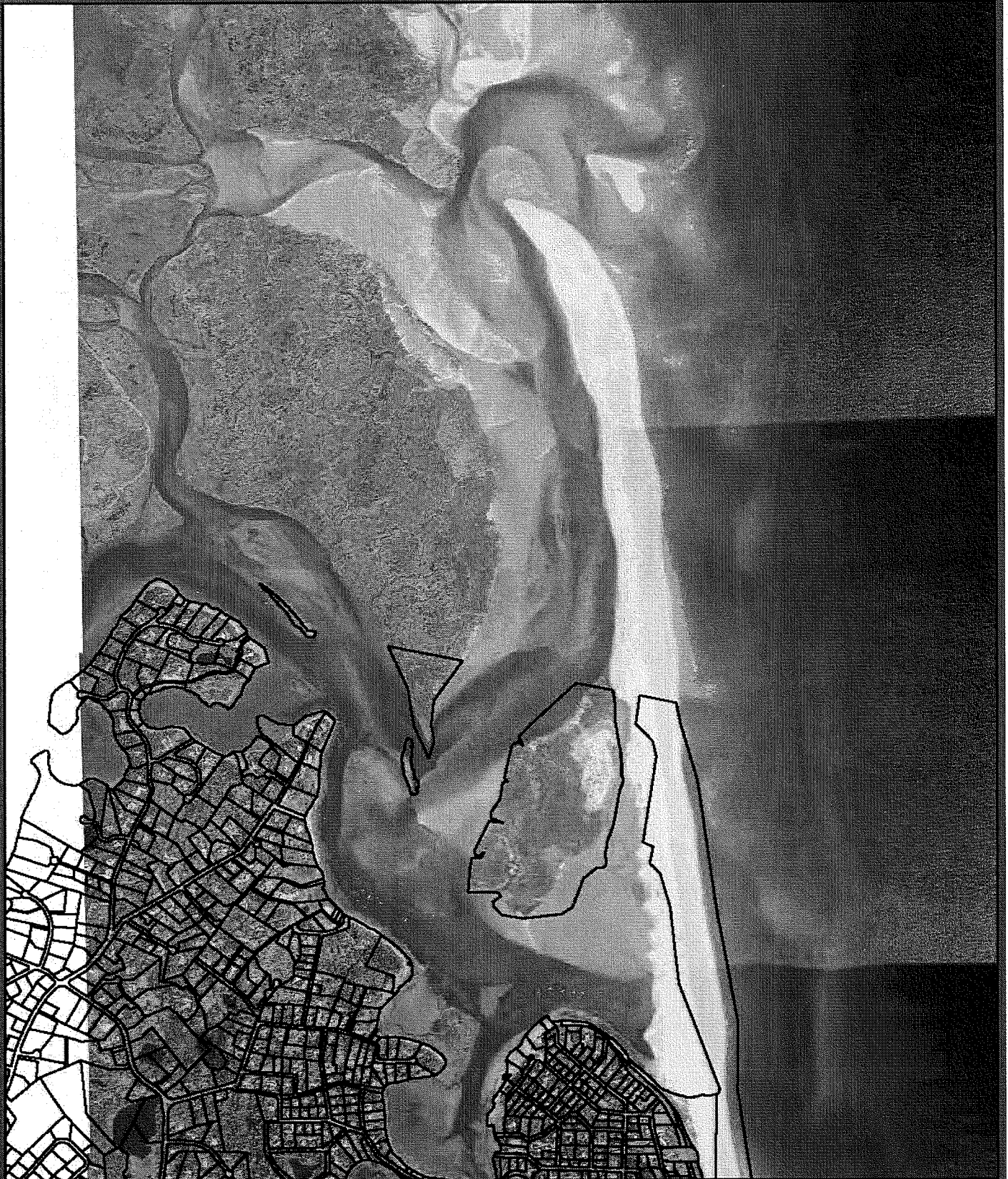
This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



2010



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet



2011



This map is illustrative and intended for planning purposes only. Orleans Planning, 2011



0 445 890 1,780 Feet









Town of Orleans

Natural Resources Division
Nathan Sears, Acting Natural Resources Manager
Harbormaster / Shellfish Constable

19 School Rd. Orleans, Massachusetts 02653
Telephone (508) 240-3755 -Fax (508) 240-3388
www.town.orleans.ma.us

Memorandum

DATE: Sept. 3, 2014
TO: John Kelly
FROM: Nathan Sears, Nat. Resources Mgr.
Tom Daley, Dir. of Public Works and Nat. Resources
RE: Revised Estimated Implementation Cost – Habitat Conservation Plan (HCP)

Summer 2015 – Additional costs to meet a July 15 Start Date

1. Beach Patrol (4) – \$12,096 (7/1 to 9/1, 12 hours/day = 756 hours @ 16 per hour)
2. Plover Monitors (4)– \$15,552(7/1 to 9/1, 12 hours/day = 972 hours @ \$16 per hour)
3. Four pairs of binoculars @ \$100 = \$400
4. Public Education -Includes video, signage, pamphlets, etc. = \$2,500
5. Uniforms-(t-shirts, bug-netting, foul-weather gear) = \$975
6. Three Motorola handheld cp200 radios @ \$350.00 = \$1,050
7. Off-site Predator Mitigation = \$10,000
8. One Club Car 4X4 = \$18,000

Total Estimated Cost (Year 1) – \$60,573

ORV Sticker Sales

(as of 9/1/14)

	2014	2013	2012	2011
RO- Resident Orleans	2056	2072	2095	1865
OS- Non-Resident	515	505	632	677
SC- Self-Contained	59	47	54	55
CO-RO- Camp Orleans Resident	4	3	2	3
COL- Camp Licensee	9	7	9	9
CON- Camp Non Resident	10	8	7	8
COP- Pochet	11	12	11	12
SC - Sold as RO	8	4	9	7
Total Stickers Sold	2672	2658	2819	2636

Surcharge Options**Total**

HCP Implementation Cost - Estimate Year 1

\$60,573

1. Flat \$23 per sticker x 2,661 stickers (w/o Pochet)

\$61,203

2. Ratio based (Stickers -\$60 resident/\$180 non-residents)

33% - Resident @ \$10 x 2,077 stickers

\$20,770

66% - Non-Res @ \$68 x 584 stickers

\$39,712

50% - Resident @ \$15 x 2,077

\$31,155

50% - Non-Res @ \$52 x 584

\$30,368

40% - Resident @ \$12 x 2,077

\$24,924

60% - Non-Res @ \$62 x 584

\$36,208



TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

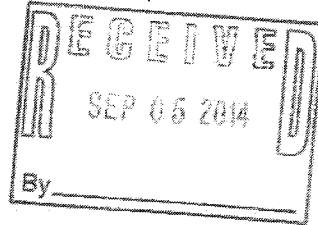
MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 — Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR



September 3, 2014

Stephen Smith, Chairman
Eastham Conservation Commission
555 Old Orchard Road
Eastham, MA 02642

RE: Notice of Intent for the ORV and Beach Management Plan on Nauset Spit

Dear Mr. Smith,

Attached is the Notice of Intent filing from the Town of Orleans for the operation of our ORV and Beach Management Plan on that portion of Nauset Spit located within the Town of Eastham. This filing is in response to the Cease and Desist Order issued to the Town of Orleans by your Commission on August 13, 2014.

The Town of Orleans respectfully requests an Order of Conditions from the Eastham Conservation Commission that is consistent with the Order we obtained from the Orleans Conservation Commission to operate our ORV and Beach Management Plan on Nauset Spit.

Please schedule this Notice of Intent for your September 23, 2014 meeting and confirm the time of the hearing.

Sincerely,

John F. Kelly
Town Administrator

Cc: Orleans Board of Selectmen

Eastham Conservation Commission

Notice of Intent Checklist

The Notice of Intent Application consists of:

The Notice of Intent (WPA Form 3) OR Abbreviated Notice of Intent (WPA Form 4)

- ☐ Complete all portions as appropriate, and include required plans and additional information

A Detailed Narrative

- ☒ Include details of scope of work, work duration, construction protocol, staging details, etc.

Maps, etc.:

- ☒ Include a ^{MAPS} site plan* showing existing and proposed conditions:

- Contour
- Landscaping
- Construction
- Limit of Work area

* plan must be stamped by a certified engineer, architect, land surveyor, or wetland scientist. Seven 11' x 17' plans are preferred in addition to full size plans (only two full size plans are needed).

- Resource area-including FEMA flood zone, Riverfront Area, buffer zone.

- ☒ Circle the location of the project on the locus map (USGS or other map of the area).

- ☒ Include Natural Heritage Habitat information and/or Appendix C: Stormwater Management Form if applicable.

- ☐ Include DEP Field Data Forms, if applicable.

Filing Fee Information:

- ☒ Complete the pages 1 & 2 of Appendix B: Wetland Fee Transmittal Form.

N/A ☐ Send a photocopy of the checks (proof of payment) to the State DEP

N/A ☐ Send a photocopy of the checks (proof of payment) to the Town Conservation Commission

Notification of Abutters Information

- ☒ Obtain list of abutters from Town Assessor's office (100' from Property line)

- ☒ Complete the Notification of Abutters Form

- ☒ Distribute to all abutters a copy of the notification by Certified Mail or hand delivery

- ☒ Complete the Affidavit of Service

- ☒ Make copies of the list of all abutters, the Notification of Abutters Form, and the Affidavit of Service for the Town Conservation Commission and the DEP.

Send to the Eastham Conservation Commission, 555 Old Orchard Road, Eastham, MA 02642

- ☒ Original and one copy of the **Notice of Intent (NOI)** Application (see below)

- ☐ Waiver Agreement

N/A ☐ The check for local fee made out to the Town of Eastham.

- ☒ Two copies of **filing fee information** (see below).

- ☒ Two copies of **Notification of Abutters information** (see below).

(Deliver by hand or by certified mail, return receipt requested.)

Send to DEP, Southeast Region, Route 105, 20 riverside Drive, Lakeville, Ma 02347

- ☒ Two copies of the **Notice of Intent (NOI)** Application (see below).

- ☒ Two copies of **filing fee information** (see below).

- ☒ Two copies of **Notification of Abutters information** (see below).

Send to the DEP Lock Box, DEP, Box 4062, Boston, Ma 02211

- ☒ The State DEP check and pages 1 & 2 of Appendix B: Wetland Fee Transmittal Form.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act.

(To be submitted to the Mass. Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, John F Kelly, hereby certify under the pains and penalties of perjury that on September 3, 2014 (Date) I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, sec. 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Mass. Wetlands Protection Act by

Town of Orleans with the Eastham Conservation Commission on (Name of Applicant)

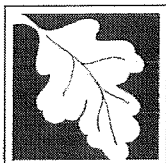
September 5, 2014 for property located at Nau set Spit, (Address of land)
map 26, Parcel 6

where work is proposed)

The form of the notification and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Name J F Kelly

Date 9/3/14



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

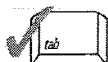
Document Transaction Number

Orleans

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:

Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Nauset Spit

a. Street Address

Eastham

b. City/Town

02642

c. Zip Code

Latitude and Longitude:

26

f. Assessors Map/Plat Number

d. Latitude

e. Longitude

6

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

Town of Orleans-Board of Selectman (Acting as Park Commissioners)

c. Organization

19 School Road

d. Street Address

Orleans

MA

02653

e. City/Town

f. State

g. Zip Code

508-240-3700

508-240-3388

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

Fee Exempt

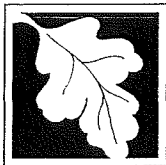
a. Total Fee Paid

Fee Exempt

b. State Fee Paid

Fee Exempt

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Orleans

City/Town

A. General Information (continued)

6. General Project Description:

The proposed Off-Road Vehicle and Beach Management Plan for the Nauset Spit within the Town of Eastham.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Barnstable County Registry of Deeds

a. County

b. Doc # (if registered land)

1105

399

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Resource Area

Size of Proposed Alteration

Proposed Replacement (if any)

a. ☐ Bank

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

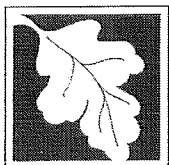
c. ☐ Land Under Waterbodies and Waterways

1. square feet

2. square feet

3. cubic yards dredged

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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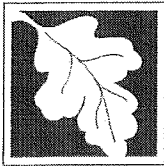
B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		square feet
4. Proposed alteration of the Riverfront Area:		
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analysis been done and is it attached to this NOI? <input type="checkbox"/> Yes <input type="checkbox"/> No		
6. Was the lot where the activity is proposed created prior to August 1, 1996? <input type="checkbox"/> Yes <input type="checkbox"/> No		
3. <input checked="" type="checkbox"/> Coastal Resource Areas: (See 310 CMR 10.25-10.35)		

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your
document
transaction
number
(provided on your
receipt page)
with all
supplementary
information you
submit to the
Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	No Alteration	
	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	No Alteration	
	1. square feet	2. cubic yards dune nourishment



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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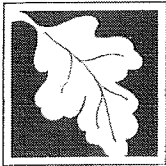
B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	No Alteration	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.
- a. ☒ Yes ☐ No If yes, include proof of mailing or hand delivery of NOI to:
- Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
100 Hartwell Street, Suite 230
West Boylston, MA 01583
- 2012
b. Date of map



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1. c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☒ Assessor's Map or right-of-way plan of site

3. ☒ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☒ Photographs representative of the site

(c) ☐ MESA filing fee (fee information available at:

http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. ☐ Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

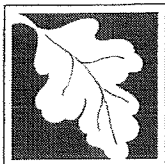
2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Orleans

City/Town

C. Other Applicable Standards and Requirements (cont'd)

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☐ Not applicable – project is in inland resource area only
- b. ☐ Yes ☒ No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode
Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

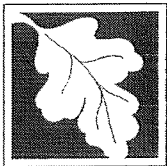
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
1. ☒ Travel over existing sand trail network; will not effect stormwater.

Online Users:
Include your
document
transaction
number
(provided on your
receipt page)
with all
supplementary
information you
submit to the
Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Orleans

City/Town

C. Other Applicable Standards and Requirements (cont'd)

2. ☐ Emergency road repair
3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Locus/ Nauset Beach South/ Right of Way Map/Wetland Resource Map/ACEC Resource Map/NHESP Map/Orthophoto Map

a. Plan Title

Town of Orleans

b. Prepared By

c. Signed and Stamped by

As Noted

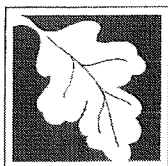
d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Orleans

City/Town

E. Fees

1. ☒ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

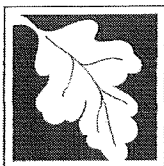
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

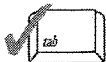
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

Nauset Spit

a. Street Address

Eastham

b. City/Town

0-N/A Town Filing

d. Fee amount

c. Check number

2. Applicant Mailing Address:

a. First Name

b. Last Name

Town of Orleans-BOS (Acting as Park Commissioners)

c. Organization

19 School Road

d. Mailing Address

Orleans

MA

02653

e. City/Town

f. State

g. Zip Code

508-240-3700

508-240-3388

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

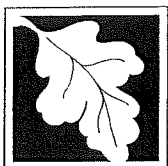
Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____ a. Total Fee from Step 5

State share of filing Fee: _____ b. 1/2 Total Fee less \$12.50

City/Town share of filing Fee: _____ c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

A copy of the
Green Card will
be provided upon
receipt by the Orleans
Conservation Dept.

0962 4HEP 1000 0202 ETD7

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 2.24	ORLEANS, MA Postmark Here 2.7 SEP 0 2014
Certified Fee	3.30	
Return Receipt Fee (Endorsement Required)	2.78	
Restricted Delivery Fee (Endorsement Required)	8.24	
Total Pt		
Sent To Natural Heritage and Endangered Species Program		
Division of Fisheries and Wildlife		
100 Hartwell Street, Suite 230		
West Boylston, MA 01583		

PS Form Instructions

Orleans Conservation

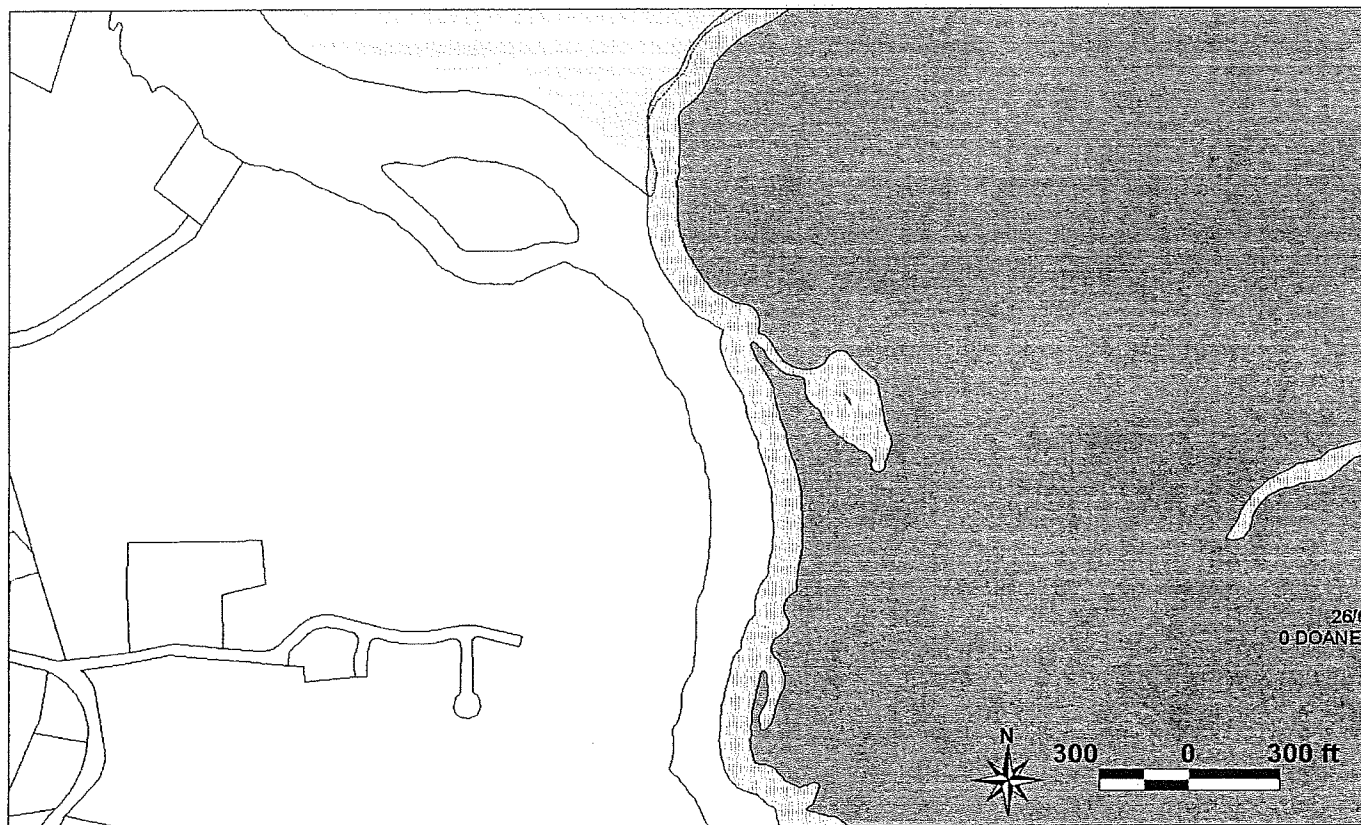
I, Gail A. McAleer, Deputy Assessor for the Town of Eastham, hereby certify that the current Assessing Department records show the owners and mailing addresses as indicated below

Gail McAleer
Gail A. McAleer, MAA



TOWN OF EASTHAM, MA
BOARD OF ASSESSORS
2500 State Highway

Abutters List Within 100 feet of Abutters to Parcel 26/6/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
9953	26-7-0-E	UNITED STATES OF AMERICA	0 DOANE RD OFF	CAPE COD NATL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
9952	26-6-0-E	UNITED STATES OF AMERICA	0 DOANE RD OFF	CAPE COD NATL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

26-7-0-E

UNITED STATES OF AMERICA
CAPE COD NATL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

26-6-0-E

UNITED STATES OF AMERICA
CAPE COD NATL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

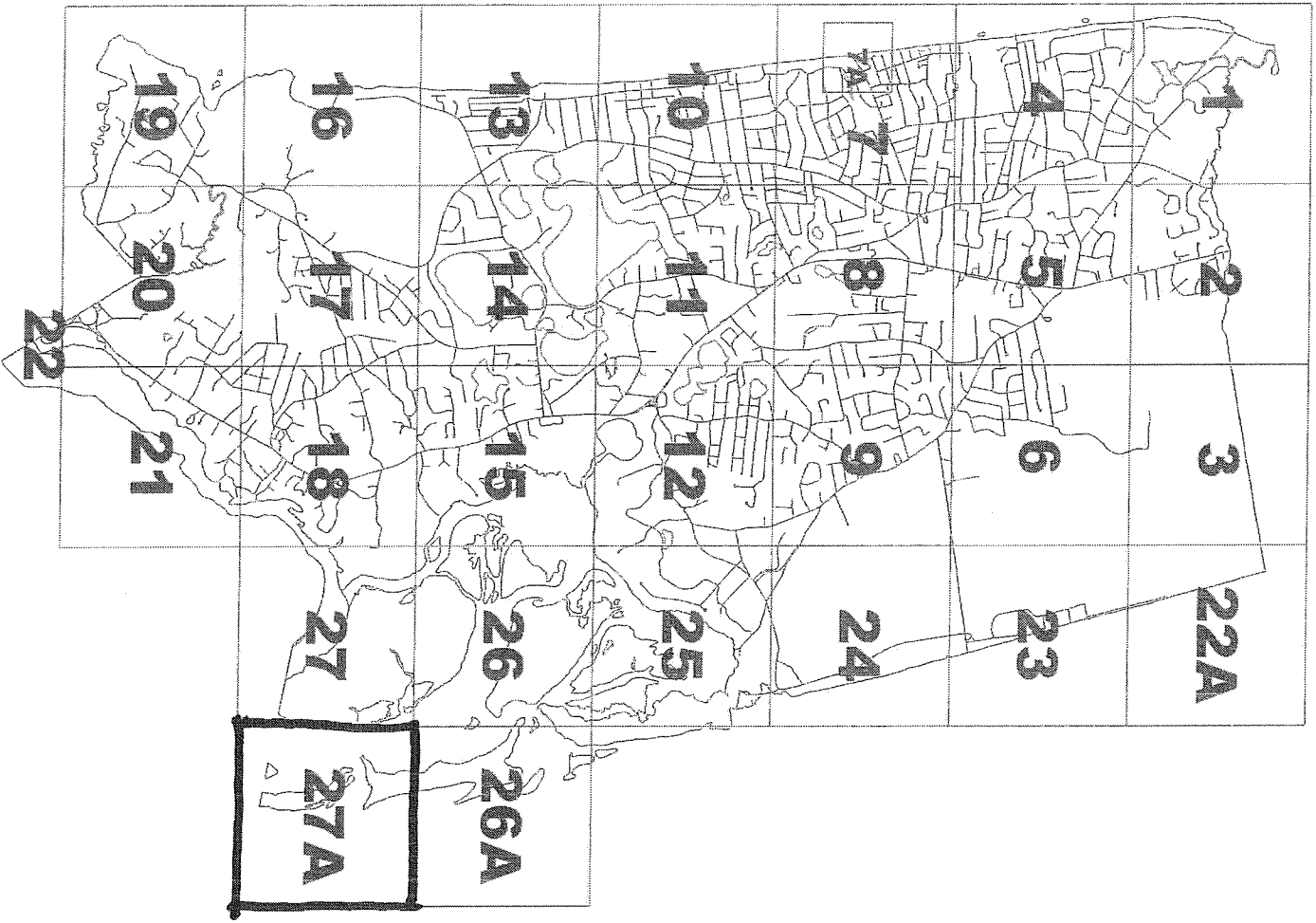
RECEIVED JANUARY 13 2010
COMPTON
PLYMOUTH, MA
www.realtyinfo.com

TOWN OF EASTHAM - BOARD OF ASSESSORS

SCALE IN FEET
0 1500 3000



INDEX MAP



NOTE: This map, including property and street lines, as well as building locations, was not made from an official survey and is for assessing purposes only. Locations and distances must not be used for the conveyance of property nor for determining time and property line actions.

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is: Town of Orleans, 19 School Road, Orleans MA 02653
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of: **Eastham** seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
Proposed Activity: The proposed operation of the Off-Road Vehicle and Beach Management Plan for Nauset Spit within the Town of Eastham
- C. The address of the lot where the activity is proposed is: Nauset Spit: Map 26 Parcel 6
- D. Copies of the Notice of Intent may be examined at:
DPW/NRO Building, 555 Old Orchard Road, Eastham MA 02642

Between the hours of 8 AM and 4 PM on the following days of the week:

Monday through Friday

For more information, call: (508) 240-5971

Check One: This is the applicant __, representative __, or other ☒ (specify):
The Eastham Conservation Commission

- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant __, or the applicant's representative __, by calling this telephone number **(508) 240-5971** between the hours of 8 AM and 4 PM on the following days of the week:
Monday through Friday

For more information regarding the date, time and place of the public hearing may be obtained from: **The Eastham Conservation Commission** By calling this telephone number **(508) 240-5971** between the hours of 8 AM and 4 PM on the following days of the week:
Monday through Friday

Check One: This is the applicant __, representative __, or other ☒ (specify):
The Eastham Conservation Commission

Note: Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the
The Cape Codder

(Name of Newspaper)

Note: Notice of the public hearing, including its date, time and place will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

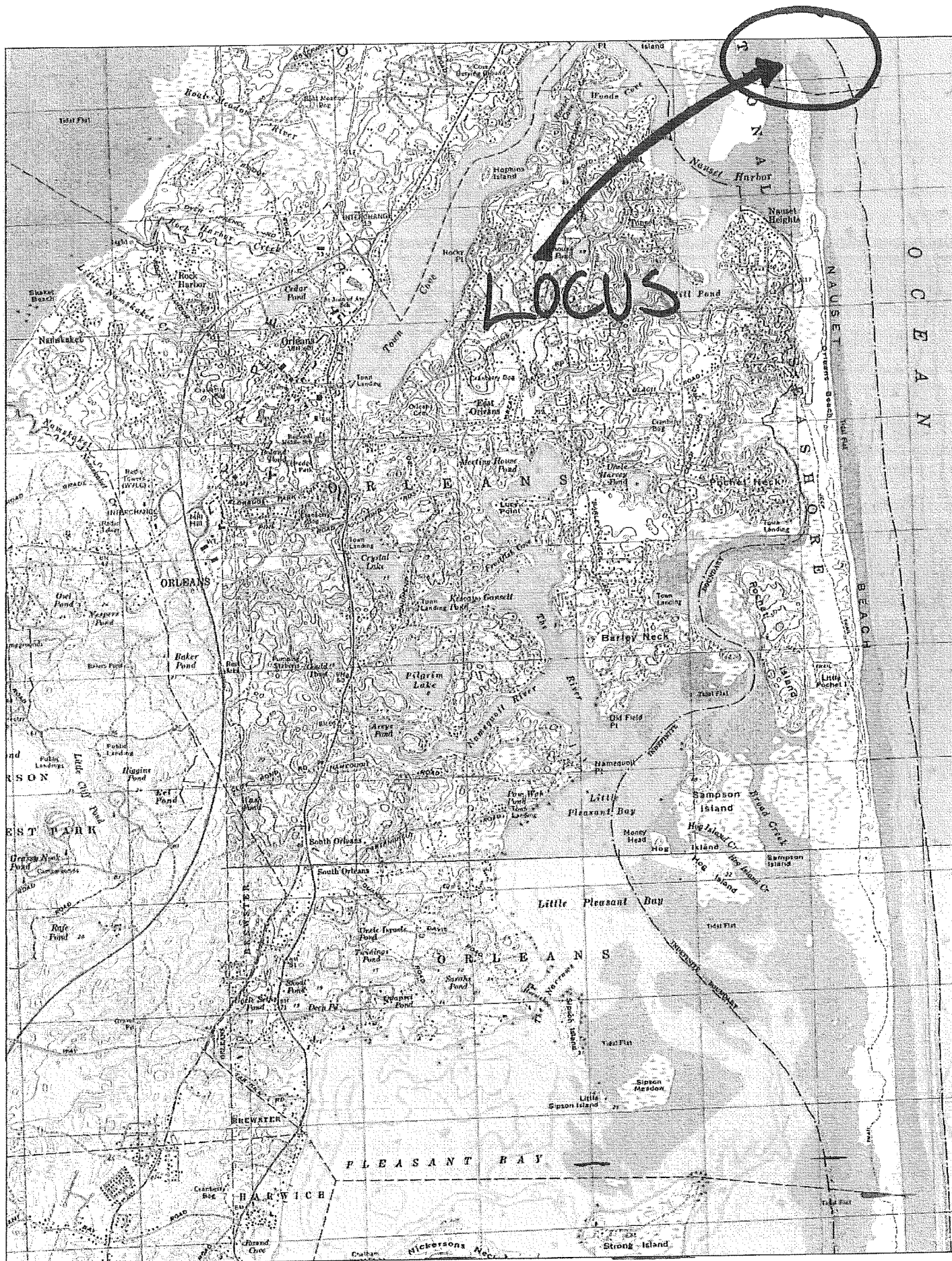
Note: You may also contact your local Conservation Commission of the nearest Department of Environmental Protection Regional Office for more information about this application of the Wetlands Protection Act. To contact DEP call:

Central Region: 508-792-7650

Northeast Region: 617-935-2160

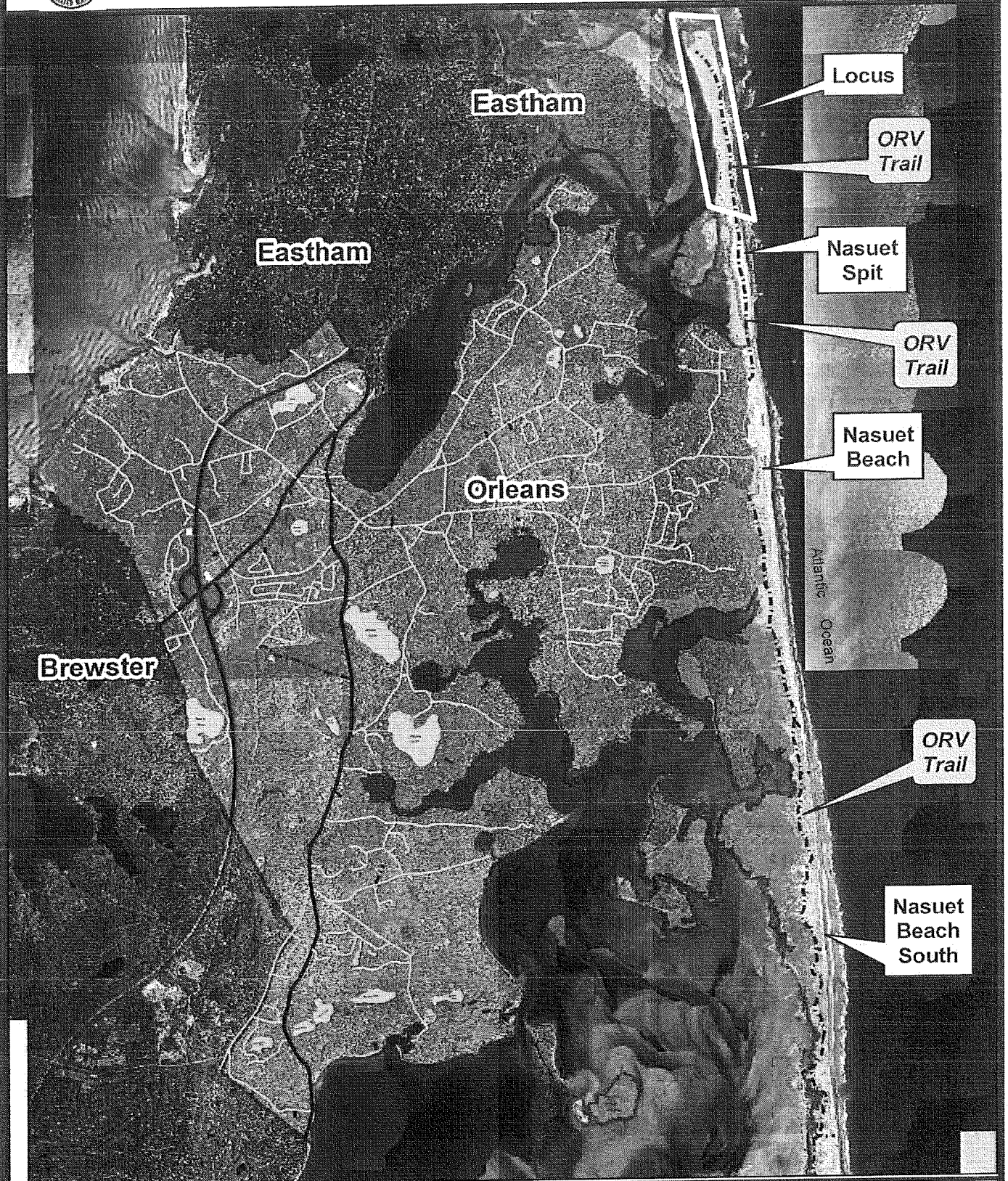
Southeast Region: 508-946-2700

Western Region: 413-784-1100





Nauset Barrier Beach: Orleans Nauset Spit in Eastham



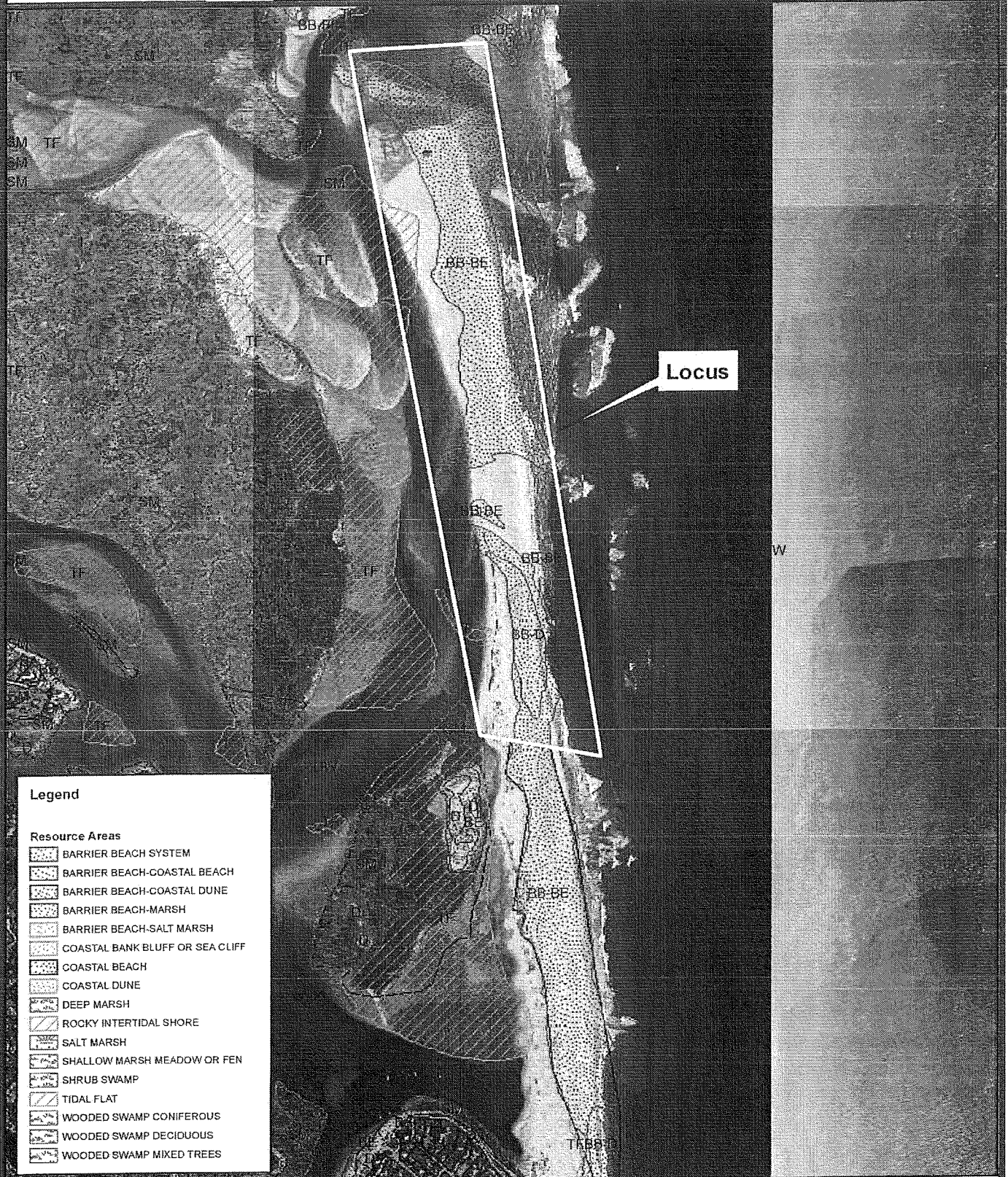
This map is illustrative and intended for planning purposes only. Orleans GIS, 2014



0 1,250 2,500 5,000 Feet



Nauset Spit: MasDEP Wetlands



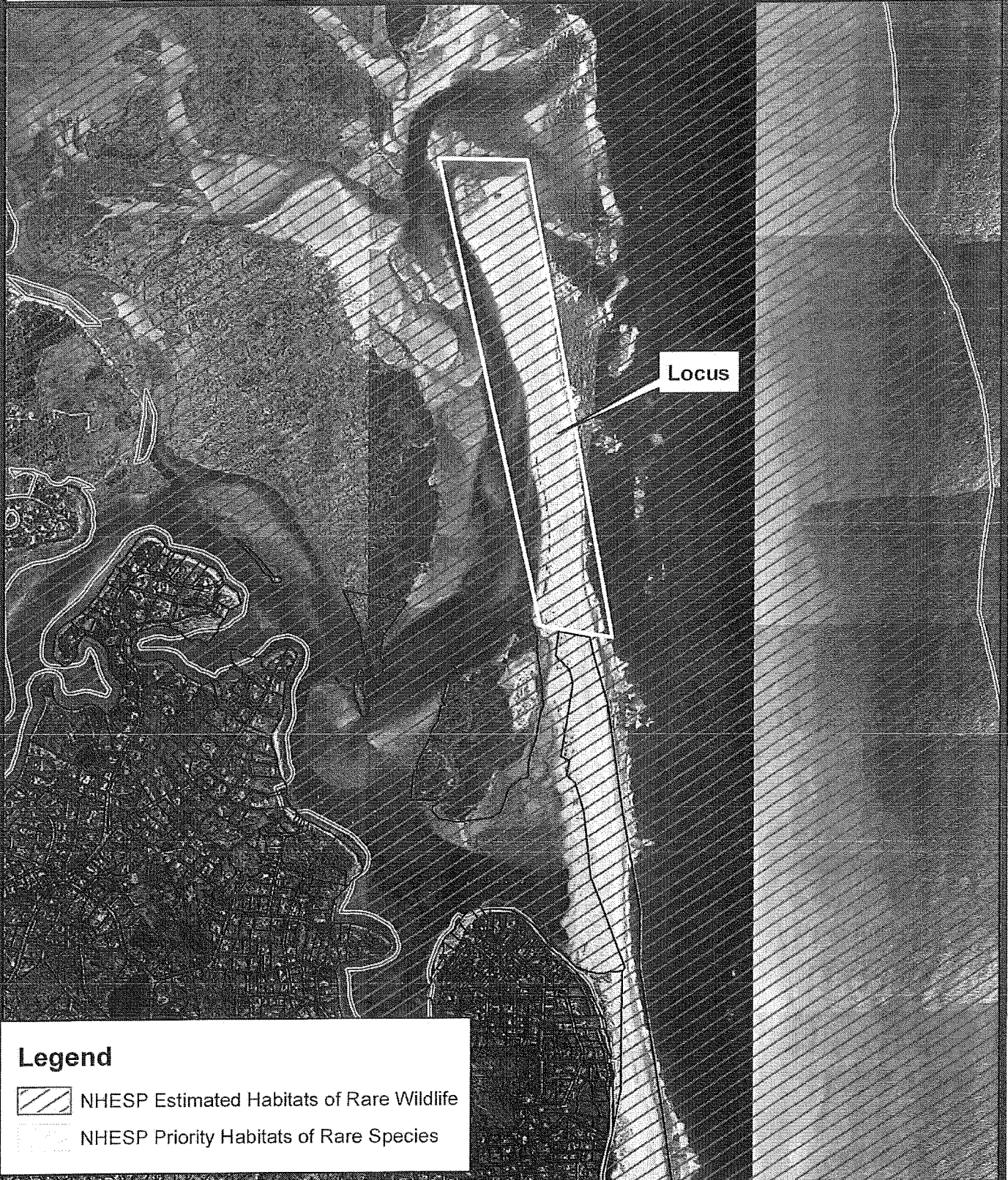
This map is illustrative and intended for planning purposes only. Orleans GIS, 2014



0 380 760 1,520 Feet



Nauset Spit: NHESP Map



Legend



NHESP Estimated Habitats of Rare Wildlife



NHESP Priority Habitats of Rare Species



This map is illustrative and intended for planning purposes only. Orleans GIS, 2014



0 500 1,000 2,000 Feet

Proposed Off Road Vehicle (ORV) and Beach Management Plan for the Nauset Spit within the Town of Eastham

A. THE PROPOSED ACTIVITY

The Town of Orleans seeks a permit under the provisions of the State Wetland Protection Act MGL ch 131 Section 40 and the Town of Eastham Wetlands Bylaw for the operation of Off Road Vehicles (ORV's) on Nauset Spit in Eastham. Although the permit requested is largely defined to ORV use, where ORV use/management issues overlap pedestrian and boating uses, it is herein recognized that these uses will be controlled in a manner consistent with permitting requirements for the ORV use, such as signage, fencing, temporary closures, etc.

The area of the Nauset Spit in Eastham is shown on the Eastham Assessors' Map 26 and Map 27-A as parcel 26-6. This area of the Nauset Spit starts at the Town Line and continues in a northerly direction, into the Town of Eastham, to its terminus.

The Town of Orleans understands that the area in which the proposed activity will take place is a Barrier Beach (310 CMR 10.29), a resource area which itself contains the following wetland resource areas: Land Subject to Coastal Storm Flowage (310 CMR 10.02 (1)(d)), Coastal Beaches (310 CMR 10.27), Coastal Dunes (310 CMR 10.28), and Estimated Habitats of Rare Species (310 CMR 10.37).

B. PROJECT COMPLIANCE WITH MGL 131 ch. S.40 PERFORMANCE STANDARDS AND THE EASTHAM WETLANDS BYLAW, Art 34, 1980.

The Town of Orleans believes that this project complies with the Eastham Wetlands Bylaw and MGL ch, 131 s.40 performance standards as cited in the regulations: Coastal Beaches, 310 CMR 10.27; Coastal Dunes, 310 CMR 10.28 ; Barrier Beaches, 310 CMR 10.19; and Estimated Habitats of Rare Species , 310 CMR 10.37.

The proposed project calls for the following actions, designed to prevent any impact of ORV usage upon the resource areas of the Nauset Spit cited above:

1. Placement of signage and wooden barrier posts, to be located as necessary to confine ORV traffic to defined access ways, maintained by hand, and spaced an average of 100 feet apart; signage to be attached to posts and/or fencing where possible. Such posts are to be placed in such a manner as not to disturb vegetative cover;

2. Placement of symbolic fencing and/or predator exclosures, as necessary, around potential nesting habitat, actual nesting, and foraging sites;
3. Placement of fencing barriers for access closures and/or openings, as deemed necessary for State and or Federally listed shorebird habitat, nesting, and foraging protection. The Orleans Board of Park Commissioners believe that the above activities, as controlled by the proposed Special Conditions, meet the performance standards set forth in 10.27 (3),(6), and (7);10.28 (3),(5), and (6); 10.29 (3) and (4). See "Rare Species" for compliance with 10:27.
4. With regard to the primary activity proposed, ORV usage itself, the Board of Park Commissioners believe the following to be accurate:
 - a. Coastal Dunes: 310 CMR 10.28
 - i. The historic use of and annual evaluation of the ORV trails, show them to be sensitive to environmental concerns. The existing trail along the east facing shoreline on the Nauset Spit is not believed to promote wind tunneling, erosion, or wave overwash. Therefore, the Board of Park Commissioners believe that based on the history of use, the existing use of the ORV route meets the performance standards set forth in 310 CMR 10.28 as follows:

10.28 (3)(b) Use of the existing access and egress corridor be restricted to the east facing Coastal Beach area without. No de-vegetation and consequent destabilization should occur on the Coastal Dune system given appropriate posting as proposed in the Special Conditions.

10.28 (3)(c) It is recognized that the ongoing use the ORV corridor may cause limited modification to small dune areas. However, the Board of Park Commissioners believe that due to the orientation, location, restriction in size, no significant increase from storm or flood damage is anticipated.

10.28 (3)(d) No interference with the landward movement of Coastal Dunes will occur as a result of the proposed Special Conditions that provide for managing ORV traffic on the existing corridor on the east facing Coastal Beach.

10.28 (3)(f) See section on Rare Species
 - ii. Ocean Side North/South Corridor

Given the proposed Special Conditions requiring that this corridor be a minimum of 15 feet seaward of the toe of the Coastal Dune, no change in vegetation should occur, and the performance standards set forth in 10.28 (3)(b) and (c) should be met. (10.28 (3) See section on Rare

Species). Furthermore, the general location of the ocean side ORV corridor is typically westerly of the naturally occurring wrack line.

b. Coastal Beaches: 310 CMR 10.27 (3)(7)

The continued use of the existing ORV corridor may cause temporary limited impact to the profile (form) of the beach area. Given the climatic and geologic characteristics of the Nauset Spit, these limited impacts will not result in increasing the potential for erosion.

Sediment disturbed by the passage of ORVs will not be lost from the Beach resource area, and significant sediment movement is not attributable to ORV use. Therefore, we believe that the ORV use as proposed will not result in a significant decrease to beach volume, and that such significant changes in beach volume are more likely to be influenced by climatic and/or meteorological factors (also see Rare Species 10.27 (7)).

PROPOSED SPECIAL CONDITIONS

A. PREAMBLE

The Orleans Board of Park Commissioners, in proposing the following Special Conditions, intends that these conditions be flexible enough to reflect the needs of the changing environment they are designed to protect. The Nauset Spit system has been shown to be extremely dynamic over time. Significant changes in geomorphic form and wildlife habitat have occurred both prior to and during recreational uses of this resource area. The challenge for Orleans is to manage the competing uses of this Barrier Beach system under the provisions of the Massachusetts Wetlands Protection Act, MGL 131 Section 40 and the local Wetland Bylaws.

These proposed special conditions are designed to:

- Protect Coastal Resource areas and identify wetland interests for the Nauset Spit Barrier Beach system as it currently exists;
- Allow for the ongoing recreational use of the Barrier Beach system;
- Allow for the continued historic uses and access on the Nauset Spit;
- Require greater restrictions on ORV users with respect to environmental education, scheduled and unscheduled temporary closures of access routes, etc;
- Require future management of the Barrier Beach system resource area to include hiring of specially qualified personnel to conduct detailed monitoring of

and reporting on wildlife and wildlife habitat areas, which will serve as basis for modifying permitted management procedures/policies;

- Require interdisciplinary and agency cooperation which will result in sensitive, flexible, and responsive management of the Barrier Beach system.

B. RULES AND REGULATIONS

The Board of Park Commissioners, acting, and hereafter referred to, as the Park Commission, is responsible for implementing and enforcing the Rules and Regulations for ORV use on the Nauset Spit. These regulations shall at a minimum require the following:

- a) The maximum number of ORV's permitted on the beach at any one time shall be limited to 200. This number shall include the total of all vehicles in Orleans and Eastham.
- b) Posting of temporary closures due to tide conditions or nesting considerations.
- c) Driving on the Town Cove (west) side, along the shoreline, is prohibited.
- d) Driving on the low beach may be permitted during the winter season between the first Friday in November to the Friday before Memorial Day, and at any additional specially designated times and places to avoid disturbance of nesting birds.
- e) Parking is permitted seaward of a 37' corridor consisting of 15' from the toe of the dune, plus 12' for the vehicle track, plus a 10' margin between the vehicle track and parking area.
- f) Closure of the beach between the hours of 11 PM and 6 AM except for active fishing and fowling.
- g) In posted areas near bird nesting, a speed limit of 5 mph shall be enforced.
- h) No jet ski launching or landing.
- i) No kite flying from March 15 to September 15.
- j) Pets shall only be allowed as designated by the Nauset Beach Rules and Regulations for ORV's. Rules and Regulations on pets shall be developed to maximize protection of nesting shorebirds and shorebird habitat.
- k) All ORV permittees must view an educational film /slide presentation prior to issuance and renewal of an ORV permit.
- l) Minimum permissible equipment standards including but not limited to tire size and pressure as listed in regulations issued by Park Commissioners.

m) Any other conditions responsive to significant environmental changes and/or any conditions necessary to protect the Nauset Spit system, public health, safety, and welfare of the users and/or property owners.

n) Fines and penalties may be invoked, as necessary, by the Park Commissioners.

o) Walking between the Town Cove and the ocean side shall be prohibited in all but designated areas. No walking is to be allowed upon vegetated dunes, slopes or bare dune faces. No activity, i.e. sand sliding, dune jumping, or similar, is permitted at any time.

C. CLOSURE OF THE TOWN COVE (WEST) SIDE TO ORV TRAFFIC

Salt Marsh, tidal flats, and shellfish beds which adjoin the Town Cove side of the beach are extremely sensitive to ORV use. Therefore, ORV use shall not be permitted in these resource areas. Furthermore, the Department of Natural Resources shall install signage, as necessary, indicating no ORV use.

Barrier Beaches migrate landward due to windblown sediment and overwash events of the Barrier Beach system, 310 CMR 10.29 (1). Therefore, the operation of ORVs on the landward side of the Barrier Beach, could serve to inhibit dune formation through the creation of additional ruts and the crushing of ammophila rhizomes. This could potentially inhibit the landward migration of the inside beach, while the ocean side is continually dynamically eroded, and at times accreted, by wave action and long shore sediment transport. The net effect of these processes could be an ever narrower Barrier Beach, increasingly susceptible to overwash and inlet formation. This result would violate the performance standards for Coastal Dunes, which prohibit any modification of Dune form that would increase the potential for storm or flood damage, or any interference with the landward or lateral movement of the Dune, 310 CMR 10.28(3) and 10.29(3). Therefore, the westerly side of the Barrier Beach shall remain closed to ORVs, as previously described, except for emergency use by town officials and essential vehicles.

D. RARE SPECIES

In addition to Piping Plovers and Least Terns that receive special protection measures under the Federal and or State Endangered Species Acts, and have specific management requirements detailed herein, the Nauset Spit is habitat for other migratory waterbirds and shorebirds and in some areas, turtles such as the Diamond Back Terapin. Use of this habitat may be for nesting, resting, or feeding, either in the nesting season or during bird migration. The performance standards and management guidelines documented

here for use in protecting Rare Species may be applied, as needed, to benefit other nesting shorebirds at the recommendation of the Natural Resource Manager.

1. Project Compliance with Performance Standards

The Board of Park Commissioners believe that a potential to alter the resource area within part of the mapped habitat for State and Federal listed rare species does exist. However, the project as proposed, inclusive of the hiring of a qualified habitat specialist and incorporation of temporary beach closure measures, should provide the protection necessary so that no effect will result within these specified habitat sites.

The presumption that the maintenance activities requested in order to continue ORV use of the Nauset Spit will impact specified habitat sites, in our opinion, has been overcome and rebutted by the proposed species management plan. This management plan requires, among other measures, observation and tracking of State and or Federally listed Shorebird species to determine exact habitat sites, including foraging routes; it requires temporary closures of the identified sites and route to ORV and pedestrian use; and it provides placement of fencing and predator barriers to afford habitat protection. We therefore believe that the project as proposed, and herein conditioned, should not result in an impact to specified habitat sites identified for State and or Federally listed Shorebird populations on the Nauset Spit.

2. Shorebird Monitor

The Park Commission, in cooperation with the Orleans Conservation Commission, shall be responsible for the hiring of a suitably qualified person to serve as a State and or Federally listed Shorebird Specialist, hereafter referred to as "Monitor," who will report to and work under the Natural Resources Manager. The Monitor will be employed annually from April 1 through August 31 to provide technical information relative to the habitat and characteristics of the State and or Federally listed Shorebird populations on the Nauset Spit, and will be responsible for alerting the Natural Resources Manager and the Orleans Conservation Commission, or their designated agents, as to the need to temporarily close access to ORV traffic during State and or Federally listed Shorebird nesting and fledgling activity periods. The Monitor will also be responsible for providing the Parks Commission and the Orleans Conservation Commission regular updates on State and or Federally listed Shorebird activity, as well as a season-end report. Updates will be supplied to the Eastham Conservation Commission when necessary.

3. Limitation of access to prime nesting habitat areas

a. Vehicular Access

Parking in or vehicular access through identified State and or Federally listed Shorebird habitat, as determined annually by the Monitor and Natural Resources Manager, shall be prohibited. This restriction will not necessarily prohibit vehicular access past (i.e. northward/southward) such areas if consistent with specific management guidelines.

b. Boater and Pedestrian Access

It has been the custom for visitors to the Nauset Spit to arrive by boat. Generally, this takes place in the area of the barrier beach terminus currently located outside the Town of Orleans. Disturbance of the State and or Federally listed Shorebirds by these pedestrians may be minimized by installing posts, signs, and fencing to indicate closed areas. Pedestrians will be encouraged to use the designated walkways thereby helping to protect dune form, vegetation, and birds.

Pedestrians shall be excluded from existing wash over areas in a manner which does not interfere with, or cause any effect to, the ability of such wash over areas to serve as nesting habitat for Shorebirds.

4. Piping Plovers

The beach management strategy for the Plovers includes devoting the highest priority to encouragement of the earliest arriving birds to nest as quickly and successfully as possible: i.e. minimizing human disturbance. The result, in addition to a high reproductive success rates, may be to minimize the period during which the beach is closed to recreational uses.

Spring Arrival (March 16 - April 30)

Piping Plovers return from their southern winter quarters to establish nesting territories along Cape Cod beaches in early spring.

Management

Prior to the arrival of Piping Plovers, potential nesting areas shall be visited by a person familiar with their habitat requirements to evaluate the natural changes that have occurred through the winter, and to identify areas of suitable nesting habitat. The suitable nesting habitat shall be posted, with endangered species nesting area signs, and delineated with symbolic fencing, prior to the arrival of

plovers (no later than April 1) to reduce the potential disturbance of this potential habitat by beachgoers for Plovers establishing their nesting territories. Vehicular access into or through posted areas shall be prohibited, though vehicles may pass by such areas at this time.

Laying and Incubation of Eggs (April 20 – August10)

Normally the nest, a shallow scrape in the sand, is placed at the toe of the dune, in a wash-over, or along the spring tide wrack line. The first of the sand-colored eggs is laid in late April and may contain a full clutch of 4 eggs a week after the first egg is laid. Then both adults incubate the eggs, alternating every few hours, for the next 28 days.

Management

When a monitor determines a nest is to be enclosed, a welded wire fence shall be placed around the nest, using a design recommended by the Massachusetts Division of Fisheries and Wildlife. Endangered species signs shall be placed outside the symbolically fenced area to add additional protection. Vehicular access within the symbolically fenced area shall be prohibited.

Before the eggs hatch, it is necessary to close the beach and to level the ORV ruts to prevent an adverse effect on the young hatchlings. This must be accomplished within a 28 day period after incubation commences. If ruts are to be leveled by natural process, one week should be allowed, and the beach should be closed 21 days after the last egg is laid or the start of incubation. If ruts are to be leveled by hand, the beach could remain open a few additional days. When plover nests are found after the last egg has been laid, making it impossible to predict hatch date, restrictions on vehicles should begin on a date determined by 1 of 3 scenarios:

- 1) If a plover nest found with a complete clutch is monitored twice per day, at dawn and dusk (before 0600 hrs and after 1900 hrs), vehicle use may continue until hatching begins. Nests should be monitored at dawn and dusk to minimize the time that hatching may go undetected if it occurs after dark. Whenever possible, nests should be monitored from a distance with spotting scope or binoculars to minimize disturbance to incubating plovers.
- 2) If a plover nest is found with a complete clutch before May 22 (the earliest recorded hatch date for piping plovers in Massachusetts), and is not monitored twice per day, at dawn and dusk, then restrictions on vehicles should begin May 22.

3) If a plover nest is found with a complete clutch on or after May 22, and is not monitored twice per day, at dawn and dusk, then restrictions on vehicles should begin immediately.

Hatching Eggs and Movement of Young (May 20 - August 20)

Piping Plovers have precocial young, capable of walking and feeding themselves within 24 hours after hatching. The most vulnerable stage in their breeding cycle is the period when hatchlings are less than 10 days old, when they accompany the adults in their feeding forages. Normally, all eggs in a clutch hatch within a 24 hour period between the hatching of the first and last eggs. The hatchlings then accompany the adults to feed on small invertebrates along the wrack line, toe of the dunes, and inter-dunal blowouts. During their first week, the young usually do not wander more than 100 yards from their original nest site. They do not use the nest after the first couple of days from their hatch date, but depend on their cryptic coloration to blend in with their surroundings. If an adult Plover sounds an alarm note, the young either run for cover beneath one of the adults, or seek cover in vegetation, among stones, along the wrack line, or in a vehicle rut. Plover chicks over a week old may accompany the adults for greater distances, up to 1/4 mile, and spend increasingly more of their time foraging along the wrack line and out into the intertidal zone.

Management

Plover chicks on the Nauset Spit may be seen foraging with adults in areas anywhere between the Cove and the ocean intertidal zones in areas where there is little vegetation to obstruct their movements. Because they may go from the ocean side to the bay side within minutes, using existing blowouts and over wash areas, they are vulnerable to vehicular travel through these areas at all times. Additionally, the ruts left by vehicles are known to trap young chicks that subsequently may be run over by another vehicle using the same ruts, or they remain trapped in the rut, may die from exhaustion, or are found in the rut by a predator.

Therefore, when unfledged plover chicks are present, vehicles should be prohibited from all dune, beach, and intertidal habitat within 100 yards of either side of a line drawn through the nest site and perpendicular to the long axis of the beach. The resulting 200 yard-wide area of protected habitat for plover chicks should extend from the ocean-side low water line to the

bay-side low water line, or to the farthest extent of dune habitat if no cove-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally-occurring obstacles. If unfledged plover chicks move outside the original 200 yard-wide area of protected habitat, then the boundaries of the protected area should be adjusted to provide at least a 100 yard buffer between chicks and vehicles.

Fledging of the Young (June 28 - August 20)

Young plovers are capable of flying short distances within 30 days of their hatch date. Typically, these novice fliers remain with the adults, foraging in the same general area anywhere from a few days, to the rest of the summer. Adults may lead fledged young to more remote portions of neighboring beaches if they are disturbed by recreation or predation.

Management

Once the Monitor has determined that the young have fledged or left the beach, the area may be re-opened to vehicular traffic.

5. Least Terns

The Nauset Spit has been home to Least Tern nesting colonies.

Spring Arrival (May 7 - July 10)

Least Terns return from their winter quarters in South America to establish nesting colonies ranging in size from a dozen pairs to over 1000 pairs. Least Terns have used the Nauset Spit, and data over past years shows that colony size has varied annually.

Management

Prior to the arrival of Least Terns, potential nesting areas shall be visited by a person familiar with their habitat requirements to evaluate the natural changes that have occurred through the winter, and to identify areas of suitable nesting habitat. The suitable nesting habitat shall be posted, with endangered species nesting area signs, and delineated with symbolic fencing, prior to the arrival of the Terns, to reduce the potential disturbance of this potential habitat by beachgoers. Vehicular access into or through posted areas shall be prohibited, though vehicles may pass by such areas at this time. On the Nauset Spit, it is

likely that the protected area will have to be adjusted to encompass additional portions of the colony.

Laying and Incubation of Eggs (May 20 - August 5)

Most clutches of 2-3 eggs are laid in early June. The nests are simple scrapes in the sand or on bare stone between the wrack line and the toe of the dune, or in an open blow-out.

The adults incubate the eggs for 21 days after the last egg is laid. It is not uncommon for Least Terns to lose nests to storms or high tides. Least Terns will attempt to discourage mammalian, avian, or human intruders who come near their nests by attacking in unison, calling loudly, and dropping their "white wash."

Management

Incubation is the most vulnerable stage for breeding Least Terns. The presence of people, dogs, kites, and predators too close to a colony causes the entire flock of nesters to leave their nests during the disturbance. If the disturbance lasts more than 15 minutes, the eggs may be destroyed by exposure to the sun, rain, or wind-blown sand. Therefore, it is critical that the Monitor for the colony adjust the perimeter of the fence and signs to include a buffer zone wide enough to prevent disturbance to incubating adults.

Hatching of Eggs and Movement of Young (June 9- August 25)

The 2 to 3 semi-precocial young are active within 24 hours of hatching. Least Tern young are fed by the adults. Although the young are capable of running within a week of hatching, they typically do not wander more than 15 feet from their nest depression during the first 10 days. However, at ages between 10 and 28 days, they will run long distances to flee an intruder, find better locations for hiding, or await the return of adults with food. These older juveniles, over 14 days old, are often difficult to see. Their plumage is camouflaged, and they hide in vegetation and cover on the wrack line.

Management

When unfledged Least Tern chicks are present, vehicles should be prohibited from all dune, beach, and intertidal habitat within 100 yards of either side of lines drawn through the outermost nests in the colony and perpendicular to the long axis of the beach. The resulting area of protected habitat for least tern chicks should extend from the ocean-side low water line to the bay-side low

water line or the farthest extent of dune habitat if no bay-side intertidal zone exists. If unfledged chicks move outside the original protected area, then the boundaries of the protected area should be adjusted to provide at least a 100-yard wide buffer between unfledged chicks and vehicles. However, vehicles may pass through any portions of the protected area considered inaccessible to least tern chicks because of distance, steep topography, dense vegetation, or other naturally-occurring obstacles. Because least tern chicks disperse from nests shorter distances and at older ages than plover chicks, under some circumstances it may be possible to allow passage of vehicles through portions of least tern chick habitat if, in the opinion of the Division of Fisheries and Wildlife, this can occur without substantially increasing threats to least tern chicks or their habitats.

Fledging of Young (July 9 - September 10)

Least Terns young are capable of weak flight about 28 days after hatching. Most young in a colony fledge in mid-to late July in Massachusetts, unless the colony has been abandoned because of by tides, storms, or predators, and the survivors re-nest. Once the young are capable fliers, they are led by the adults further from the busy colony to quieter portions of beaches and sandbars. The young will even fly out to the fishing grounds where they rest on the water and wait to be fed.

Management

The Monitor of the colony will determine when the Terns have left the nesting area. As long as Least Terns are landing in the fenced area, it is likely that they are still nesting or rearing young. Most Least Terns will have left Massachusetts by late August or early September.

6. Diamond Back Terrapins

Diamond Back Terrapins have been observed nesting during both day and night on certain portions of the Nauset Barrier Beach system. Diamond Back Terrapin nesting sites, or habitat, needs to be protected and managed. Females venture onto land to nest typically once from mid-June to mid-July.

Efforts shall be made by the Monitor to identify and take protective measures to ensure successful nesting and nest protection. Efforts shall include alerting the appropriate state agency when Terrapin tracks are located on the beach. When tracks lead to nests, nests should be reported to the appropriate state agency so

that a licensed specialist can provide onsite monitoring, nest relocation and or management for nesting success.

E. MANAGEMENT

Management of the resource areas in terms of ongoing use, use restrictions , etc. will be the primary responsibility of the Orleans Park Commission and Orleans Department of Natural Resources.

The overall ORV program authorized herin, and its management, shall be permitted over time and shall survive the issuance of a Certifictc of Compliance.

F. ENFORCEMENT

The Orleans Park Commission shall require additional enforcement patrol of the Nauset Spit ORV corridor to include expanded patrol coverage during off-peak usage, specifically weekday and pre-season periods. Should expanded patrol prove inadequate to protect the natural and wildlife resources which are the subject of this ORV Management Plan, Orleans may require additional enforcement.

Overall, the enforcement and management responsibility of the Nauset Spit as described by this ORV Management Plan, is designated by state and local statutory requirements to Town of Orleans officials. In this instance, primary enforcement responsibility will be shared by the Park Commission, and their respective agents.

A. MOTOR VEHICLE RULES & EQUIPMENT

1. Maximum SPEED of motor vehicles may not exceed 15 miles per hour. In no case will the tire pressure on vehicles exceed 20 lbs. psi. All persons shall operate vehicles in a reasonable and prudent manner. The provisions of Chapter 90, Mass General Laws (Ter. Ed) shall apply to the operation of all motor vehicles. All persons should be aware that the State of Massachusetts Seat Belt Regulations and child car seat usage are still in effect while on the Beach and the vehicle is underway. (This simply means that if it is required on the road, it is required on the Beach) Driving on the low beach will be permitted during the winter season between the first Friday of November and the Friday before Memorial Day at reasonable speeds. Traveling above the mean high water mark in a closed area is prohibited. Headlights must be on half hour after sunset until half hour before sunrise.
2. The operation of off road vehicles shall be prohibited year round from the outer beach from a point 1 mile South to a point 1/4 mile North of the Nauset Beach parking lot unless otherwise posted (except emergency and maintenance vehicles). Access to outer beach only at posted areas. No vehicles shall be operated in designated swimming areas.
3. All persons shall ride within and be seated within the confines of any motor vehicle operated on the Beach, and the number of riders at any one time shall be limited to the normal seating capacity of the vehicles. Vehicles shall not park within 10 feet of established tracks or routes and shall not interfere with traveling traffic. Portions of the Beach shall be considered off limits to vehicular traffic when high tides force passage within 15 feet of vegetation and frontal dunes. Vehicles driving off the Beach shall have the right of way.
4. Driving of motor vehicles between the surf and the rise or crest of the Beach and driving or walking on or over any partially or fully covered vegetation area and on or across the dunes or any other closed areas except as designated by specified routes is strictly prohibited. The driving of vehicles on the West or Bay side of the dunes is strictly prohibited.
5. Each visitor to the Beach shall remove from the Beach all rubbish, trash or refuse for which he or she has been responsible. Receptacles for the disposal of such are provided at the Beach parking lot. Emptying of holding tanks and disposal of human waste on Nauset Beach and its adjoining waters is positively prohibited. Human waste may be disposed of at the Septage Treatment Plant for a fee.
6. EQUIPMENT: Before a permit will be issued, each vehicle will be inspected to ensure that it is equipped with the following.
 - a. SHOVEL of a heavy type equal to or better than the military folding entrenching tool.
 - b. TOW ROPE, chain cable or other towing device not less than 14 feet in length with a minimum load strength of 1400 lbs. (Chain size 3/8", cable 1/2" nylon 3/4" or polypropylene 3/4", hemp 1") The towing device will be equipped with grab hooks or other suitable attaching device on both ends.
 - c. JACK SUPPORT, board or similar, to have a surface of not less than 144 square inches nor be more than 18 inches in length. Thickness to be not less than 1 1/2" if of solid wood. Other materials must equal strength and durability of the standard wood supports.
 - d. JACK of the standard size and type as that which comes with the vehicle.
 - e. TIRE GAUGE, low pressure, able to register to a minimum of 5 lbs. psi.
 - f. TIRE SIZES: Minimum size tires for 13" is 185, for 14", 15", and 16" is 215. Note - no snow tires will be allowed on the Beach except from November 1 through April 13. (See Tire Terminology in addendum.)
 - g. SPARE TIRE, meeting same standard as other tires required for type of vehicle in which it is carried.
 - h. ROD AND REEL: Self-contained vehicles must be equipped with a rod and reel for each occupant over 12 years of age.

COMMUNICATIONS

TO REPORT AN EMERGENCY

Orleans 508-265-1213
Chatham 508-945-1213

If dialing from a cell phone and you dial 911, the call goes to the Framingham State Police.

When requesting an emergency, please give specific location: North End or South End of Nauset Beach, Trail # and Vehicle Registration, Color and Make.

When requesting an emergency, please give specific location: North End or South End of Nauset Beach, Trail # and Vehicle Registration, Color and Make.

COMMUNICATIONS

TO REPORT A VIOLATION

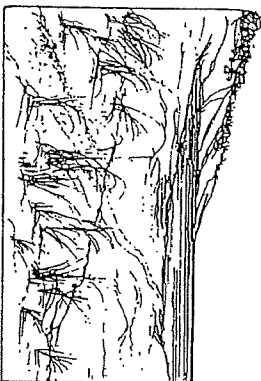
Orleans Nauset Beach Administration Building in season between 9am-5pm 508-240-3780
Nauset Beach Toll Booth in season between 5pm-9pm 508-240-3705
Orleans Police off season 508-255-0117
Orleans Parks off season 508-240-3700 ext. 465
Chatham Police 508-945-1213

If you observe a Violation, the following information is needed for the Beach Patrol to take action against violators:

1. Date & time of day
 2. Location/landmark/trail #
 3. Vehicle description (license plate # / color)
 4. Operator/occupant: description
 5. Violation/incident description
- Report violations in Orleans to Orleans
Report violations in Chatham to Chatham

Reg. # / State	
RO	<input type="checkbox"/>
OS	<input type="checkbox"/>
OSS	<input type="checkbox"/>
SC	<input type="checkbox"/>
OC	<input type="checkbox"/>
Inspected by	
Tire Size	<input type="checkbox"/>
Spare Tire	<input type="checkbox"/>
Board	<input type="checkbox"/>
Tow Strap	<input type="checkbox"/>
Tire Pressure Gauge	<input type="checkbox"/>
Shovel	<input type="checkbox"/>
Jack	<input type="checkbox"/>
Remove Old Sticker	<input type="checkbox"/>

Orleans Nauset Beach Rules and Regulations for ORVs



This unique conservation and recreation area is under the joint supervision of the Towns of Orleans and Chatham. We hope you as visitors to Nauset Beach will enjoy the natural and recreational values of the area, as well as observe the rules that have been adopted for its protection.

All applicable Federal and State laws and regulations, town by-laws, rules and regulations, and fire regulations shall apply and are enforceable.

B. VEHICLE REGISTRATION - EFFECTIVE MAY 1, 2014 TO APRIL 30, 2015

1. **STICKERS:** Registration shall be obtained from the Orleans Parks & Beaches and the Chatham Coastal Resources departments. Applicants of Nauset Beach registration cards will be issued stickers that must be affixed to the stationary window on the driver's side of the vehicle. No vehicle shall operate on the Beach without a valid registration sticker. All registration stickers are non-transferable and expire April 30 of following year. All previous years' stickers must be removed. Registration stickers issued to camp lessees, Chatham residents, nonresident self-contained and oversand vehicles are valid only South of Nauset Beach parking lot and not valid to park in beach parking lots. All S/C vehicles must check out of the Beach during the season when the gate house is operational when driving South of the Nauset Beach parking lot. All motor/CRVs must stop at the booth and check on the Beach. The only time they will be required to check off is when the vehicle limit is at its maximum.
2. **HOURS:** All non-self-contained vehicles using the beach South of the parking lot and all legal residents and real estate taxpayers of Orleans using the beach North of the parking lot are allowed on the Beach only between the hours of 6:00 a.m. and 11:00 p.m. (unless actively fishing). Fishing gear must be shown upon request. Oversand vehicles must stay off the Beach six (6) hours before returning. Self-contained vehicles will be allowed to stay on the Beach for a maximum of 72 consecutive hours and a 72-hour period must elapse before they may return to the Beach. All vehicles remaining overnight, except those vehicles used by camp lessees or their guests, shall have permanently mounted self-contained water or chemical toilet and permanently mounted sleeping accommodations sufficient for all persons in the vehicle.
3. **LIMITS:** The number and types of vehicles allowed on the Beach at any one time shall be set each year and may be changed depending on prevailing conditions and the amount of usable beach. All registered vehicles using the beach South of the Nauset Beach parking lot must check on and off the Beach.

**DRIVE ONLY IN DESIGNATED TRACKS AND ESTABLISHED WAYS.
KEEP OFF THE GRASS, DRIVING OR WALKING!!!**

C. GENERAL RULES AND REGULATIONS

1. **ALL VEHICLES** must carry a current copy of rules and regulations and tide chart in vehicles at all times.
2. **ACCESS** to the beach NORTH of parking lot is in a residential area. Please be courteous and obey all rules and regulations when entering, leaving, and during your visit to the Beach. **NO PARKING ALLOWED AT THE ACCESS ROAD AREA ON NAUSET SPIT.**
3. **LESSEES, NAUSET BEACH PROPERTY (ORLEANS):** All regulations listed herein shall apply while using other areas of the Beach.
 - a. **REPAIR AND/OR MAINTENANCE OF PROPERTY:** Any and all motorized equipment or machines taken on the Beach must secure permission from the Orleans Natural Resources Manager before proceeding on Beach.
4. **CHILDREN** under twelve (12) years of age must be accompanied by a responsible person sixteen (16) years of age or older.
5. **No DOGS** allowed March 15 - September 15 North of the Nauset Beach parking lot.
From a point South of Nauset Beach parking lot to trail one, dogs are prohibited from May 15 to Labor Day. From a point South of trail one to the Chatham line, all dogs must be on a leash of not more than 30 feet at all times, unless below the high tide mark from May 15 through Labor Day. (This will be a zero tolerance enforcement issue.) Dogs are prohibited from areas closed to vehicle or human traffic for Piping Plover protection. Owners are responsible for cleaning up after their animals. Beach camp lessees retain traditional use rights for their leased property.
In addition to any other penalties set forth in these regulations, any violation of this Section constituting a first offense will result in no less than automatic revocation of the offender's Beach permit rights from the date of violation until May 15 of the following year. Subsequent violations will result in the offender's Beach permit rights being revoked for a period of three (3) full years from the date of the violation.

continued

C. GENERAL RULES AND REGULATIONS continued

6. **SLEEPING** in the open between 8:00 p.m. and 6:00 a.m., and the use of camping tents, sleeping bags, bad rolls and camping trailers for overnight camping on all Beach areas is prohibited.
7. **No open FIRES** on the Beach are allowed unless permits are obtained from the Orleans Fire Chief or Natural Resources Manager. Charcoal fires in grills are permitted. Douse coals before leaving.
8. **BEACH PARTIES** of more than twenty (20) persons shall be required to carry a special permit (no additional fee), and shall name, in applying for such a permit, one individual in the group who shall agree to assume the responsibility for the activities of all members of the group while on the Beach. Such a permit shall be applied for 48 hours in advance of its proposed use. The permit for the Orleans portion of the Beach shall be issued only by the Orleans Natural Resources Manager, who shall designate the Beach area on which such a party may be held.
9. **WINDSURFING, SURFBOARDING** permitted only in certain specified areas and separate regulations shall apply to the conduct of same.
10. **SCUBA DIVING, SKIN DIVING:** All other methods of underwater swimming requiring mechanical aids shall be permitted only in specified areas, and shall be subject to separate regulations.
11. The use of jets, tubes, inflatable and other similar types of **SWIMMING OR BATHING DEVICES** are prohibited.
12. **FISHING GEAR** must be kept at waters edge at all times year round while in the act of fishing. There shall be no more than five (5) fishing rods per person or more than twelve (12) fishing rods per vehicle to be in use at any one time.
13. **SHELLFISH** regulations of Orleans apply to the Orleans portion of the Beach. Shellfish regulations of Chatham apply to the Chatham portion of the Beach.
14. **PRIVATE PROPERTY: PERSONS WHO VISIT THE BEACH BY BOAT MOTOR VEHICLE, OR ON FOOT ARE REQUIRED TO RESPECT PRIVATE PROPERTY AND TO CONFORM TO ALL REGULATIONS LISTED HEREIN.**
15. **PROHIBITED VEHICLES:** Two-wheel vehicles, motorcycles, minibikes, mopeds, snowmobiles, ATVs and ATCs. No towing of paraglides permitted. Except in an emergency, no airplanes or helicopters shall land and no trailers are allowed on Nauset Beach.
16. **TEMPORARY RESTRICTIONS:** In addition to the foregoing regulations, the Orleans Park Commission may from time to time and at the recommendation of the Orleans Natural Resources Manager issue temporary restrictions applying to specific areas of Nauset Beach in Orleans.
17. No vehicles may park on the Back Trail between the Lower Booth to Trail #1.

D. VIOLATIONS

Penalties for infractions of any of the above regulations shall be revocation of registration sticker, dismissal from the Beach and/or a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense.

Persons whose permits have been suspended or revoked have within seven days a right to appeal to the enforcing authority, who upon receipt of written request shall arrange a hearing on the appeal to the appropriate authority. Authority for the enforcement of the above regulations shall rest with the Orleans Natural Resources Manager and Orleans Chief of Police.

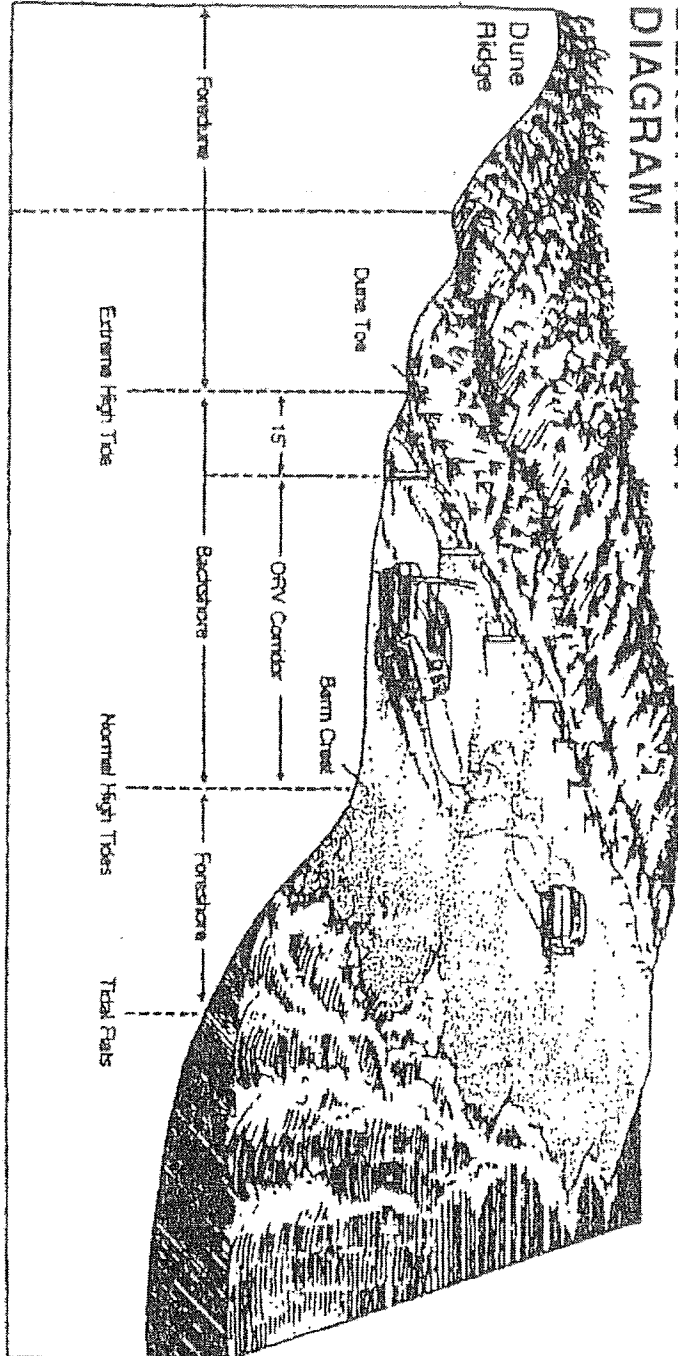
Copies of the above regulations may be obtained at the Town Offices and Police Stations in Orleans and the official on duty at Nauset Beach.

These Rules and Regulations were adopted at a public hearing of the Orleans Park Commission dated 1/6/10.

Copies of changes to be posted in Town Clerk's Office in Orleans.

Cape Cod National Seashore
Illustration adapted for
Nauset Beach

BEACH TERMINOLOGY DIAGRAM



B. Harmon

WILSON STREET

CRASH DUMP

RAIL
SPECIES
DISCLOSURE

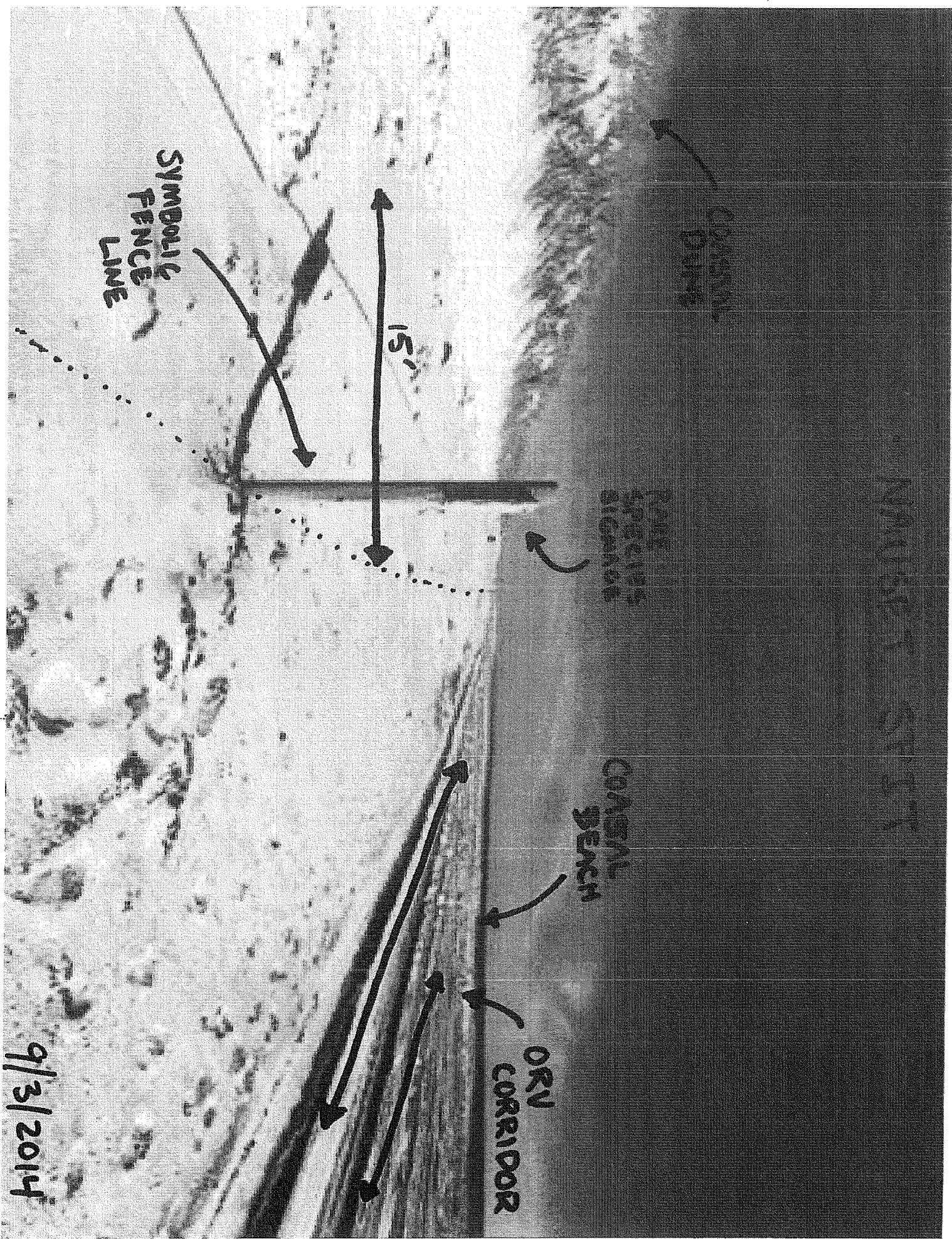
COASTAL
BENCH

ORV
CORRIDOR

SYMBOLIC
FENCE
LINE

15'

9/3/2014





Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

9/3/2014

Town of Eastham Conservation Commission
Stephen Smith, Chair
555 Old Orchard Road
Eastham, MA 02642

RE: Orleans Notice of Intent Application, Nauset Spit

Dear Mr. Smith,

The Orleans Conservation Commission voted unanimously to extend its support for the Town of Orleans Notice of Intent for its ORV and Beach Management Program in Eastham.

The Orleans Commission supports the protective measures proposed for both Resource Areas and Rare and Endangered Species. This program has been carried out successfully, with an Order of Conditions, since 1991 on the Orleans area of the Nauset Spit. Provided that the same protective measures are applied in the Eastham jurisdiction, we feel the Wetlands Interests present will be afforded the same strong protection they have had for 23 years.

On behalf of the Orleans Conservation Commission, I thank you for your consideration of this letter of support during your review of the Orleans NOI. The Commission looks forward to your decision.

Sincerely,



Judith Bruce
Chair, Orleans Conservation Commission

CC: John Kelly, Orleans Town Administrator
George Price, Superintendent, Cape Cod National Seashore

OBC Facebook:

[John Hodgson](#) Aimee I wonder if you can do me a favor. You continue to say that Orleans has ignored requests to meet. I have been the Chair of the Orleans Parks Commissioners for the last 18 months and aside from the meeting we had in January and the upcoming meeting in September I am unaware of any other requests. Furthermore nobody has contacted me directly including you when we were in a joint meeting of selectman many months back in Sandwich

I have also asked our TA for any requests to meet he says there are none.

Would you please send me these requests that Orleans has ignored over the years.

[Aimee Eckman](#) Here you go John Hodgson. But all you had to do was look at Margie Fulcher's post's above to see the refusal....

<email from John Kelley>

[Aimee Eckman](#) Here's the corresponding invite from Eastham.



[John Hodgson](#) Aimee....you didn't address the rest of my points.....why haven't you contacted me as Chair? Why didn't you talk to me about it in Sandwich?

You posted a letter that seems to indicate you wanted an agreement like Chatham's....which allows access and describes how the beach would be managed. Why would Orleans meet to discuss this? 1. Orleans manages the beach from public safety to endangered species and We were not looking for assistance. 2. As you, your Board and your TA know access to this beach has deed issues that restrict access as to who can go on the Spit.

When you say in the press that "for years Eastham has been trying to have this discussion"....I assume you have proof and the topic we are discussing is the elimination of ORV's.....which is what you have currently pushed and not and "agreement like Chatham's to manage the beach".

[Aimee Eckman](#) That was why we wanted to have a discussion John....

[John Hodgson](#) If that's the case Aimee I would have asked someone else to write the letter. No where in the letter do you talk about the bylaw, restricting access nor shutting the beach down. You ask about an agreement like Chatham's which as I stated Orleans couldn't agree to even if we wanted to but you knew that.

[Aimee Eckman](#) It was an invite to have a discussion to "explore the possibilities". Maybe you should read the letter again...Your board replied that they had "no interest" in meeting.

[John Hodgson](#) I am out of this....if you have proof that "for years Eastham has been trying to have conversation about" restricting access to the beach and enforcement of the bylaw please let me know.

Referencing the Chatham agreement means you were desiring access to the spit which as you know we couldn't do and the agreement in Chatham is FOR access which you are against.

As you know being a Selectman is a voluntary job and there is no reason to take time to meet on items that we all knew the answer to.

You still have not answered why you never reached out to me either by phone, email nor in person.

[Aimee Eckman](#) You asked me for "requests" to meet, stating that your TA did not receive any...(look at your earlier post) I provided what you asked for. An invite was extended to the Board of Selectmen, you being a member of that board. I don't feel it's appropriate for individual board members to discuss topics that a whole board should weigh in on. It's a five member board, not a one-man-show.

- [John Hodgson](#) When you have a document that shows Eastham's desire to discuss its bylaw and eliminate ORVS from the spit that Orleans ignored please let me know.

You should have picked up the phone and called or spoke to me in person before starting this which is causing a huge rift between the towns that will take a long time to recover from.

Thanks.

[12 mins](#) · [Like](#)

[Aimee Eckman](#) This started long before you were on the board.... And again, it's not a one-man-show. In Eastham our board members had different opinions as to what we wanted to happen on the spit. That's why we wanted to meet and "explore the possibilities". See you Wednesday
[Just now](#) · [Like](#)

CCTimes Facebook:

[John Hodgson](#) I could understand some of the "anti orv" comments on this site if the activity is new but it's not. This is a small group of people taking away the rights of others because they "feel" something shouldn't happen and the other group from Eastham wants to be allowed access and currently has none on the North Spit.

This activity has gone on for decades. There is no town, state nor federal agency suggesting the Spit itself is being eroded by vehicles.

These same agencies applaud the Town of Orleans for its efforts and success protecting endangered shorebirds.

To the folks in Eastham that want access I am certain a solution can be found. For those of you that are

trying to restrict decades old activity because you "feel" it isn't right or you don't like the view....shame on you

9/10 agenda



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-1291

www.eastham-ma.gov

August 7, 2014

Town of Orleans
David Dunford Chair and Members
Orleans Board of Selectmen
19 School Road
Orleans, MA 02653

Dear Selectmen,

As you are no doubt aware, the town of Eastham is actively engaged in the development of a partial municipal water system. This portion will provide enhanced fire protection to approximately 80% of Eastham properties and water service opportunity to approximately 2000 properties. Our focus in this portion of the development is the installation of the system "backbone" that can be expanded to serve all properties in town should the voters choose to do so.


We would like to discuss the provision of an emergency interconnect between the Orleans and Eastham systems. State guidelines on water systems encourage the provision of emergency interconnects. The interconnect could serve as a drinking water source in an emergency, for either system, if needed. The current concept plan shows the interconnect occurring in Orleans, south of the Rotary in the general area of the Courthouse where you currently have water service. Before we proceed to final design of this area, we would like to discuss with you the potential for this interconnect and how it might benefit both towns.

We already have a joint meeting scheduled for September 10 and could add this to the agenda at that time or we can schedule a separate meeting to discuss this. We would have our engineer attend any discussion to assist in answering any technical questions you or your staff may have.

We look forward to hearing from you soon on this matter.

Respectfully,

Eastham Board of Water Commissioners


John Knight, Chair