



# TOWN OF BARNSTABLE

## SANDY NECK BOARD

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### Sandy Neck Board Meeting

May 12, 2008

Chairman:

Richards French

Vice Chairman:

William Carey

Board Members:

Barbara Bell  
Nate King  
George Muhlebach  
Peter Sampou

Council Liaison:

Henry Farnham

A regularly scheduled meeting of the Sandy Neck Board was held on May 12, 2008 at the Marine and Environmental Affairs Division Building at 1189 Phinney's Lane, Centerville, MA. The meeting was called to order at 7:30 pm by Chairman Rich French.

#### Roll Call:

- Board Members present: Nate King, Pete Sampou, Rich French, George Muhlebach, Barbara Bell, and Bill Carey.
- Staff: Nina Coleman, Park Manager.
- Council Liaison: Hank Farnham.
- Public: Lynne Heslinga, Steve Heslinga, Wendy Bowles, Wendy Lapine, Doug Moquin and John Brennan.

**The Chairman took the agenda item *New Business* out of order.**

#### New Business:

##### Guest Speaker - Barnstable Police Chief Paul MacDonald

**Chief MacDonald:** What are you looking for as far as summer police patrol on Sandy Neck?

**Nina Coleman:** Same as last year. Same OT budget. Good police presence last year.

**Chief MacDonald:** First month PD will fund OT. They will have ATVs, the pickup truck and the command post on patrol [at Sandy Neck] as much as possible.

**Rich French:** Liked having the command post parked there and having the speed trailer on the road helped control speeding.

**Chief MacDonald:** What about people parking in the neighborhoods? Any public concerns?

**Nina Coleman:** Complaints have decreased but there is still a problem – not as bad.

**John Brennan** (from the public spoke): Parking better, but some still illegal parking when lot is full. Speed is still a problem when people are exiting the beach.

**Chief MacDonald:** That part is Sandwich – not Barnstable. He will talk to the Sandwich Police Chief and tell him of the concerns.

**Bill Carey:** Was last summer quieter than previous years?

**Nina Coleman:** The police presence was proactive.

**Chief MacDonald:** The officers were out every weekend and that helped quell any potential issues.

**Nate King:** Thanked the Chief for the extra patrol force presence last summer.

**Rich French:** Thank you and thank your staff.

#### Act on Minutes:

- On a **motion** by Nate King and seconded by Bill Carey, the Sandy Neck Board voted unanimously to approve the April minutes with one correction. Barbara Bell abstained from voting because she was not at that meeting.

#### Staff Report:

**Nina Coleman:**

- Plovers and their nests are back. Too early to comment about this summer.
- The gatehouse is now open every day.
- MBBA/Cottage Owner clean-up was held April 27<sup>th</sup> and went very well – successful – thanks to all who participated.
- The “big buoy” that had washed up – now gone – owner retrieved it from the beach.

## Old Business:

### ♦ Bathhouse Update:

- **Rich French:** In the middle of generating a report to Natural Heritage and Endangered Species Program (NHESP) about eastern spadefoot toads. Nothing else to report. Probably [at least] another year before a new bathhouse is permitted.
- **Nina Coleman:** The request for the additional money (\$50,000) to fund the bathhouse study is going before Town Council on June 5<sup>th</sup>. The money will come from the Sandy Neck surplus fund.

### ♦ Notice of Intent (NOI) - update on the “thirty minute rule”

- **Rich French:** For review: On April 1<sup>st</sup> ConComm held their meeting re: the Sandy Neck Notice of Intent (NOI) and granted a new Order of Conditions (OOC) based on the recommendation from Natural Heritage and Endangered Species Program (NHESP). In the new OOC, the 30 minute rule was eliminated. Many letters have been written since then, asking for the 30 minute rule to be put back in. The OOC has been appealed by the cottage owners. They are requesting the rule be put back in based on the past mediation between the town and the cottage owners. NHESP has not responded as of this evening’s meeting.
- **Nina Coleman:** The Town Manager sent a letter to ConComm requesting an amendment to the OOC. She has contacted Scott Melvin. They are also waiting for information from the Town Attorney.
- **Rich French:** Mitigation information was sent to the NHESP and everyone is waiting for their reply.
- **Pete Sampou:** ConComm may offer “more relief” regarding the 30 minute rule, but the Town does not usually go against NHESP.
- **Hank Farnham:** Has anyone looked to our State Representatives for additional help.
- **Rich French:** No, we have not yet contacted them because it is the hope of all that NHESP will allow the 30 minute rule to be put back in as a relief to an oversight the first time NHESP reported their findings.
- **Pete Sampou:** As a Sandy Neck Board, we must respect the State and their role.

*Various comments by Board Members on the issue of the 30 minute rule were given.*

### ♦ Section 10 Permit:

- **George Muhlebach:** Everyone should have the notes from the [two hour] conference call with Scott Melvin and Susi Von Oettingen, Rich French, Nina Coleman and Dan Horn, and George Muhlebach. In his opinion, they were not receptive to the requests of the *Go-Around Committee*. The State felt the Town was trying to “self enforce” and that would not be acceptable to the State. Predator control is a big factor.
- **Rich French:** The Section 10 Permit is very expensive at over \$10,000/per year (February to May only) for predator control.
- **Nina Coleman:** Predator control means shooting of coyotes, fox, skunk, raccoons, and anything that has predated plover chicks and/or nests.
- **Rich French:** The State indicated they would not agree to nighttime driving – neither escorted nor non-escorted.
- Predator control was discussed at length.

*The notes from the conference call are attached.*

### ♦ Barnstable Dredge Project:

- **Rich French:** It is proposed for fall of 2008, but he is not sure of the status of the funding for the project. Hank Farnham [as Town Council Liaison] will follow up and report at the next meeting.

## New Business cont’d:

### ♦ Jon Way :

Jon Way was not present and the Park Manager will ask him to come to another meeting.

### ♦ Holly Heaslip:

**Rich French:** Sandy Neck Board Member Holly Heaslip has resigned. There is now an opening on the Board. Interested parties should speak to the Town Council Appointment Committee.

## Public Comment:

**Steve Heslinga:** He has paperwork regarding the 30 minute rule, mitigation, and such. If the Board would like copies, let him know. He would like everyone to look over the 2003 recommendation letter from the Woods Hole Group and the State’s response. Those documents are important.

**Rich French:** Agreed the cottage owner's have shared a tremendous amount of information. It has been helpful. He [Rich] wrote a letter to the State .

**Nina Coleman:** The previous OOC will remain in effect since the most recent OOC (from April 1, 2008) was appealed.

**Doug Moquin:** In a recent newspaper article Scott Melvin discussed "relief". What "relief" is he talking about?

**Nina Coleman:** Conservation Permit relief and Section 10 with mitigation.

**Rich French:** The state has specific on-going goals.

**Pete Sampou:** These goals are state wide – not just for Sandy Neck.

**Wendy Bowles:** Asked for clarification on the NOI and OOC.

**Nina Coleman:** The [new] OOC that was voted on by ConComm on April 1, 2008 is not in effect because it has been appealed. Everything is "on hold" during the appeal process.

### **Adjournment:**

- There being no further business, the meeting was adjourned at 9:25 pm.

Respectfully submitted,

Debbie Lavoie, Secretary Pro Tem