

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

Tel: 508-790-6272
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Sandy Neck Board Meeting
October 18, 2021

A regularly scheduled meeting of the Sandy Neck Board was held on October 18, 2021 at 7:00 pm by remote Zoom meeting. *In accordance with the Governor's Order Prohibiting Gatherings of More Than 10 People, issued on March 15, 2020, and effective through May 18, 2020, unless further extended, the June 8, 2020 public meeting of the Sandy Neck Board shall be physically closed to the public to avoid group congregation. Zoom information can be found on the Sandy Neck Agenda.*

Chairman:
Thomas O'Neill

ViceChairman:
Peter Sampou

BoardMembers:
Ann Canedy
William Carey
William Monroe
Joe O'Brien
Maureen Piccione

Council Liaison:
Gordon Starr
Kris Clark

BarnstablePD
Liaison:
Chris Kelsey

Roll Call:

- Board Members remotely present: Tom O'Neill, Bill Monroe (arrived late), Maureen Piccione, Pete Sampou, Bill Carey, and Joe O'Brien.
- Board Members absent: Ann Canedy.
- Staff: Division Director Natural Resources, Nina Coleman, and Donna Bragg, Operations Supervisor, Natural Resource Officer, Josh Kelleher introduced by Nina Coleman.
- Staff Member absent: None.
- Council Liaisons present: Kris Clark.
- Barnstable Police Liaison: Chris Kelsey.
- Public: Steve Heslinga, Patrick Bresette, Wendy Paquette and Dawn Linnell.
- Guest Speaker: None

Act on Minutes:

- On a **motion** by Bill Carey and seconded by Pete Sampou, the Sandy Neck Board voted by Roll call to approve the September 13, 2021 minutes. Tom O'Neill, aye; Bill Carey, aye; Maureen Piccione, aye; Joe O'Brien, aye; Pete Sampou, aye.

Public Comment: None.

Correspondence: None.

Staff Report:

Nina Coleman addressed the Board.

- Lots of people enjoying Sandy Neck this fall. Camping, hiking, fishing and biking.
- Despite the numbers of people, not many issues.
- In- season ends on October 31, 2021.
- Off- season Off Road Vehicle (ORV) hours are 8 am to 4 pm. Unless someone is in a camper overnight all vehicles must be off the beach by 4 pm. No fires allowed.
- The off season is an opportunity to reduce staff hours. Most of the seasonal staff are college students and have already left.
- Off Road Vehicle (ORV) permits were reduced the day after Columbus Day. Resident permit is \$30 and Non-Resident is \$60.
- Hunting season has begun. Pheasant season started October 16th and there were many participants. It is also rabbit and coyote season.
- The Sandy Neck deer hunt will be discussed later on in this meeting.
- Hunters are allowed to hunt on Sandy Neck; Monday through Saturday. Massachusetts hunting regulations do not allow hunting on Sunday. People can recreate on Sunday without hunters.
- For those who are uncomfortable with hunting, the front beach is perfectly safe. Hunters are not allowed within 150 feet from the Access Trail and front beach.
- Tom O'Neill asked about the distance from the Access Trail for hunting.
- Nina responded that hunters must be 150 feet from the Access Trail as well as 500 feet from any dwelling that is inhabited. Cannot hunt within 500 feet of the Sandy Neck Gatehouse.
- Tom O'Neill asked if hunters can be on the Marsh Trail.
- Nina said yes. That is the way the regulations are written at this time.
- Natural Resource Officer, Josh Kelleher said that signage is posted at the head of the Marsh Trail and staff is available to speak with any hikers at the Gatehouse. Hikers can also check the hunter sign in sheet at the Gatehouse which will be helpful for them to check if there are hunters out on the Marsh Trail prior to hiking.
- Kris Clark asked how the hunters would know if a dwelling on the Marsh Trail was occupied.
- Nina responded that the only way Property Owners could get to their cottages was by vehicle so hunters would be able to see activity at a cottage. Where the cottages are is not where the game is located.
- Pete Sampou addressed the Board. He explained that, as a hunter, the hunt is conducted with shotguns only which are loaded with birdshot. A hunter would have to be very close to someone to injure a person with birdshot. Trail 1 and Trail 2 are where the stocking program for pheasant hunting takes place. He said he believed that state hunting license funds were at one time used to purchase this land. Sandy Neck is a multi-use property and hunting is just one part of the use and only for one part of the season.
- Bill Monroe entered the meeting and was entered into the minutes as present.

Old Business:

1. **Conservation and beach erosion along our coastlines.** None
2. **Economic sustainability. Taken out of order.**

Tom O'Neill addressed the Board regarding starting to think about numbers of people accessing the beach and costs. Asking the Board to think about costs and ways to continue aspects of the enterprise account and increasing fees.

Bill Carey said that it was very important and needs to be broken down to revenue sources.
3. **Public outreach and public use & participation. Taken out of order.**
 1. Bill Monroe stated that fall user season with the Scouts is in full swing, lots of good hiking for the scouts. The Falmouth scout troop assisted a Property Owner with removing 30 swallow nesting boxes for the winter.
 2. CoastSweep was held a few weeks ago and we had a pretty good group removing trash.

New Business: Nina Coleman addressed the Board.

1. Nina introduced Natural Resource Officer Josh Kelleher. Josh presented the Board with a Sandy Neck deer population report. Josh is also a recreational hunter. Josh Kelleher addressed the Board.

*Presentation is included in the attachments. Previous deer hunt was in 2019 with one deer harvested during the archery hunt and five deer harvested during the primitive weapons hunt for a total of six deer harvested in 2019. Josh then showed a slide of deer sign on Sandy Neck he had personally seen. Josh asked if there were any questions.

Pete Sampou asked if Josh could tell the non-hunting public a little bit about the difficulty hunting within the Park either with a bow or primitive firearm, and how it is very different from a rifle or shotgun. Josh responded that with a rifle it has a very low failure rate. You can shoot a rifle 300 to 400 yards with accuracy. In Massachusetts, as well as Sandy Neck, it is not legal to hunt deer with a rifle. Shotguns are used. On Sandy Neck you are not allowed to hunt deer with a shotgun which has a smaller range but is still effective. Primitive firearms are loaded through the muzzle and it is one shot at a time so you have to reload. Rain, snow or high humidity can affect primitive firearms and cause the weapon not to fire and your range will be greatly reduced. Archery is the most difficult way to harvest a deer. Your range is limited to about thirty yards with archery. It is a little bit longer range with a crossbow but a hunter has to have a special permit to use a crossbow. These methods of take make it hard to get close to a deer or get a shot off.

Tom O'Neill asked how we assess the health of the deer. Josh said by getting a look at a deer you can see if they have chronic wasting disease if they are lethargic and perhaps hair falling out. Observed deer on Sandy Neck do not exhibit any of these signs. Overpopulation can cause disease. Sandy Neck deer population is fluid coming and going.

Bill Carey asked if looking at the population of deer on Sandy Neck and trying to protect the environment, is it Josh's opinion that in the taking of deer on Sandy Neck, is that the proper way to keep the environment in balance? Josh responded that the cap for this year is twelve deer, six for archery and six for primitive weapon. Looking back to the 2019 figures, six deer in total were harvested. Deer recognize hunting pressure and will move to the outskirts of the hunting zone and a lot of deer will move to the other side of Trail 5 where there is no hunting while others will move to West Barnstable out of the Park and will come and go. His opinion was that we have plenty of vegetation to support the deer population on Sandy Neck.

Pete Sampou said it was a good question regarding balance of vegetation. Coyote can't take down a healthy deer and with the movement of deer back and forth from West Barnstable we have a unique area for deer population and with the hunt it helps balance. Tom spoke about over population where he used to live in New Jersey and management of the population is the key.

Bill Carey asked if there was any evidence of predation of deer on Sandy Neck. Josh said that the reason of management of deer population is we have mostly eradicated their predators.

Bill Monroe said that as a lifelong Sandy Necker and historically there have been thirty to fifty deer on Sandy Neck and that doesn't seem to have changed. He has found deer bones and skeletons over the years as deer live out their lives on Sandy Neck. Mature deer are only four to six years old and it is a constant turnover and has remained constant.

2. Proposed regulation changes. Nina Coleman addressed the Board.

*Note the proposed regulation changes are included in the attachments at the end of this report.

Every other year we go through the regulations as this program evolves. Every time staff looks at the regulations it is with an eye for safety.

First suggested change is to regulation under heading 601-3, curfew. Staff is suggesting that the summer time curfew remain at 10pm. Also staff suggests that the curfew change to summer hours starts on May 1 instead of April 1.

Starting first with curfew time. We remember during Covid, the curfew for daytrippers was bumped back to 9 pm with no campfires. Evenings are our toughest time of day with enforcement, alcohol consumption, and overall issues on the beach. During Covid we were concerned about gatherings and we pushed that time back to 9 pm. We learned from that experience that particularly our alcohol related and enforcement incidents were greatly reduced. We came into 2021 with that knowledge and the fact that Covid is still around and we had a discussion with the Board and we pushed the 9 pm curfew to 10 pm. We discovered that there were much fewer issues at curfew and in general. In January we will be providing the Board with the raw data on enforcement. There were only one or two alcohol related incidents in 2021 and those issues generally happen at curfew.

When we were at the 11 pm curfew it is the same time as Barnstable Police Department shift change and that was complicating things also.

We are proposing to stay at the 10 pm curfew, it worked really well and we did not have complaints.

The second piece of the curfew is the May 1 start of the in-season curfew. It was April 1 this year and the past number of years. April is not great weather and only a couple of nice evenings. April is also one of our busiest months as staff. April is when the plovers are starting their nesting and we are putting in quite a bit of effort to start our monitoring of the birds. We are selling a lot of Off Road Vehicle Permits in April and installing eight plus miles of fencing. It is also the month where we are doing the vast majority of our Habitat Conservation Plan (HCP) work to deter plovers in the first section of the Off Road Vehicle Beach. It is also the time of year when we have the least amount of staff. We have been dealing with a staffing shortage this year. The staffing comes from college students and they are not out of school in the month of April. We are trying to have that extra month to focus our staff on getting the beach ready for the year, and in doing so we can have all of our staff focusing on those issues. It is quite expensive to have staff on in April as we need two staff members on in the evenings for the later curfew and the camp fires.

The next change would be camp fires starting May 1 in conjunction with the season open date change.

The next requested change would be requiring everyone to have a manual tire pressure gauge as a lot of the new vehicles are equipped with automatic air down capabilities and the pressure reading is not accurate.

We would also like to require a bucket instead of suggesting a bucket to put out camp fires. That would make the list of required equipment seven items instead of six.

In season regulation would switch from April 1 to May 1. For campers on the beach the charge for nights would be from May 1 to October 31.

We are proposing a check in for campers going out on the beach by 9pm nightly.

The last change would be to clean up the regulations to reflect the change in the in season date to May 1 from April 1.

Bill Carey asked about the bucket requirement. Would be better to add what the bucket requirement is for. Nina agreed to the clarification.

Pete Sampou fully understands the staff squeeze in April but we have more hours of daylight in April and some people would like to come out after work. Nina said that she understands that issue but from a manager it comes down to we can't do more with no staff. A lot of other beaches are not open all winter. Plymouth closes the day after Labor Day. The odd nice night beach goers can enjoy the public beach which is open until 9 pm. The difference would be no vehicles would be allowed on the beach and no fires as those things would require us to respond. Those are safety issues. Instead of spending \$6,000 to \$10,000 on two staff members to sit there at night, it would be better to have those staff members working on the beach getting it ready during the day. The set up time is a lot of work.

Tom O'Neill asked if campers can still be out overnight. Nina said yes, but no fires.

Bill Carey said Nina made a really good argument but wanted to know how many people this would effect. He does not think a vote should be taken at this meeting, giving the public time to respond. Nina asked Donna Bragg to respond. Donna said that April is not busy at night and we are not saying we are shutting the beach. They may access the public beach area until 9 pm. For safety reasons and to keep staff where they need to be to do the most productive work where needed most. We can be putting staffing to daytime use where we can be getting the beach ready for the season.

Maureen Piccione agreed with Bill Carey in pausing to vote on the changes next month. April vacation comes up and maybe no fires but some people would like to have dinner on the beach. Maybe splitting the difference in the month would be a good idea. Nina clarified that the public beach would still be open until 9pm and that would afford those who wish to go to the beach ample time. Also overnight campers can still access the beach, just no camp fires allowed until May 1.

Kris Clark, looking at the regulations said, that under letter J, regulations state when referring to organized gatherings for over 20 people that fees may apply; shouldn't it always be fees apply? Nina replied that at the discretion of the Park Manager, non-profit gatherings do not have to pay fees.

Kris stated that in years past she volunteered to help with plover fencing and she is sure other people would be happy to assist. Nina said we do use volunteers' pre-Covid.

Kris also agrees with Bill Carey to more define the buckets.

Tom O'Neill agreed with Bill Carey and Maureen Piccione to wait until next month meeting to vote on the proposed regulation changes so the public can weigh in.

Joe O'Brien wanted to know if there is a time limit to approve proposed regulation changes. Nina said she does put the proposed regulations on two meetings and yes the vote would take place at the second meeting.

Kris asked if the user groups for Sandy Neck are informed about the proposed changes. Nina stated that the Board reviews the proposed changes for two Board meetings and at the second meeting votes on the proposed changes. Then the proposed changes are advertised and then go to an open public hearing with the Town Manager. The Town Manager then takes the proposal under advisement with public comments. Then the Town Manager signs the regulations and they go to the printers. Kris said she had been to the Town Manager public hearing and they have been at 9am or 10 am and she was wondering how many people attend the meeting. Nina said she would put the proposed changes on the website.

Matters not reasonably anticipated by the Chair:

Public Comment:

1. Chris Kelsey stated that he agreed with everything put forward by the staff regarding proposed regulation changes. Safety was the most important consideration.
3. Wendy Paquette asked about camper check in time by 9 pm. Nina responded by letting her know that is important to set parameters. Will always accommodate campers with any issues just want to make sure that there is staff if campers are going out on the beach.
4. Patrick Bresette said he met with Nina and Donna regarding the Orders of Conditions process and wanted to touch base to being engaged in the process. Nina said she was looking forward to working with Patrick and Steve with anything they want to bring from the Cottage Colony. Notice of intent draft will be forthcoming.
5. Bill Monroe requested the times and dates for the meeting for the deer archery and primitive weapons hunt. Donna gave the dates of the deer hunt and meetings. Archery hunt will be November 22, 2021 through November 27, 2021. Primitive firearms hunt will be December 13, 2021 through December 18, 2021. Hunters must attend a night meeting. Archery meeting is Wednesday November 17, 2021 at 7pm at the Centerville Recreation Building, 524 Main Street Centerville, MA. The primitive firearm meeting is Wednesday, December 8, 2021 at 7pm at the Centerville Recreation Building, 524 Main Street, Centerville, MA. *See attachment. This information is posted on the Sandy Neck website.

There being no further business, the meeting adjourned by roll call vote at 8:14 pm. Tom O'Neill aye; Bill Carey, aye; Bill Monroe, aye; Pete Sampou, aye; Maureen Piccione, aye, Joe O'Brien, aye

. Respectfully submitted,

Donna Bragg, Secretary Pro Tem
Attachments:

Deer Hunt Presentation:



Sandy Neck Deer Hunt 2021





2021 Sandy Neck Deer

Hunt **Town of
Barnstable**



**Marine and Environmental Affairs
Department**

**1189 Phinneys Lane,
Centerville Ma. 02632**

**Derek
Lawson,
Director**

508-790-6273 /

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[www.townof
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Animal Control 508-790-6274
Harbormaster 508-790-6273
Marinas 508-790-6273
Moorings 508-790-6273

Natural Resources 508-790-6272
Sandy Neck 508-790-6272
Sandy Neck Gatehouse 508-362-8300

**2021 Sandy Neck
Deer Hunt**

The **2021 Sandy Neck Deer Hunt** will be as follows:

- Archery hunt will be November 22, 2021 – November 27, 2021 or until six (6) deer are taken, whichever comes first.
- Primitive firearms hunt will be December 13, 2021 – December 18, 2021 or until six (6) deer are taken, whichever comes first.

If six (6) deer are not taken during the week of the archery hunt, the remaining number will be added

to the primitive firearms hunt. Thus, a total of twelve (12) deer could be harvested from Sandy Neck in 2021.

You **MUST** attend a night meeting. The archery meeting is Wednesday, November 17, 2021 at 7:00 pm at the Centerville Recreation Building, 524 Main Street, Centerville, MA. The primitive firearms meeting is Wednesday, December 8, 2021 at 7:00 pm at the Centerville Recreation Building, 524 Main Street, Centerville, MA. Please bring your valid hunting license to the meeting at which time you will

be registered for the hunt. Participants for each hunt will be selected by lottery during their respective meetings. No exceptions will be made for failing to attend a meeting. In addition, no exceptions will be made if an individual is unable to participate in the hunt they are selected for.

Sandy Neck Deer Harvest Supplemental Regulations:

1. These regulations are issued in lieu of the Sandy Neck Beach Park Regulations §601-5 Hunting Regulations A & C. Other Sandy Neck regulations and all State hunting regulations remain in full force and effect.
2. In accordance with the provisions of Town of Barnstable Ordinances §177-2, all vehicles operating on Sandy Neck must have a valid Sandy Neck Off-Road Vehicle (ORV) permit. Permits must be purchased prior to the opening day of each individual's respective hunt. If an individual does not yet have a valid permit, they shall schedule an appointment with the Sandy Neck Gatehouse at least 24 hours in advance to purchase a permit.
3. All participants must attend a Sandy Neck Deer Harvest Meeting that will be held prior to each deer hunt. (Meetings - Archery, Wednesday, November 17, 2021 at 7pm and Primitive Firearms, Wednesday, December 8, 2021 at 7pm).
4. Hunt limited to successful participants in the special lottery held prior to the event. All hunters participating in the White Tailed Deer harvest must register at the Gatehouse prior to each hunting trip on Sandy Neck.
5. All deer taken must be reported to the Gatehouse. All deer "struck and lost" shall be reported to the Natural Resource Officer on duty. No deer shall be tracked outside of the designated deer hunting zone as defined below.
6. Specific zones will be identified on Sandy Neck for the hunting of White Tailed Deer. During the open season as proscribed by the controlled hunt regulations, areas designated for deer hunting will be closed to other forms of hunting, and general public use will be limited.
7. Hunters participating in the deer hunt may enter the hunting grounds between the Thursday prior to their hunt and the Saturday prior to their hunt to erect blinds or tree stands to be used during their hunt. No blinds or tree stands shall be established or maintained prior to this window, or after either season established by the town. Only designated hunters are allowed off trail during each respective hunt.

8. Any hunter receiving any citations will be suspended from further participation in the harvest. In addition, a citation issued for a hunting violation may result in the suspension of the individual to hunt at Sandy Neck Beach.
9. Those regions of the front beach adjacent to deer hunting zones may be closed to the parking of off road vehicles, except those displaying a Sandy Neck Deer Harvest Parking Pass.
10. Access to the cross trails and Marsh Trail for the purposes of recovering harvested deer may be allowed BY SPECIAL PERMIT FROM THE OFFICER ON DUTY ONLY. Hunters must contact the Officer on duty prior to recovering any harvested deer.
11. All persons possessing primitive firearms and archery equipment within the bounds of Sandy Neck must have a special permit issued from the Town of Barnstable in addition to all permits required by the Division of Fisheries and Wildlife.
12. No person shall carry a shotgun in the area of Sandy Neck designated for deer hunting, during the open deer season on Sandy Neck.
13. Deer may be hunted within the bounds of designated deer harvest areas on Sandy Neck by means of archery from November 22, 2021 – November 27, 2021 or until six (6) deer have been harvested, whichever comes first. And by means of blackpower (muzzleloader) from December 13, 2021 – December 18, 2021 or until six (6) deer have been harvested, which ever comes first. A total of twelve (12) deer could be harvested.
14. Hunting shall occur between ½ hour before sunrise and sunset only.
15. Access to the beach will be granted to deer hunters one hour before sunrise, as determined by the Sandy Neck tide chart, on each day that deer may be hunted on Sandy Neck. Hunters may not discharge any bow or firearm until ½ hour before sunrise.
16. No hunter may access the beach prior to one hour before sunrise. All hunters must be off the beach no later than one half hour after sunset.
17. All vehicles entering or leaving the controlled hunting area will be subject to search at the discretion of any Natural Resource Officer and/or staff at the Check Station.

18. Harassment of hunters or the obstruction, interference, or prevention of the lawful taking of fish or wildlife within the bounds of Sandy Neck is prohibited.
19. During the 2021 hunting season, the provisions of the Sandy Neck Regulations and the Sandy Neck Deer Harvest Supplemental Regulations may be enforced within the bounds of Sandy Neck by Natural Resource Officers, and any employee of the Town of Barnstable appointed to serve as a police officer.
20. Bag limit: One deer may be harvested per hunter participating in the controlled harvest.
Possession: No more than one deer in possession for each licensed and permitted participant.
Once a deer has been harvested, hunters shall return their permit to the Officer on duty for the remainder of the hunt.
21. This is a Deer hunt only. No other species of game other than White-Tailed Deer shall be harvested within the designated deer hunting zone by any means.
22. Hunters must return their own designated special deer hunt permit to the Officer on duty at the end of each day or once a deer has been harvested, whichever comes first. No hunter may return a special permit for any other individual participating in the hunt.
23. Hunting is prohibited on or from pre-existing blind structures, posted private or leased property, areas marked with symbolic fencing and red surveyors tape, within 150 feet of Access Trail and the front beach or within 500 feet of any dwelling in use or public building.
24. Patrol vehicle sirens shall signal a mandatory evacuation. All hunters must return to the front beach and/or their vehicles immediately after the evacuation siren is sounded, where they will await further instructions.
25. As stipulated in the Sandy Neck Beach Park Regulations, the Marine and Environmental Affairs Division reserves the right to close the beach to hunting if weather conditions or other factors constitute a hazardous or unsafe environment.



Town of Barnstable Sandy

Neck Beach Park Regulations

Marine and Environmental Affairs
Department

Welcome to Sandy

Neck:

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

§ 601-2. Beach closures for protection of rare and endangered species: Shorebirds, including Piping Plovers and Least Terns, nest on Sandy Neck. To protect nesting activity, shorebird nesting areas are fenced to exclude pedestrians and speed limits are reduced to 5 mph where posted. The Piping Plover, a threatened species under the Endangered Species Act, is given special protection once eggs begin to hatch. Pursuant to federal, state and local law, vehicle traffic is limited to protect developing chicks not yet able to fly. During times of beach closures, the Park Manager and his/her designee reserves the right to restrict or limit vehicle access and determine or change parking arrangements on Sandy Neck. The Park Manager or Natural Resource Officers have final discretion on all beach parking. Additional restrictions may apply. Failure to comply with these restrictions may result in immediate removal from the property for no less than 24 hours and/or revocation of the Off Road Vehicles (ORVs) permit.

§601-3. General Regulations:

- A. Acts of a lewd or lascivious nature (including public nudity) are prohibited.
- B. All rubbish and garbage must be kept in suitable containers and removed from the beach. Burial or burning or dumping of rubbish, garbage or refuse is prohibited.
- C. Glass beverage containers are prohibited.
- D. No person shall feed, harass, molest or disturb wildlife on Sandy Neck. No person shall injure or remove any trees, shrubs, plants or other vegetation from Sandy Neck.
Exception: edible fruits and legally hunted game.
- E. No person shall dig, remove, damage or disturb any artifact on Sandy Neck. The discovery of any artifact(s) should be reported to the Natural Resource Officer on duty.
- F. Removal or disturbance of buoys, storm debris, marine salvage, municipal or private property is prohibited.

- G. No person shall traffic (or allow any pet to traffic) in any posted area. All persons shall stay on marked trails and keep off all vegetation, dune faces, steeply sloped dunes, foredunes, and primary dunes. People who are hunting, berry collecting, involved in professionally lead educational hikes and/or scientific studies are permitted off the marked trail. All activities require prior approval by the Sandy Neck Gatehouse.
- H. All dogs must be leashed at all times and in all areas on Sandy Neck Beach. Leash must be a physical restraint no greater than 15' in length. *Exception: dogs actively engaged in the legal hunting of game.* The owner or keeper of any dog shall clean up and properly dispose of all fecal material deposited by the animal. Dogs involved in dog-bite incidents must be removed immediately from the beach until further notice by the Park Manager.

DRAFT

- I. ORV Beach Curfew: In Season: (May 1 to October 31): No vehicles may enter the beach between 9:00 PM and 8:00 AM. Vehicles must exit **the Sandy Neck property** prior to **10:00 PM**. Off Season: (November 1 to April 30): No vehicles may enter the beach between 4:00 PM and 8:00 AM. All vehicles must exit prior to 4:00 PM. Self-contained vehicles, fishermen, hunting, cottage owners and their guests may enter and remain on the beach past curfew if tidal conditions allow. Fisherman and hunters may engage in such activities provided they are in compliance with these regulations as determined by the Officer on duty. *Curfew may be moved forward as tidal conditions warrant.*
- J. All organized gatherings at Sandy Neck involving twenty or more individuals must obtain a Special Permit from the Park Manager. A Special Permit is also required in order to conduct scientific research on Sandy Neck. Fees may apply. Please call the Sandy Neck Gatehouse for further information (508-362-8300).
- K. Campfires:
- (1) A Sandy Neck campfire permit is required.
 - (2) This campfire permit is included with an ORV permit.
 - (3) All other patrons wishing to have a campfire may purchase a permit at the Sandy Neck Gatehouse after 5:00 PM on the day they wish to have the campfire. Permits may be limited.
 - (4) Weather permitting, open campfires on the front beach are allowed *In Season (May 1 to October 31)* after sunset or 7:00PM only, whichever is earlier. Campfires are prohibited at all other times of the year.
 - (5) A campfire permit holder (which includes all ORV permit holders) is responsible for adhering to the Sandy Neck Beach Park Regulations.
 - (6) Campfires located on the ORV Beach must be at least 10-feet from the Cape Cod Bay side of established ORV corridor and must not impinge on vehicular travel.
 - (7) All fires shall be doused with water before being buried.
 - (8) The burning of wood pallets or garbage is prohibited at Sandy Neck.
 - (9) The Park Manager or Natural Resource Officers have final discretion on all fires.
- L. All people sleeping overnight at Sandy Neck shall remain inside self-contained vehicles. No tenting lean-tos, camping trailers, or temporary shelters are allowed. Registered owners will be responsible for anyone sleeping outside of said vehicles, i.e., in sleeping bags, tents, chase vehicles, or any other manner. Tenting in designated areas is allowed at the discretion of the Park Manager (permit required).
- M. The discharge of gray water or waste water from holding tanks, portable toilets, sinks, or any other source is prohibited.
- N. If high tide forces passage within 15' of the toe of the dune or any vegetation, the beach shall be considered closed, with no traffic being allowed to travel either off or on, until the Park Manager or the Natural Resource Officer on duty has determined the tide has receded to an appropriate level.
- O. When vehicle limits reach capacity, there will be no waiting lines (no "one off –one on policy") or "spot saving." Access will be on a first come, first serve basis. Cottage owners and their guests, and chase vehicles returning from emergency work (with a valid hangtag), will be allowed access over the beach if tidal conditions permit.
- P. The Park Manager reserves the right to close or limit use of Barnstable's land at Sandy Neck to all ORVs, horses, dogs, bikes and/or pedestrian and recreational traffic when public safety, wildlife habitat, tidal or extreme weather conditions warrant. This includes access for fishing, shellfishing, and hunting.
- Q. No refunds will be granted for any reason including foul weather, evacuations, personal emergencies, or limitations on access.

- R. All terrain vehicles, dirt bikes, electric and electric assist bikes, and snowmobiles are prohibited at Sandy Neck.
- S. Motorized personal watercraft (jet skis) are prohibited on Sandy Neck in all areas except Beach Point and the Great Marsh. Transporting a personal watercraft via the ORV corridor is prohibited.
- T. Permit holders are responsible for the safe operation of their vehicle and compliance with all Sandy Neck Regulations by all operators and passengers of their vehicle. The penalty for violations by permit holders as well as non-owners and/or guests may include suspension and/or revocation of the ORV permit.
- U. Vehicle operation on those areas of Sandy Neck owned by the Town of Barnstable, by election to exercise the privilege of driving on this Town property, which is not a public way, are subject to being stopped by Natural Resource Officers or the Park Manager (or any other employee designated by the Town Manager to enforce the regulations at Sandy Neck) in order to ascertain the identification of the occupants, and to determine if there are violations of the Sandy Neck Beach Park Regulations and/or the Barnstable General Ordinances.
- V. The use of generators is prohibited between the hours of 10:00 PM and 8:00 AM.
- W. The use of fireworks (including sky lanterns) is prohibited.
- X. Using, launching, landing or operating an unmanned aircraft from or on land or waters associated with Sandy Neck Beach Park is prohibited except as authorized by a Special Permit issued by the Park Manger. Special Permits may be issued for the purposes of research or education or in conjunction with an event authorized by a Town of Barnstable Event or Film Permit. This permit requirement may be waived for law enforcement activities conducted by law enforcement agencies. All permits shall require compliance with applicable local, state and federal law.

§601-4. Required Equipment and Minimum Standards:

- A. All Off Road Vehicles (ORVs) must carry the following equipment:
 - (1) Spare tire—spare shall be the same tire and wheel size as the other four tires mounted on the vehicle (trailer included). *Exception: intermediate size spare tires may be acceptable at the discretion of Sandy Neck Staff and two wheel drive motor homes and “dune buggies” must carry one spare tire of sufficient height and aspect ratio to allow the vehicle to drive off the beach under its own power should any of the tires mounted on the vehicle fail.*
 - (2) Tow device—minimum length 15 feet
 - (a) rope - 3/4” diameter, or
 - (b) strap - 6,800 lb. capacity, 1 1/2” wide, or
 - (c) chain - 5/16” link, or
 - (d) cable - 3/8” diameter, or
 - (e) suitable vehicle mounted winch.
 - (3) Jack—standard type jack or hydraulic jack.
 - (4) Support board—minimum size 18” x 18”, 3/4” plywood or 1/4” thick steel.
 - (5) Shovel—heavy duty, equal to military folding type or better.
 - (6) Tire gauge—low pressure type, must register 10 psi or lower (**air downs and built-in vehicle tire pressure sensors are not considered an acceptable tire gauge**).
 - (7) **Bucket**
 - (8) Sandy Neck Beach Park Regulations and tide current chart (both provided).
 - (9) Self-contained vehicles must carry a measuring device that determines a 30 foot distance and an operational carbon monoxide detector.

B. It is recommended that all ORVs are equipped with a **bucket**, fire extinguisher and a first aid kit.

C. Minimum acceptable tire rim size for all ORVs is 13 inches.

D. Trailers:

- (1) All trailers must be inspected and receive a trailer permit at the gatehouse prior to beach access.
- (2) All trailer tires must meet the minimum rim size of 12 inches.
- (3) Matching spare tire is required.

E. Self-Contained Vehicles:

- (1) Self-contained camping vehicles are allowed to stay overnight when equipped with a permanently installed sanitary unit with holding tanks for sewage and “gray water”, and adequate built-in bed space for each member of the camping party. Detachable gray or black water overflow tanks are prohibited.
- (2) Maximum stay for self-contained vehicles is 96 hours. All self-contained vehicles shall exit the beach for a minimum of 24 hours before being readmitted. Self-contained vehicles must be attended overnight by a qualified driver. The Park Manager or Natural Resource Officers may reduce the maximum stay of a self-contained vehicle.
- (3) Properly equipped two-wheel drive permanently self-contained vehicles are allowed, subsequent to a beach driving test that is supervised by the Park Manager or a Natural Resource Officer. Tests are available Monday through Thursday only by appointment. Vehicles with ORV permits from the prior calendar year do not need to repeat the trial run unless ownership of said vehicle has changed.
- (4) Only one designated chase vehicle is permitted per self-contained vehicle.
- (5) *In Season* (**May 1** to October 31), all self contained vehicles, and associated chase vehicles, must purchase an Overnight Camping Permit in order to stay on the beach past curfew. **The permit must be placed in an area that is clearly visible to Sandy Neck staff from the ORV corridor. Check-in at the Gatehouse for arriving self-contained vehicles is no later than 9:00pm.**

F. Motor Vehicle Operation:

(1) Speed limit:

- (a) No person shall operate a motor vehicle on Sandy Neck at a rate of speed greater than is reasonable and proper, or in excess of posted speed limits.
- (b) *In Season* (**May 1** to October 31), unless otherwise posted, speed limit shall be 5 mph. Speed shall not exceed 15 mph at all other times.
- (c) Maximum speed near shorebird nesting areas is 5 mph.

(2) Permits:

- (a) The only vehicles eligible for an ORV permit are Park Manager approved all-wheel or four-wheel drive vehicles as well as two-wheel drive motor homes and suitably equipped ‘dune buggies’.
- (b) All motor vehicles operating “oversand” on Sandy Neck must have a valid Sandy Neck ORV permit affixed to the lower left hand corner of the vehicle’s windshield (or as directed by the gatehouse staff).
- (c) The ORV permit does not afford access to parking in the public beach parking lot during business hours.
- (d) Those with suspended permits must remove the associated sticker from the vehicle at the time of notification.

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

- (a) the designated public bathing beach, or

- (b) the toe of the dune: defined as the foredune and/or vegetation area, or
 - (c) below the berm: defined as the foreshores and tidal flats, or
 - (d) outside of the established ORV corridor, or
 - (e) posted shorebird nesting areas or other “closed” areas, or
 - (f) within the inner dune routes and cross trails without a valid trail pass.
- (4) Beach parking:
- (a) All vehicles shall be parked parallel to the frontal dune, at least 30 feet from the dune fence line, unless otherwise directed by the Sandy Neck Staff.
 - (b) For ORV corridor safety, all portions of the vehicle and beach accessories must be at least 30 feet from the dune fencing line unless otherwise directed by the Sandy Neck Staff. This includes (but is not limited to): slide-outs, awnings, grills, etc.
 - (c) Further parking location restrictions on self-contained vehicles over 33 feet in length may be enacted by the Park Manager.
 - (d) No parking within posted shorebird nesting areas.
 - (e) In the off season when dune fencing is absent, vehicles must be parked at least 15 feet from the toe of the dune. In addition, parking on dune vegetation is prohibited.
 - (f) The Park Manager or Natural Resource Officers have final discretion on all beach parking.
- (5) Self-contained vehicles shall always have the right of way due to size and weight of the vehicle. Otherwise, vehicles with the Cape Cod Bay on the driver’s right have the right of way.
- (6) No person shall obstruct the established ORV corridor or park so as to impede vehicle travel within said corridor unless directed by Sandy Neck Staff.
- (7) No person shall operate a passenger vehicle (or tow a trailer) with tire pressure in excess of 18 psi. (*Self-contained campers shall maintain tire pressure appropriate for the vehicle.*)
- (8) No person shall operate a vehicle:
- (a) without a valid driver’s license, or
 - (b) so as to endanger the public, or
 - (c) engage in dunehopping, doing “zigzags”, “donuts”, “cutting tracks” or in any other reckless or unacceptable fashion.
- (9) Riding on tailgate, roof, bumper or any exterior portion of a vehicle not designed to carry passengers is prohibited. Standing in truck beds or sitting on truck bed rails is prohibited.
- (10) All holes, campfire remains or alterations of the beach shall be restored to natural condition.

§601-5. Hunting Regulations:

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

dwelling. Discharge of a firearm or release of an arrow for any means other than hunting within the grounds of Sandy Neck Beach Park is strictly prohibited.

G. Hunting for in-season game shall occur between ½ hour before sunrise and sunset only.

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

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

§601-7. Horse Regulations:

- A. Horseback riding shall be allowed on the Cape Cod Bay Trail (front beach to Trail #5), and on the Braley's Dune Trail (known as the Horse Trail) only. All riders must enter the beach via the Access Trail.
- B. Between the Friday before Memorial Day and the day after Labor Day, the following restrictions shall apply:
 - (a) Horseback riding allowed from Monday 12:00 noon until Friday 12:00 noon. All riders shall be off the beach by 9:00 PM, Monday – Thursday.
 - (b) Groups with more than two trailers must obtain a Special Permit from the Park Manager.
- C. All riders shall obtain a daily permit and register at the Sandy Neck Gatehouse before entering the beach.
- D. All organized trail rides of 8 or more horses must be approved by Special Permit issued by the Park Manager.
- E. All riders shall stay on trails designated for use by horses.
- F. All riders shall remove horse droppings from the parking lot
- G. Riders must maintain 100' buffer between the horses and all bathers.
- H. All riders must wear an ASTM/SEI approved horseback riding helmet.
- I. Note: It is recommended that riders on the front beach after sunset wear reflective clothing.

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

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

§601-9. Enforcement:

- A. In addition to Sandy Neck Beach Park Regulations, all applicable Town of Barnstable Ordinances and Massachusetts General Laws apply at Sandy Neck will be enforced.
- B. The Park Manager and Natural Resource Officers will enforce the provisions of Town Ordinances on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.
- C. Warnings: Any person receiving two warnings in one calendar year may have their ORV permit suspended or revoked.
- D. Citations: Any person receiving a citation may have their ORV permit suspended or revoked. A citation issued for a hunting violation may result in the suspension of the individual to hunt.
- E. The Park Manager or his/her designee, may issue ORV permit suspensions or revocations and hunting suspensions for any violation of Massachusetts General Laws, Town Ordinances, or Sandy Neck Beach Park Regulations. Suspensions and revocations may be issued for any action which jeopardizes the property or safety of another person, or for any action that causes another person to be fearful for their safety and/or their property.

- F. Abusive, inappropriate or aggressive behavior toward other beach users and/or Sandy Neck staff will result in the violator's removal from the beach for no less than 24 hours. In addition, violators may have their ORV permit suspended or revoked.
- G. The Park Manager reserves the right to suspend or revoke beach access to a dog as a result of aggressive behavior and/or due to irresponsible pet ownership.
- H. Any person who is issued a suspension or revocation notice will be provided the opportunity for a hearing with the Director of the Marine and Environmental Affairs Division. Any person desiring such a hearing must submit a written request for said hearing postmarked within five business days of the effective date of the suspension. An appeal of the Director of the Marine and Environmental Affairs' decision may be filed with the Office of the Town Manager within five days of issuance of said decision.
- I. After revocation, the individual may be eligible to purchase an ORV's permit in future years at the discretion of the Park Manager.
- J. The Park Manager and the Director of Marine and Environmental Affairs are authorized by the Barnstable Town Manager to issue No Trespass Orders on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.

***§601-10. Alcohol
Policy:***

- A. Alcoholic beverages are prohibited on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.

***§601-11. Violations and
Penalties:***

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

***§601-12. Contact
Information:***

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

Mark S. Ells

Date