

Chapter 13. Enhancing Public Access Opportunities

Summary of Issues and Recommendations

Public access to Pleasant Bay's abundant resources is a historic and highly valued right. Demand for access by residents and visitors is on the rise. However, numerous trends are acting to diminish access opportunities:

- Public access to and along the Bay's shoreline is impeded by many factors: presence of shoreline structures, resistance by private property owners, and lack of publicly-owned shoreline and access points.
- Town landings, which afford the public's primary access to the Bay, are experiencing many stresses: loss of shoreline from erosion, excessive or inappropriate use, lack of space to accommodate demand, inadequate maintenance, and encroachment by private abutters.
- Visual access to the Bay is threatened by increasing private land development along the waterfront, and overgrowth of vegetation. Increased use of the land and waterways is also generating more noise, threatening to diminish the tranquillity so important to indigenous habitats, as well as local residents and Bay users.

Recommendations to address these issues include:

- Reducing obstructions to public passage along the shoreline through regulation, enforcement, and voluntary incentives to property owners
- Increasing public awareness of shoreline access rights and responsibilities
- Establishing additional public access points
- Improving transportation options and support facilities at public access points
- Developing management guidelines, and a program of regular upgrades and maintenance for the Bay's town landings
- Protecting and enhancing public views of the Bay
- Exploring ways to reduce noise levels on the Bay.

13.0 Overview

The abundant resources and scenic attractiveness of Pleasant Bay are important economic and environmental assets to the surrounding towns. People use and enjoy the Bay in many diverse ways, including boating, fishing, shellfishing, birdwatching, swimming, and simply enjoying the view. In fact, residents surveyed ranked walking along the shore and scenic viewing as the most popular and important uses of the Bay.

The public's use and enjoyment of the abundant resources of the Bay is rooted in history. Native Americans and European settlers alike depended on the Bay's resources for their survival. Today, growth in the region's population and in tourism are increasing

the demand for access to the Bay's resources. At the same time, a number of trends are acting to limit the public's access opportunities. This chapter examines the issues affecting public access to the Bay's resources, including:

- access to and along the shoreline;
- conditions at town landings;
- visual access; and
- public awareness and education.

Management recommendations outlined in this chapter are intended to preserve all existing public access opportunities and to expand public access opportunities wherever feasible and consistent with resource protection.

13.1 Management Issue: Public Access Along the Shoreline

The vast majority of the Bay's mainland shore is privately-owned. Today, only ten percent of the Bay's mainland shore is publicly-owned, a proportion that is less than for the Cape as a whole. Though the Bay islands and Nauset Beach offer twenty miles of public shoreline, it is not easily accessible. With relatively little publicly-owned shoreline, the public is increasingly reliant on the goodwill of property owners to gain access to the area of the shoreline within the intertidal zone.¹

Under Massachusetts law, the public has the right to use the intertidal zone for "fishing, fowling and navigating." However, this right is obstructed in many areas of the Bay by shoreline structures such as docks and revetments. Many structures impede passage at some or all tides. For example, the construction of revetments in the area of Chatham Harbor, where erosion forces have been exacerbated by the breakthrough, has caused major problems for people walking along the beach. The length of two segments of revetments totals over three thousand feet on what was formerly a walkable shoreline. Some shoreline structures represent both an unnecessary restraint on passage and, in some instances, a threat to public safety.

New state and local licensing provisions for shoreline structures built below the mean high water mark are intended to ensure that all new structures be designed to allow safe public passage. While helpful, the licensing requirements do not adequately ensure public access. Most existing structures were built before the requirements were in place, and are not required to provide access. Also, there are instances where structures built above mean high water, where licensing is not needed, eventually fall below mean high water due to shoreline erosion. In most cases these structures are not designed to provide access. Finally, there are examples along the Bay of structures that are not in compliance with the public access requirements stipulated in their licenses.

¹In Massachusetts the courts have consistently ruled that the area between mean low water and mean high water, known as the intertidal zone, is privately-owned. *Public Rights/Private Property, MA Attorney General*

Though some private property owners are tolerant of the public's rights and allow passage with liberal interpretation of state laws, there is a growing tendency among private owners to limit public passage. Frequently cited reasons for limiting access include owners' desires for privacy, and concerns about liability in the event of injury. Certainly, a desire for privacy is not justification for obstructing lawful access. Nor should liability be a constraint. Under existing state law, owners who allow free public access for recreational purposes are shielded from liability for injuries sustained during that use, so long as no "willful, wanton or reckless" steps were taken by the property owner to cause the injury.²

Increasing demand for access along the Bay's shoreline by residents and visitors is running into direct conflict with the legal premise that seashore property ownership extends to mean low water. Existing state and local regulations and enforcement mechanisms have proven insufficient to resolve the growing conflict between property owners and members of the public desiring access along the shoreline. The following recommendations are intended to protect public access rights through a combination of regulation, enforcement, public education and voluntary compliance.

13.2 Recommendations to Enhance Public Access Along the Shoreline

13.2.1 Reduce or prevent obstructions to public passage along the shoreline.

Summary: The following actions are recommended to reduce existing shoreline obstructions, and to prevent future obstructions:

- Local conservation commissions should require the ability for human lateral passage in permitting, under state wetlands regulations and local by-laws, orders of conditions for new or rebuilt shoreline protection structures. When permitting such structures, conservation commissions should include orders of conditions which specifically require mitigation of the loss of lateral passage at any stage of the tide and at any future date. These might include, but are not limited to, beach replenishment and the construction of flat walking surfaces in the wall. It is vitally important that the discussion of how people will pass over the structure be addressed in the design stage and be presented with plans filed for conservation commission review.
- Structures already built which, due to loss of slope on the fronting beach, now sit on state tidelands (are wet at high tides), are subject to Chapter 91 regulations. The state Department of Environmental Protection, Division of Wetlands and Waterways, should require, as part of Chapter 91 licenses for shoreline protection structures, special conditions to mitigate loss of shoreline lateral passage. These should include, but are not limited to, deed restrictions requiring signage stating that the fishing public has the right to traverse over and to fish from protective shoreline structures.

The following actions should be undertaken to reduce existing shoreline

² *Public Rights/Private Property: Answers to Frequently Asked Questions on Beach Access.* Office of the Massachusetts Attorney General, Environmental Protection Division. Boston, Massachusetts.

obstructions, and to prevent future obstructions:

- Petitioning the Massachusetts Department of Environmental Protection, Division of Waterways, and the Massachusetts Attorney General, to ensure that “through-walking” is added to “fishing, fowling, and navigating” as a permissible activity over the passage provided.
- Initiating discussions with owners of existing structures which impede public passage to encourage voluntary measures to facilitate public passage. Impeded areas identified in the shoreline accessibility survey conducted by the Public Access Work Group provide a starting point for pursuing voluntary improvements.
- Researching existing permits for requirements regarding public passage and enforcing such requirements where they are not being met.

Implementation: The Alliance Steering and Technical Resource Committees would work with local conservation commissions, local planners, Massachusetts Division of Waterways, Massachusetts Coastal Access Program, local open space committees, and property owners to implement the various actions and recommendations.

Funding: Funding for research and enforcement measures is included in the FY 1999 budget for the Alliance, and additional funds for enforcement of license provisions will be requested from the state Division of Waterways. Personnel time would be requested from the involved town departments.

Time Frame: Regulatory language to require human lateral passage as a permitting requirement would be developed within twelve months of the adoption of the plan by the towns and the state.

13.3 Management Issue: Public Access to the Bay’s Shoreline

Because so little of Pleasant Bay’s shoreline is publicly-owned, the number and variety of public access points are vitally important. Recent trends suggest that demand for access to the shoreline for boating, beach activities, shoreline walking, and other uses is on the rise. As demand for access continues to grow, additional stresses will be placed on the limited number of existing access points. This trend has heightened concerns about whether existing access points are adequate to accommodate current and future demand while preserving fragile resources.

The town landings around the Bay constitute the bulk of public access points leading to the Bay’s shoreline. However, continued public access at several landings is endangered. A number of town landings along Chatham Harbor have been closed due to erosion damage caused by the breakthrough in 1987. Popular beach areas with parking were destroyed at Clafin’s Landing and Andrew Hardings Lane. Landings at Holway Street and Water Streets were also closed. Although pedestrian access is permitted, the town’s recently constructed revetment at Holway Street obstructs access to the beach. Efforts are needed to re-open these landings and ensure that valuable public access opportunities are not lost.

Many other landings are constrained by location or site characteristics. Most allow for relatively narrow access, often only the width of a roadway, with a limited number of parking spaces. Most landings are also flanked by private development, leaving no room for expansion. And while landings are dispersed around the Bay, some areas, such as Muddy Creek, do not have public access points.

Access points are limited in other ways as well. The only public walking trails on the Bay, located on Bay islands or on Nauset Beach, are accessible only by boat or four-wheel drive vehicles. Mainland shore areas accessible for swimming, sunbathing and other beach-related recreation are also quite limited on the Bay. Only seven mainland sites are available for public beach activities. Parking is extremely limited at the three primary beach locations: Bay Road Beach in Harwich, Jackknife Harbor in Chatham, and the Route 28 landing in Orleans. Also, beach access at these locations is intermingled with other Bay users. At Jackknife Harbor, for example, there is no segregation of boating access and beach use. As a result, swimming and boating occur in near-shore areas, posing a safety risk.

Most public access points on the Bay do not provide facilities or services for public support such as public transportation, restrooms, picnic tables, and benches are limited. Signs and historic markers pointing out the Bay's maritime history, or its classic examples of natural phenomena such as barrier beach evolution, and biology, are extremely limited.

The limitations on existing Bay access points, combined with the demonstrated increase in demand for access by residents and visitors, suggests that a concerted effort is needed to manage existing access points to accommodate current and future demand, and that additional access points are warranted.

13.4 Recommendations to Enhance Access to the Bay's Shoreline

13.4.1 Preserve Endangered Public Access Points

Summary: Public access points closed or endangered of closure due to erosion, such as the Chatham Harbor landings cited above, should be identified. A plan for the protection or restoration of public access at those locations should be developed. The plan should include: public improvements, signs, auxiliary parking and transportation, or guidelines for public access and use. The plan would be integrated with *Town Landing Management Guidelines* (13.6.1) and *Town Landing Upgrades and Maintenance Program* (13.6.2) discussed below.

Implementation: See 13.6.1, and 13.6.2, below.

Funding: See 13.6.1, and 13.6.2, below.

Time Frame: See 13.6.1, and 13.6.2, below.

13.4.2 Establish Additional Public Access Points

Summary: Efforts should be undertaken to identify and establish additional access points for low impact uses such as scenic viewing, walking, beach activities, and use of small, non-motorized vessels. The potential for re-establishing historic access points should be evaluated. New access points would expand opportunities for these uses while relieving demand at existing town landings. Factors to be weighed in siting new access points include: areas currently under-served by existing landings, areas where licensing of shoreline structures would continue to be restricted, availability and safety of adjacent parking, and protection of natural resources.

Methods for establishing low impact access points should include:

- land purchases;
- easements from private property owners in exchange for payment, tax relief, or for conservation;
- incentives for private conservation land owners to accommodate public access for low impact uses on their properties; and
- recovery of historical public access points through research of town and county records.

Implementation: The Alliance Steering and Technical Resource Committees would work with town planners, local and regional conservation trusts, local historical commissions, local open space committees, Massachusetts Coastal Access Program, and property owners to undertake an evaluation of public access opportunities. The evaluation would identify and prioritize specific access opportunities, and provide a strategy for establishing each new access point.

Funding: Resources for identifying additional access opportunities are incorporated in the FY 1999 budget for the Alliance and would be requested from the Massachusetts Coastal Access Program. Personnel time would be required from the involved town departments. Funding for establishing access points through land purchases, easements, or other sources could be requested from the four towns, conservation trusts, or from the Massachusetts Department of Environmental Management's Greenways and Trails Grants Program.

Time Frame: A prioritized list of potential additional access opportunities would be developed within twelve to eighteen months of adoption of the plan by the towns and the state.

13.4.3 Improve Transportation and Support Facilities at Public Access Points

Summary: The following actions should be undertaken to improve transportation and support facilities at public access points:

- Expanding parking capacity at town landings where such expansion is in keeping with the uses at the landing, and resource protection.
- Exploring the option of establishing off-site parking with shuttle service to the busier access points. The potential for boat shuttle service to Bay islands should be explored.
- Recommending to appropriate towns that street parking in the vicinity of town landings be allowed only to the extent that traffic safety and access to private properties are maintained.
- Encouraging towns to improve pedestrian and bicycle routes to public access points.
- Adding facilities such as picnic tables, trash receptacles, benches and rest rooms at public access areas as appropriate to the intensity of use of the site and the sensitivity of the resource.

Implementation: The Alliance Steering and Technical Resource Committees would work with local planners, local public works departments, and local police departments to evaluate improvements to transportation and support facilities. The evaluation would identify and prioritize specific improvements and would provide a strategy for pursuing each improvement.

Funding: Funding for improvements would be pursued through state, federal and private grant sources.

Time Frame: An evaluation of improvements to transportation and support services would commence within eighteen months of adoption of the plan by the towns and the state.

13.4.4 Undertake a Public Access Information Campaign

Summary: A comprehensive public information program should be developed concerning public access points, support facilities and services, use guidelines, and public access rules and responsibilities. Elements of the program should include:

- *Uniform Signs.* Towns would be asked to work together to design and fund a uniform style and format for signs used to identify public access points in all towns around the Bay. A plan for the location of signs, and a prioritized schedule for the placement or replacement of signs would be developed.
- *User Guidelines and Information.* Information on the use and availability of access points would include: a map and list of public access areas; facilities and services provided at each access point such as walking trails, picnic areas, and parking; transportation options; and appropriate uses and activities. Such information should be provided through signs, brochures and displays, and should be distributed through chambers of commerce, retail outlets, public libraries, realtors' offices, and hotels/inns.

- *Interpretative Education Program.* An interpretative educational program would be designed to address the area's Native American history, history of settlement, maritime history, natural development, ecology and natural resources. The educational program should include information on programs and policies which are in place to protect the Bay's resources. Interpretative services from the National Park Service should be requested to participate in the development of public education displays and materials.
- *Public Access Rights and Responsibilities in the Intertidal Zone.* Realtors, chambers of commerce and other outlets would be requested to participate in efforts to communicate the public's rights of passage to prospective shoreline property owners. The public would be advised of property owners' rights, and that littering, unleashed pets, loitering, and other abuses of public access rights will not be tolerated. Information about liability laws would be provided to private property owners and the public.

Implementation: The Alliance Steering and Technical Resource Committees would work with local planning boards, local harbor masters, local natural resources officers, local conservation commissions, local open space committees, local historical commissions. Technical support would be requested from the National Park Service, Cape Cod Museum of Natural History, and Massachusetts Heritage Program.

Funding: Funding to begin developing the campaign is incorporated in the FY 1999 budget for the Alliance. Personnel time would be required from the involved town departments. Funding for implementing specific elements of the campaign, such as signs, will be specified. The proposal would prioritize actions and specify implementation costs.

Time Frame: Development of the campaign program proposal would commence within twelve months of the adoption of the plan by the towns and the state.

13.5 Management Issue: Use and Management of Town Landings

The purpose of town landings has traditionally been "landing" or bringing in fish and shellfish catches by boat. Nowadays, landings are used extensively for recreational pursuits as well as commercial, giving rise to conflicts over parking, storage of boats and equipment, noise, and encroachment on, and from, adjacent private properties.

There are twenty-four town landings in Orleans, Harwich, and Chatham. The landings are heavily used for a variety of purposes. The survey of residents of Bay communities indicated that more than one-half of residents responding use landings for shoreline access, and nearly one-half of residents surveyed said they use a town landing for boating. People who use landings for shore access use them all evenly, while those who use landings for boating favor River Road (Orleans), Ryder's Cove (Chatham), and Round Cove (Harwich). Because of their popularity, these three landings are also the most severely congested during the summer season.

The Public Access Work Group conducted a survey of the status and condition of all existing public landings on the Bay. The work group concluded that a number of actions are needed to address the following management issues and to protect the public's access to landings for the long term.

- *Boating Access.* Nine Bay landings have concrete launching ramps that enable trailed boats to be launched. The three most popular landings among boaters are those with the most substantial ramps: River Road, Ryder's Cove and Round Cove. Enlarging these ramps, or constructing additional ramps at other landings as a means of alleviating congestion could increase the number of large boats using the Bay, with attendant resource impacts. A preferred management strategy is to divert non-boat and small vessel traffic to other landings during the peak season. On the other hand, adequate water access is needed to accommodate growing popularity of small, non-motorized vessels such as small sail boats, sea kayaks, row boats, and canoes. These vessels have minimal impacts on the resource. However, opportunities to accommodate increased non-motorized vessel activity need to be screened for potential impacts to sensitive shoreline and intertidal resources.
- *Parking and Trailer Management.* Given the shortage of space at all landings, the tremendous bulk of vehicles with trailers in tow during the summer season poses a significant management problem. The space consumed by only a few trailers deprives other users access to the landing. Strategies are needed to accommodate trailers away from landings. A ban on trailers at some landings may be required, but would need to include reasonable accommodation to preserve access by current trailer users.
- *Dinghy Storage.* Many boat owners currently store their dinghies to the sides of landings for convenience. However, some landings are already overburdened with dinghy storage. There is concern that a proliferation of dinghies may encroach on public or private land area, and may cause damage to vegetation and other resources. The Town of Harwich has limited the number of dinghies at Round Cove by providing a "courtesy dinghy" that can be shared by all boaters.
- *Commercial Activity.* A difficult management issue is the operation of businesses at town landings. Historically, landings have been used for shellfish and fin fish landings. While there are conflicts related to these activities, these activities are considered to be part of the local community heritage and important to the local economy. More recent examples of business activity at landings include sail boat, kayak/canoe, and personal watercraft rentals. Recreational rentals raise new concerns about commercial uses of landings. In the case of personal watercraft, there is evidence to suggest that rentals made to untrained operators pose a public safety hazard.
- *Conditions and Maintenance.* A survey of conditions at town landings conducted by the public access work group concluded that conditions at town landings vary

tremendously, but in all cases require more resources and attention from the three towns. For example,

- there is a concern that the precise boundaries of many landings are unknown, enabling encroachment by adjacent private land owners to go unchecked;
- lack of clear delineation of parking areas at several landings has enabled users to park inappropriately, causing damage to vegetation, bank erosion, and encroachment on adjacent private property;
- lack of proper pruning at several landings is diminishing views and posing safety hazards for users;
- signs, and facilities at several landings are inadequate or in disrepair.

13.6 Recommendations to Manage Use of Town Landings

13.6.1 Develop Town Landing Management Guidelines

Summary: Comprehensive management guidelines should be developed to ensure that conflicting uses at town landings are avoided, and that the intensity and variety of activities at landings matches their respective capacities and facilities. The guidelines should encompass the following elements:

- *Town Landing Category System.* A town landing category system would be developed to ensure that uses of landings match the landings' respective capacities and facilities. The landing categories would be based on size, parking, and the presence or absence of facilities to support various activities such as boat launching.
- *Parking and Trailer Management.* The guidelines would consider a range of measures for managing parking and trailer access at landings, including: designation of trailer parking areas, acquisition of additional land for trailer parking at landings with boat ramps; a shuttle service with off-site parking ; and prohibiting trailer parking along streets near landings where such parking is detrimental to traffic flow, safety, and access to neighboring properties.
- *Dinghy Storage.* The guidelines would consider a range of dinghy management strategies including: designating dinghy storage areas; expanding use of public "courtesy" dinghies; and, if needed, obtaining easements for use of adjacent private property.
- *Commercial uses of town landings.* A licensing system should be developed to ensure that all commercial activity at landings be consistent with the resource management plan. The licensing system should address allowable types of business activity, hours of operation, equipment and vehicles at landings, and where business activity may be conducted. The licensing system would not apply to commercial

fishermen, shellfishermen, aquaculturists or activities related to their respective activities.

Implementation: The Alliance Steering and Technical Resource Committees would work with local harbormasters, Boards of Selectmen, licensing boards, planning and appeals boards, and public works departments to develop and enforce the licensing system.

Funding: Funding to develop the licensing system is incorporated in the FY 1999 budget for the Alliance. Additional personnel time would be required from involved town departments.

Time Frame: A draft of Town Landing Management Guidelines would be developed within twelve months of adoption of the plan by the towns and the state. The licensing system would be developed within eighteen months of the adoption of the plan by the towns and the state. Additional time may be needed to implement regulatory changes.

13.6.2 Establish a Program of Town Landing Upgrades and Maintenance.

Summary: A comprehensive, funded program is needed to ensure that landings and public access points are protected for public use in perpetuity, and to ensure that conditions at landings are improved or maintained as needed. The program should include the following elements:

- *Property Surveys.* Property surveys should be undertaken and recorded with the Registry of Deeds. Where necessary, steps should be taken to redress encroachment on public lands by private property owners, or alternatively to limit the liability of private property-owners abutting town landings who allow incidental public uses of their property at town landing.
- *Improvements Plan.* Each town should develop and a town landing improvements Plan identifying and prioritizing repairs and upgrades needed at all landings within the Bay study area. The plan should specify the costs for executing repairs and improvements.
- *Improvements Budget.* Each town should establish a dedicated source of funds for completing the town landing improvements plan.

Implementation: The Alliance Steering and Technical Resource Committees would work with local harbormasters, local planning and appeals boards, finance committees and boards of selectmen to develop an improvements plan for landings within each community, and to ensure that surveys are completed and recorded.

Funding: Appropriate town departments would be requested include a budget for conducting surveys of town landings in their FY 2000 budgets. Towns would also be

requested to form a dedicated fund for town landing maintenance and improvements based on the results of the improvements plans.

Time Frame: Surveys should be completed within twenty-four months of adoption of the plan by the four towns and the state. Improvements plans for each town should be completed within eighteen months of the plan's adoption.

13.7 Management Issue: Preserving the Sights and Sounds of the Bay

The scenic qualities of the Bay and the surrounding area, as well as its sense of tranquillity, are both important resources that need protection. Their importance was underscored in a recent survey in which scenic viewing was ranked the most important use of the Bay by respondents, and noise level on the Bay was among the top four issues of concern.

Maintaining the unique sights and sounds that contribute to the character and natural resources of the Bay is a significant challenge in light of the constant changes in land development, and use of the Bay's shoreline and waterways.

13.7.1 Erosion of Public Views

The ability to glimpse the waters of the Bay from public ways has been incrementally reduced by private development and the growth of vegetation on both private and public properties. Even the spectacular views along Route 28 are limited to short stretches and in some areas, such as Ryder's Cove, are obscured by overgrown vegetation. If understood historically, the public's ability to see the Bay and enjoy its resources and panorama has been drastically eroded from early years of this century when the vast majority of the land bordering the Bay as well as its shoreline was undeveloped, supported low vegetation, and was freely open for public use.

The meandering, rural qualities of the portions of Route 28 must also be counted as a scenic asset of the Bay. Improvements to this roadway in the future must be designed carefully to preserve its character as well as the opportunities it provides for public viewing and access to the Bay.

13.7.2 Moderating Noise Levels on the Bay

As with visual access, the tranquillity of the Bay is also threatened by encroaching land uses, and increased use of the shoreline and waterways. Of particular concern is the noise emanating from motorized vessels, including power boats operating at high speeds, and personal watercraft. These noises are a nuisance to shoreline property owners and other Bay users. Persistent high noise levels from these and other sources can also disturb habitat areas, and disrupt the balance of wildlife in the region.

The potential for an increase in the use of the study area for para-sailing, and for

low flying aircraft is also of concern. These uses can detract from both the Bay's visual qualities, and its tranquillity.

13.8 Recommendations to Preserve Visual Access and Moderate Noise Levels on the Bay

13.8.1 Protect existing views of the Bay and encourage the opening of new vistas.

Summary: The following actions should be undertaken to protect and enhance public views of the Bay:

- Coordinating with the towns' conservation commissions, and public works departments to develop guidelines for maintaining vegetation on public lands along the shoreline so that invasive species and rampant vegetative growth do not block scenic vistas. Guidelines will need to be compliant with state and local wetlands regulations.
- Identifying incentives to encourage private property owners to manage vegetation so as to allow views from public roadways.
- Coordinating with the towns' planning boards to include in development reviews consideration how developments alter water views from public ways, and to encourage owners and developers to modify site plans to enhance and protect views.
- Coordinating with the state Highway Department to ensure that improvements to Route 28 maintain the road's scenic qualities and to maintain and enhance its public access areas. Future improvements to Route 28 should include provisions to allow parking for overlook-type sight seeing. Use of opaque barriers in scenic areas should be strongly discouraged.

Implementation: The Alliance Steering and Technical Resource Committees would work with local planning and appeals boards, local public works departments Massachusetts Highway Department, and property owners.

Funding: Funding for coordinating measures to improve visual access to the Bay is incorporated in the FY 1999 budget for the Alliance. Additional personnel time would be required from the involved town departments.

Time Frame: Efforts to address visual impact issues would commence within eighteen months of adoption of the plan by the towns and the state.

13.8.2 Explore ways to moderate noise on the Bay

Summary: The following actions should be evaluated to moderate noise levels on

the Bay:

- Restricting access by motorized vessels in areas where noise impacts could damage resources or habitats.
- Enforcing speed controls as a means of minimizing noise impacts and enhancing safety. Adopt stricter controls where they are not now in place.
- Requiring commercial operations located on the shoreline to adopt noise mitigation measures such as restricting hours of noise generating operations, and installing sound proofing technologies.

Any policies or regulations developed to address noise concerns should also address low flying aircraft, paragliding, hanggliding, commercial sight-seeing (land, sea, air), marine advertising and other potential disturbances to the tranquility of the management area.

Implementation: The Alliance Steering and Technical Resource Committees would work with local Harbormasters, local planning and appeals boards, and commercial businesses on or near the shoreline.

Funding: Funding needs and resources to moderate noise levels on the Bay would be identified.

Time Frame: Efforts to address noise impact issues would commence within eighteen months of adoption of the plan by the towns and the state.