

CHAPTER 10: PUBLIC ACCESS AND HISTORIC RESOURCES

IMPLEMENTATION SUMMARY

| RECOMMENDATION | STATUS |
|--|---|
| 13.4.1 Preserve endangered public access points 13.4.2 Establish new access points 13.4.2 Improve public access support facilities | ✓ Conducted Shoreline Access Inventory Project, which catalogued access points and shoreline accessibility. This provides a basis for future access planning. |
| 13.4.4 Public access information campaign | ✓ Obtained funds for interpretive displays. ➤ Pursuing coordinated sign program |
| 13.6.1 Town landing management guidelines | ✓ Underway locally ➤ Continue to support management regulations and policies that are consistent with the plan |
| 13.6.2 Town landing improvements plan | ✓ Underway locally ➤ Continue to support improvements that are consistent with the plan |
| 13.8.1 Protect public views | ✓ Addressed through Local Comprehensive Plans |
| 13.8.2 Moderate noise levels on the Bay | ✓ Prohibition of Personal Watercraft removed a major source of noise complaints |
| ⊛ Inventory archeological resources and develop a plan to protect them | ➤ Work with local historians and historical commissions on a plan to protect historical resources. |

➤ CONTINUED

⊛ NEW RECOMMENDATION

✓ COMPLETED

OVERVIEW

The plan notes that 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, bird watching, swimming, and simply enjoying the view.

The plan cited that demand for public access is on the rise. However many factors impeded public access including lack of publicly owned shoreline, natural and manmade impediments to lateral access and resistance by property owners.

Largely due to the limited public access opportunities, the plan cites the importance of and stresses on town access points. While the demands on these access points continues to grow, they are being stressed by overcrowding and, excessive or inappropriate uses and erosion, encroachment by private abutters.

In response to these issues the plan provides recommendations concerning:

- Access to and along the shoreline;
- Use and management of town landings;
- Visual access; and
- Noise levels.

This chapter will examine the steps taken by the Alliance and the towns individually to implement the recommendations in the plan designed to enhance public access and enjoyment of the Bay. Where the ways we use and enjoy the Bay today is rooted in the histories of Native Americans and European settlers, the update includes a recommendation to examine actions to protect fragile historical resources.

ACCESS TO AND ALONG THE SHORELINE

A major impediment to public access to and along the Bay’s inner shoreline is the low proportion of publicly held shoreline property. This observation, which appeared in the plan, was confirmed by a detailed analysis of shoreline access conducted by the Alliance. The Shoreline Access Inventory Project was developed with funding from the Department of Environmental Management Coastal Access Grants Program. The project showed that of more than 3,000 acres of parcels located on the shoreline of the Bay, only 13% are owned by the towns. Of the 65.7 total miles of the Bay’s shoreline, 10.36 miles, or roughly 16 %, belong to the towns, and only 3.4 miles is accessible by car. Only 6.57 miles of municipally owned shoreline is passable at all levels of the tide.

Legal Passage Along Pleasant Bay Shoreline (in miles by ownership)

| Accessibility | Municipal | Fed - CCNS | Cons. Trust | Private* | Total (%) |
|--|--------------|--------------|-------------|--|------------|
| Generally Passable all tide levels | 6.47 | 6.08 | 6.12 | 4.73 (U) 11.65 (D) 16.38 (total) | 35.05 (54) |
| Man-made Obstruction at some tide levels | 0.13 | 0 | 1.05 | 1.69 (U) 3.27 (D) 4.96 (total) | 6.14 (9) |
| Natural Obstruction at some tide levels | 3.76 | 8.05 | 2.82 | 2.17 (U) 7.71 (D) 9.88 (total) | 24.51 (37) |
| Total Miles (%) | 10.36 (15.8) | 14.13 (21.5) | 9.99 (15.2) | 31.22 (47.5) | 65.7 (100) |

*D=DEVELOPED U=UNDEVELOPED

Open Access Shoreline

| | Municipal (miles) | Fed – CCNS (miles) | Total (miles) |
|--|----------------------|-----------------------|------------------|
| “Inner” – access by roads | 3.40 | 0 | 3.40 |
| “Island” – access by boat | 5.38 | 0 | 5.38 |
| “Backside” – access by ORV or boat | 1.58 | 14.12 | 15.70 |
| Total (miles) | 10.36 | 14.12 | 24.48 |

The Alliance also addressed the issue of lateral shoreline access through public access provisions in developing *Guidelines and Performance Standards for Docks and Piers in Pleasant Bay*, and *Guidelines for Private Walkways and Stairways in Fresh and Marine Resource Areas of Pleasant Bay*. Both sets of guidelines include protection of public access in performance criteria and design standards.

Shorefront Parcels on Pleasant Bay (By Ownership)

| OWNERSHIP | ACRES (%) |
|----------------------------|---------------|
| Municipal | 384.46 (13) |
| Federal – CCNS | 910.33 (30) |
| Private Conservation Trust | 505.90 (17) |
| Private – Undeveloped | 275.53 (9) |
| Private – Developed | 945.55 (31) |
| TOTAL | 3030.77 (100) |

UPDATE RECOMMENDATION

Continue to promote the plan’s recommendations for enhancing access to and along the shoreline:

- Local conservation commissions should require the ability for human lateral passage in permitting, under local by-laws and regulations, orders of conditions for new or rebuilt shoreline protection structures. When permitting such structures, Conservation Commissions should include orders of conditions that 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.
- Instances where the public access provisions of state Waterways Regulations (Chapter 91) are not being enforced should be brought to the attention of the Massachusetts Department of Environmental Protection which administers and enforces Chapter 91 regulations.
- 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 public has the right to traverse over and to fish from protective shoreline structures, in accordance with the Colonial Ordinance.

The following actions should be undertaken to reduce existing shoreline 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 (now interpreted to include bird-watching), and navigating” as a permissible activity over the passage provided.
- Initiating discussions with owners of existing structures that 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.

USE AND MANAGEMENT OF TOWN LANDINGS

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.

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 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.

UPDATE RECOMMENDATIONS

The Alliance will continue to support efforts 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 Alliance will continue to pursue and support the recommendations in the resource management plan:

- Develop public education materials outlined in the plan intended to support responsible use of town landings;
- Develop a uniform sign program for town landings in the Pleasant Bay system;
- Support town guidelines and policies for the management of landings that are consistent with the resource management plan, and address the resource impacts outlined in the plan; and
- Support investments in town landings that serve to protect public access and protect resources.

ARCHAEOLOGICAL RESOURCES

The plan contains a description of some of the cultural and historical resources. However, it stops short of providing specific measures aimed at protecting those resources. In its review of the plan in 1999, the Massachusetts Historical Commission noted that while many of the plan's recommendations to protect natural resources would also help to protect archaeological resources, establishing the protection of fragile historical resources as an explicit goal would strengthen the plan.

A report commissioned by the Friends of Pleasant Bay, Inc. in 1987 provides an important context for developing management actions protect historic resources. Approximately 10 % of all pre-historic and historic archaeological sites recorded for Barnstable County fall within the greater Pleasant Bay study area, what may prove to be the highest site density for any single locale on Cape Cod.¹ These resources may provide key insights into the political, religious, cultural, economic and adaptive processes of the Cape's indigenous peoples.²

UPDATE RECOMMENDATION

The Alliance will work with local historians and historical commissions to evaluate management steps that could be recommended to the towns to protect pre-historic and historical resources.

¹ Frederick J. Dunford, An Archaeological Reconnaissance Survey of Pleasant Bay, Massachusetts, 1987, p 21

² Dunford p.48